

Human Rights In Croatia: Overview Of 2017



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Abbreviations

| | |
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| ETTA | Education and Teacher Training Agency |
| ECtHR | European Court of Human Rights |
| EU | European Union |
| FINA | Financial Agency |
| HDZ | Croatian Democratic Union |
| HRT | Croatian Radiotelevision |
| CHIF | Croatian Health Insurance Fund |
| MOD | Ministry of Defence |
| MOI | Ministry of the Interior |
| MSE | Ministry of Science and Education |
| HR | Republic of Croatia |
| SOA | Security and Intelligence Agency |
| SOR | Professional Worker Training |
| UN | United Nations |
| CARNM | Constitutional Act on The Rights of National Minorities |
| CPA | Criminal Procedure Act |

Introduction

1. Human Rights in Croatia: Overview of 2017 is an annual report of the Human Rights House Zagreb and partner civil society organisations dedicated to protecting and promoting human rights in different areas of social life. The goal of such comprehensive and systematic annual review is to provide insight into the violations, problems, challenges and controversies that were present in the field of protection and promotion of human rights during the previous year.
2. This report was created based on year-round monitoring and information collected from relevant stakeholders from civil society organisations and the academic community professionally engaged in human rights. Although comprehensive, this report does not claim to include all human rights violations and problems in 2017.
3. The expressions used in this report refer to all persons except in parts of this report that address women's rights violations.
4. This report could not have been made without the cooperation and assistance of organisations and individuals. We are especially thankful to the following civil society organisations: Ambidekster Club; B.a.B.e. - Be active, Be emancipated; OWID – Organization for Workers' Initiative and Democratization; Centre for Peace Studies; CESI – Centre for Education, Counselling and Research; Documenta – Centre for Dealing with the Past; Rainbow Families; Eco Zadar; GONG; Brave Phone for Children; Croatian Association of Paraplegics and Tetraplegics – HUPT; Croatian Association of Deafblind Persons 'Dodir'; Croatian Journalists' Association; Youth Initiative for Human Rights; Institute for Social Research;

Institute for Political Ecology; Coalition of Associations in Healthcare; Croatian Youth Network; Parents in Action – RODA; Roma National Council; Union of Societies ‘Our Children’ Croatia; Alliance of Autism Associations of Croatia; Community Foundation Slagalica; SOS Children’s Village; SOS Rijeka – Centre for Nonviolence and Human Rights; Serb National Council; Association ‘Blocked’; BoliMe Association; Franak Association; Step by Step Association; LORI Association; MoSt Association; Association of Youth, Family Judges and Specialists; Victim and Witness Support Association; Association for the Promotion of Equal Opportunities - APEO; ‘Children First’ Association; Zagreb Pride; Croatian Association of Persons with Disabilities – SOIH; Foundation for Human Rights and Solidarity ‘Solidarna’; Green Action; Women’s Room – Centre for Sexual Rights; and scientists: doc. dr. sc. Zoran Burić and prof. dr. sc. Elizabeta Ivičević Karas, University of Zagreb Faculty of Law, as well as volunteer Diana Radobuljac.

Methodology

5. The methodological framework of this report is based on the Universal Human Rights Index of the United Nations, but taking into account the specific context of Croatia – the report focuses on those areas of life where there are ongoing systemic problems and human rights violations. The UN Index includes all of the relevant norms and standards of the global human rights protection system in one place and is appropriate for research purposes in almost any national context. The research preceding the creation and publication of this report consisted of two phases.
6. The first phase of research refers to the year-round effort to collect data and rele-

vant information on human rights violations in those areas that are in line with the mission and vision of the Human Rights House Zagreb. We collected information from secondary sources, i.e. by following the media and official announcements and reports of state bodies, including the office of the ombudsperson, by reviewing reports of civil society organisations and by consulting relevant legislative and programme documents.

- 7.** The systematisation of findings from the first research phase was an introduction to the second phase in which we designed a semi-structured interview protocol. We conducted the interviews with relevant stakeholders from civil society organisations and the academic community at the beginning of 2018 so that the interviewees could review the previous period and identify the most important issues that they faced in their work, with emphasis on human rights. We conducted 60 semi-structured interviews with stakeholders from a total of 46 organisations. The data obtained from the first research phase were triangulated with empirically obtained data.
- 8.** We sent the draft report to interviewed stakeholders whose interviews formed the basis of the report findings to verify the findings and correct wrongly interpreted parts or facts. We examined and included the comments we received into the report in order to make it as accurate as possible and more inclusive. The principle of participation is extremely important for the preparation of this report, which is why it is based on statements of civil society organisations and academic community members. Organisations and other stakeholders we interviewed dedicate their work to creating a tolerant, just, inclusive and open society, which are also the values shared and represented by the Human Rights House Zagreb. Those organisations and stakeholders were therefore selected as the research sample.

Social, Economic And Political Context

9. In addition to the stagnation of opportunities for socio-economic prosperity, there is increasing polarisation between conservative and liberal values in Croatia, which inevitably impacts the understanding of human rights which has become an extremely politically charged issued due to such social circumstances.
10. The socio-economic situation in 2017 was affected by the long-term burden placed on the economy by numerous structural problems which hamper the exercise of social and economic rights of all social groups. The economic situation has a particularly negative impact on the exercise of the right to an adequate standard of living and the right of access to social services for various vulnerable social groups. A relatively high youth unemployment rate prevents them from exercising their right to an adequate standard of living, primarily the right to work and the right to housing.
11. Poor socio-economic conditions of citizens represent a mitigating circumstance for the strengthening of those social groups that advocate the return to traditional values. In that context, those groups seek to redefine human rights by relativizing them, claiming that the rights are conditioned and limited by culture, tradition, religion and sovereignty of each nation. Thus, they undermine the fundamental premise that human rights are universal and equal for all, regardless of any identity determinants. The first target of such rhetoric are human rights of vulnerable and minority social groups, such as the right of women to sexual and reproductive health, the rights of LGBTIQ persons and the rights of members of national and ethnic minorities.

12. Ultraconservative and clerical civil society organisations systematically distort and abuse the language and standards of human rights in order to restrict the rights of others. Thus, the public opposition to the Istanbul Convention or to the National Plan for Combating Discrimination was justified by their incompatibility with Croatian values, while the ban on abortion was justified by the ‘unborn child’s’ right to life. Similar arguments were used in attempts to prevent the introduction of civic education and health education.
13. Political proponents of cultural relativism represented in the Croatian Parliament and in the parliamentary majority prevented the reparation of damage in the human rights field created during the illiberal rule of the Patriotic Coalition (Domoljubna koalicija) in 2016. On an internal political plan, the National Plan for Combating Discrimination¹ was thus adopted in the climate of political turmoil, and the same circumstances surrounded the education reform that has yet to be adopted. Foreign policy also experienced a strong conservative turn in 2017 in terms of Croatian priorities in the context of membership in the United Nations Human Rights Council.
14. Human rights were not the Government’s priority, which is clearly visible from the lack of work on creating new public policies in the area of human rights, such as the National Plan for Protection and Promotion of Human Rights, National Gender Equality Policy, etc. Likewise, the Strategy for the Creation of an Enabling Environment for Civil Society Development has not yet been adopted.
15. The aforementioned social, economic and political tendencies, with emphasis on low levels of political motivation to resolve mounting problems, the relativization of human rights and the low level of civic competencies, especially among the youth, represent a long-term

1. National Plan for Combating Discrimination for the Period 2017 – 2022, <https://vlada.gov.hr/UserDocsImages/Sjednice/2017/11%20studenj/69%20sjednica%20Vlade%20Republike%20Hrvatske//69%20-%2011.pdf>

challenge for a sustainable democratic development of Croatian society based on respect, protection and promotion of human rights.

International Instruments, Legislation, Public Policies And Institutions

- 16.** Even in 2017, Croatia failed to carry out activities necessary to ratify international human rights conventions signed by the Government, i.e. the International Convention for the Protection of All Persons from Enforced Disappearance and the European Social Charter (revised). Even though, according to announcements, the Croatian Parliament was to decide on the ratification of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) at the end of 2017, this was not done.
- 17.** Likewise, Croatia has not yet officially accepted Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, which prevents Croatian citizens from lodging complaints to the UN Committee on the Elimination of Racial Discrimination.
- 18.** Even though it supported the draft proposal of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Croatia failed to initiate the procedure for signing the Protocol in 2017. Croatia also failed to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- 19.** In addition to many years of delay, in 2017 Croatia again failed to submit periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- 20.** Croatia does not do enough to disseminate international human rights conventions of which it is a member, i.e. recommendations and opinions of UN committees have not been systematically translated into Croatian and transmitted to the competent state institutions and the general public.
- 21.** The National Plan for Combating Discrimination² was adopted with significant delay in December 2017 – the year in which it was already supposed to be implemented. The adoption of the National Plan was marked by political and social pressure to remove the terms ‘gender’, ‘gender minorities’ and ‘gender identity’ as grounds for discrimination.
- 22.** Even in 2017, Croatia failed to adopt the National Gender Equality Policy which had expired in 2015³. The Gender Equality Office addressed the absence of this fundamental strategic document only by calling for the appointment of associations to the Working Group⁴, but no further moves have been made. By ignoring the adoption of the National Policy, the Croatian Parliament places the discrimination of women and the establishment of real gender equality in second place and contributes to the creation of an unfavourable social climate for women.
- 23.** It is of particular concern that, even in 2017, Croatia failed to initiate the procedure of drafting the National Programme for the Protection and Promotion of Hu-
- 2. National Plan for Combating Discrimination for the Period 2017 – 2022, <https://vlada.gov.hr/UserDocsImages//Sjednice/2017/11%20studenj/69%20sjednica%20Vlade%20Republike%20Hrvatske//69%20-%2011.pdf>**
- 3. National Gender Equality Policy for the Period 2011 – 2015 (Official Gazette no. 88/11)**
- 4. Public call for submission of statements of interest and submission of proposals for appointment of associations into the Working Group for the development of the National Gender Equality Policy for the Period 2017 – 2020, <https://ravnopravnost.gov.hr/vijesti/javni-poziv-za-dostavu-iskaza-interesa-i-podnosenja-prijedloga-za-imenovanje-udruga-uradnu-skupinu-za-izradu-nacionalne-politike-za-ravnopravnost-spolova-za-razdoblje-od-2017-do-2020-godine/2979>**

man Rights even though the last such document has expired back in 2016.

24. Last year was the first year of Croatia's three-year mandate in the United Nations Human Rights Council. With its present membership in the Council, Croatia did not distinguish itself by taking initiative in a specific field nor did it explicitly and decisively express its attitudes. Croatia's activities in the Council are neither visible nor recognized among the broader population, and there is a lack of inclusion of human rights organisations into Croatia's programme during its mandate.

Right To Participation, Human Rights Defen- ders And Civil Society

The right to vote

25. The 2017 local elections were marked by mass deregistration of voters. In the effort to remove voters registered at fictitious addresses, the Ministry of the Interior officials removed a large number of voters from the register, failing to adequately inform them. This resulted in the fact that voters realised that they were unable to vote only at the polling stations, which constitutes a serious threat to voting rights. A similar instance was found for citizens who discovered that their permanent residence address was changed only when they had reached border crossings.

Freedom of expression, assembly and peaceful protest

26. To the present day, one of the primary challenges for organisers and participants in public assemblies is cooperation with public institutions. The procedure for obtaining permits from city services for the purpose of using public space is highly bureaucratised, impractical, slow and, according to some organisers, often biased.
27. Attempts to impose obligations on organisers to pay additional fees for public services related to the management and regulation of assembly due to, for example, the requisite police presence or traffic rerouting, is of particular concern. The criteria for calculating the fees are not clearly defined, nor are the circumstances of the cases where the fee might be charged. Such obstacles are contrary to the right to the freedom of public assembly which should be subjected to only minimal and necessary restrictions.
28. In 2017, there was a case of a protester in Poreč who shouted a verbal offense against the ruling party, for which he was charged for a minor offence and brought before a court. This constitutes an unjustified restriction of the right to freedom of expression. What is additionally concerning is the detention of persons for comments published on social networks that have been assessed as insulting to the police.

Participation in public life

29. There is a continued narrowing of the civic participation space in the adoption of laws and other regulations, e.g. on the internet platform e-Savjetovanja. Public consultations on e-Savjetovanja are often either too brief or too extended, and there is a tendency to publish calls for consultation at inappropriate times, e.g. during summer months when

a large number of the interested public is on their annual leave. In addition, the ministries fail to respond to comments received during public consultation in due time, and it is impossible to complete and implement public policies due to the lethargic process.

30. It is also concerning that the authorities failed to include relevant civil society organisations that engage in patients' rights protection in the process of creating a new Healthcare Act that was initiated in 2017, such as the Coalition of Associations in Healthcare.

Human rights defenders

31. In 2017, the negative trend of social delegitimization and the demonization of human rights defenders, civil society organisations and their work for the common good continued. The common method of delegitimizing human rights defenders is to label them as being enemies of the state, consumers of public money, nostalgic for Yugoslavia and Croatia's opponents.
32. The pressure from politicians from the ranks of the parliamentary majority is of great concern, especially cases of public intimidation, harassment, demonising and discrediting the work on the protection and promotion of human rights. The most prominent example is a statement by Hrvoje Marušić from HDZ who publicly accused activists of the Youth Initiative for Human Rights for high treason and called for their execution because they sent a letter to the Government requesting an apology to the victims and families of victims of war crimes committed during and after operation 'Storm'.
33. Public statements of high officials from the Ministry of the Interior who, without stating concrete evidence, insinuated that some NGOs help people smugglers are particu-

larly concerning. Such unfounded statements constitute pressure on organisations involved in refugee rights protection.

34. In addition to pressure from politicians, pressure from private investors on human rights defenders is another fact that is of concern. Court proceedings against Green Action instituted by a private investor concerning a project on Srđ mountain are especially concerning. In criminal proceedings for defamation and civil proceedings for damages, the investor is claiming over HRK 200,000 from the Green Action. At the same time, the investor requested that the commercial court issue a provisional measure prohibiting activism and the right to freedom of expression against the Green Action during the realisation of project on Srđ mountain. Particularly concerning is the silent support of the Government for such behaviour, which includes complete lack of condemnation of this attack on freedom of expression and the functioning of democracy.

5. National Strategy for the Creation of an Enabling Environment for Civil Society Development for the Period 2017 – 2021, <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=5697>

Freedom of association and stimulating environment for the development of civil society

35. Although the development of the new National Strategy for the Creation of an Enabling Environment for Civil Society Development⁵ was initiated back in 2016 and public consultations ended in September 2017, the Strategy has not yet been adopted due to a lack of political will, and there are no announcements for when it would be discussed at a Government session.
36. In 2017, problems continued in the system of financing civil society organisations from public sources. The observed shortcomings include delays in calls for tenders for the use of EU funds, primarily the European Social Fund. The weak coordination of competent national institutions has a negative impact on the use of EU funds.

- 37.** Environmental organisations that have to ensure as much as 40% of co-financing for EU environmental projects within the LIFE programme have been particularly affected. Due to the absence of a national support mechanism in the environmental protection area, it is difficult to ensure co-financing, which is often cause for organisations to give up on applying to related tenders.
- 38.** Organisations of persons with disabilities had problems during 2017 as well—especially in ensuring the sustainability of the provision of social services to their users due to a lack of regular funding. Project financing and delays in tenders directly affect the large fluctuation of professional staff and, thus, have a negative impact on the sustainability of integration programmes for persons with disabilities.
- 39.** In mid-2017, work on a new draft of the Foundations Act began without prior consultation in the process of assessing the effects of regulations. It is especially problematic that the Working Group tasked with the creation of the Act has no representatives from civil society organisations.
- 40.** No steps have been taken to create a stimulative environment for the development of private and entrepreneurial philanthropy to support civil society organisation programmes that protect and promote human rights. The 2% tax deduction on donations is insufficient and far below the European average of 10%.

Religious Rights And Freedoms

6. The Legal Status of Religious Communities Act (Official Gazette nos. 83/02, 73/13)

41. As in previous years, the problem of registering minority religious communities that were not founded or registered as religious communities by 2002 was not resolved even in 2017. The law⁶ requires that they must first register as religious associations and be active for at least five years prior to gaining the opportunity to submit a request to the State to be registered as religious communities. This leads to the discrimination of minority religious communities, especially those not belonging to the Judeo-Christian tradition.
42. The issue of religious education in primary schools or alternatives for children who do not attend religious education has still not been resolved. There is no political will in the relevant Ministry to address this problem. As solutions differ from school to school, this often leads to a 'gap in the schedule' for students who do not attend religious education. This is direct discrimination against both the children and the parents who are not part of the majority religious community.
43. The under-representation of minority religious communities in HRT's programme leads to their media ghettoization. Minority religious communities are represented in only two shows that are broadcast in unpopular time slots, and they are not represented in other programme content such as informative programming. HRT thus directly violates their duty to promote pluralism.

Media Freedom

44. After the end of the consultation process with the interested public in 2015, no media strategy has been adopted even in 2017, thus stopping the media democratisation process.
45. The suppression of media freedom continued in 2017. On the scale of press freedom of Reporters Without Borders, Croatia is in 74th of a total of 180 places due to both the ever-growing involvement of public authorities in the work of public media and attacks on and intimidation of journalists, especially those who investigate controversial subjects such as war crimes, organised crime and corruption.
46. The website safejournalists.net published 16 reported cases of attacks, intimidation, threats of physical assault and assault on the property of journalists that occurred in Croatia in 2017. Death threats on social networks directed at journalists Jurica Pavičić, Nataša Božić, Maja Sever and Aleksandar Stanković, as well as a physical assault on the Nova TV report team, the burning of the Serbian weekly publication Novosti and serious assault on journalist Drago Miljuš, are extremely concerning. The physical assault by Požega mayor Vedran Neferović on journalist Mladen Mirković is of particular concern.
47. In 2017, journalists' work was further aggravated by libel, defamation and humiliation lawsuits which lead to censorship, self-censorship and endangerment of press freedom. According to Ministry of Justice data, there were 100 criminal proceedings pending against journalists for honour and reputation violations before the courts in Croatia in the first quarter of 2017.

- 48.** On several occasions during 2017, the Prime Minister Andrej Plenković and the Minister Damir Krstičević indirectly accused some media and journalists of hybrid war. What is of concern is the fact that high-ranking politicians in the executive branch describe criticising policies of the current Government as an attack on national interest.
- 49.** The editorial board of the Serbian weekly publication Novosti was accused of intolerance against the Croatian people in 2017 and nationalist circles asked for a suspension of their funding. This initiated a series of verbal attacks and the lodging of a criminal complaint against journalists. In addition, Novosti are facing numerous civil actions lodged by private persons claiming significant damages for texts warning against negative societal trends – fascist creep, clericism and radical conservatism.
- 50.** Politicised management of HRT continues and leads to the erosion of programme quality and, ultimately, to a decline in ratings. Examples of this are the cancellation of the Hrvatska uživo show and two Ljubica Letinić shows, as well as HRT's conduct towards Miodrag Šikanjić and Aleksandar Stanković. The issue of the public service programme being exposed to the public interest remains relevant due to the manner in which the HRT Director is chosen – by ordinary parliamentary majority.
- 51.** The work of non-profit media is difficult and their existence is threatened due to the inertia of institutions that failed to open a tender for the use of a media community fund within the European Social Fund in 2017 as in previous years. This put non-profit media in a difficult financial situation that forced them to either reduce their activities or to shut down.

Security And Human Rights

7. Civil Service Act (Official
Gazette no. 25/03)

52. Exercising the right to conscientious objection was difficult during 2017. Given that the Civil Service Commission was appointed with a delay of several months, numerous citizens were unable to invoke conscientious objection. However, even after being appointed, the Commission failed to decide on citizen requests within reasonable time, which is why certain individuals were obliged to carry out their military service even though they previously expressed their conscientious objection. Additionally, MOD failed to inform citizens of their right to conscientious objection and of the procedure to invoke it, and they also failed to give that information during the registration of recruits in military records, which the MOD is obliged to do by law⁷. Finally, in 2017 the Government failed to appoint an Appeals Commission that would decide on appeals against Civil Service Commission decisions.
53. Civilian oversight over the security apparatus was not functional in 2017 as well. The Croatian Parliament has not yet issued a decision on the appointment of new members of the Council for Civilian Oversight of Security and Intelligence Agencies, and the Council for Civilian Oversight of the Application of Individual Police Authorities has not been formed for two years. Consequently, it is clear that civilian oversight is not used in practice.
54. In terms of strategic crisis management, there is a significant lack of resources and the overall coordination of activities. Consequently, the country's homeland security system almost completely failed in 2017, particularly in the context of fires in the immediate vicinity of Split. Even though the adoption of the new

Homeland Security Act⁸ represents reform steps in the direction of improving the coordination of the security system, it is especially of concern that sufficient funds for the development and strengthening of civil protection were not ensured, even in 2017. The civil protection system continues to rely largely on the volunteering potential of self-organisation and engagement in the protection against and response to natural disasters. Although praiseworthy, the amateur engagement of citizens often puts them in direct danger and cannot be the backbone of the civil protection system.

8. Homeland Security System Act (Official Gazette no. 108/17)

9. Mine Situation, <https://www.hcr.hr/hr/minSituac.asp>

10. Constitution of the Republic of Croatia (Official Gazette nos. 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14)

55. There is still over 400 square meters of mine suspected area in Croatia – there are over 40,000 mines in the area of 9 counties and 58 cities and municipalities.⁹ Mines are located near schools, houses and agricultural land, and directly endanger lives.

The Judiciary And Human Rights

56. Although the Constitution¹⁰ defines the separation of powers in Croatia into the legislative, executive and judiciary branch, the system of electing judges and state attorneys remains problematic. The National Judicial Council and the National State Attorney's Council consist of two members from the ranks of MPs in the Croatian Parliament, and thus the legislative branch directly affects the election of judges and state attorneys.
57. Violation of the right to trial within reasonable time remains as one of the fundamental problems of the Croatian judiciary. In some civil cases, proceedings last for more than a decade, while, for example, the lack

of staff in land registries extends the waiting period and entry into land registers.

11. Zakon o kaznenom postupku (NN 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17)

58. There is a serious problem of privacy violations due to insufficiently reasoned orders for secret surveillance and recording of telephone conversations. Croatian courts have long used type explanations for such invasive measures of privacy violation. Even the new case-law of the Supreme Court is not uniform with regard to the issue whether the results and special evidence should be excluded from a case file as unlawful evidence. This is problematic from the aspect of the requirement of the lawfulness of measures used by the State to interfere with the fundamental human right to privacy.
59. While the general conditions in prisons improved and prisons are no longer overcrowded, a serious problem remains in police custody, i.e. detention units. Conditions in police detention are extremely bad—the rooms are damp, without sufficient daylight or sanitary facilities, and detainees often sleep on wooden boards, which violates their human dignity and the right to health.

Procedural rights of suspects and defendants

60. The Croatian criminal justice system is in the process of adjusting to requirements of the EU criminal law system by transposing into national legislation Directives which harmonise the defence rights in criminal proceedings. The process has improved certain aspects of suspects' and defendants' rights in criminal proceedings. However, there are several problematic aspects of domestic criminal proceedings. One of them is the limited scope of confrontation (the right to confront the prosecution witnesses) in the stage preceding the main hearing in criminal proceedings. This leads to the situation in which the defence gains the opportunity to confront prosecution witnesses only at the main hearing.

- 61.** Police questioning of suspects and detainees has been completely redefined to ensure full protection of their procedural rights from the earliest stages of proceedings. Legislative changes introduced to ensure full protection of procedural rights of suspects and defendants should enable a more efficient judicial control over police conduct in the earliest stages of criminal proceedings. A problematic aspect of the new legislative solution is the scope of the right to a defence attorney at the state budget expense for the suspects and defendants who lack financial means to cover the costs of a defence attorney, especially when it comes to criminal offences under the jurisdiction of municipal courts. Such suspects and defendants are not covered by the statutory provisions on mandatory defence, so the opportunity to exercise their right to a defence attorney is directly dependant on their economic situation or the ability to cover the defence costs themselves, which can be seen as discrimination against defendants with a lower socioeconomic status and also leads to inequality of citizens before the law.
- 62.** There remain a large number of cases before the ECHR in which Croatia was convicted of the violation of its obligation to conduct an effective investigation. The largest number of those cases still refers to inefficient investigations of war crimes. In addition to those cases, there are also cases which refer to inefficient investigations of abuse suffered by members of the Roma minority.
- 63.** Amendments to the CPA¹¹ abolished the possibility of posting bail for all grounds for ordering pre-trial detention, except in the event of flight risk. Such an amendment may lead to an increase in pre-trial detention orders, which ultimately might significantly limit the constitutional right to personal freedom.
- 64.** In ordering pre-trial detention, there are
- 11. Criminal Procedure Act (NN 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17)**

certain situations in which the principle of proportionality is not sufficiently adhered to. Although the court has the option of ordering as many as ten precautionary measures which may, at least in some situations, replace pre-trial detention, the judges sometimes simply ordered pre-trial detention without taking into account the possibility of using less severe precautionary measures.

Rights of victims of criminal offences

- 65.** Despite the implementation of the Victims' Rights Directive¹², victims of criminal offences still face numerous difficulties in reality. There are only seven units for victim and witness support in Croatia, established under county courts, and such units have not been established under other judicial bodies since 2013.
- 66.** The National Call Centre for Victims of Criminal and Minor Offences (phone number 116 006) lacks sufficient funds to provide quality support to victims. Although the costs of the line exceed HRK 20,000 per year, the Ministry of Justice invests only HRK 1,000 per year.
- 67.** Although the Act¹³ gives the victims the right to a counsellor, due to the vagueness of the legal text, it is unclear who shall perform that function or which professional competencies the person must have in order to be a counsellor. As a result of the aforementioned legal gap, the victims are, in reality, often assigned attorneys as counsellors, which is especially problematic for victims of criminal offences of sexual nature and/or child victims who have a right to a proxy, who must be an attorney. This practice prevents victims from accessing psycho-social support.
- 68.** Due to the lack of training of police officers, there is a problem in practice with police conduct towards victims of criminal offences. Victims are informed of their rights in a vague

12. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

13. Criminal Procedure Act (NN 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17)

manner or a manner that is incomprehensible to them, through the mere reciting of the rights of victims. There were recorded cases in which the right of the victim or witness to escort by a person of trust was denied. An additional problem is the fact that the State Attorney's Office informs a very small number of victims of the opportunity to receive support through associations for victim and witness support.

14. Legal Aid Act (Official Gazette no. 143/13).

- 69.** Following a final decision in criminal proceedings, victims of criminal offences are faced with numerous obstacles and challenges that prevent them from effectively exercising their rights. There have been numerous shortcomings recorded in the functioning of the Committee for Monetary Compensation for Victims of Criminal Offences whose work is not regulated by rules of procedure and/or ordinance. The procedure for lodging an application for damages for victims of criminal offences is extremely complicated and expensive, among other things, due to the requirement to submit originals or copies of documents. This effectively prevents victims of poorer financial situation from lodging the application, i.e. the access to the right to damages is contingent on the financial situation of the claimant.
- 70.** Primary legal aid is still burdened by numerous problems stemming from inconsistent application of the Act¹⁴. Financial resources for providing legal aid for the work of licensed providers are continually reduced. The tender for allocation of funds is regularly delayed, as are the results, which is why providers of legal aid work with very scarce resources for much of the year. In addition to this, the providers of legal aid are unevenly geographically represented, and some areas of Croatia have no registered providers. All of the above endangers access to justice for socially vulnerable citizens.

Transitional Justice And Dealing With The Past

15. Preliminary data of
Documenta – Centre for
Dealing with the Past.

71. The process of dealing with the past in Croatia is still burdened by the relativization of crimes committed during the Homeland War by members of the Croatian military and police forces and revisionist tendencies in relation to Ustaša crimes committed during World War II. The reactions of the Prime Minister and other officials to the verdict of Slobodan Praljak and the scandal of putting up a commemorative plate containing the inscription 'Za dom spremni!' ('For homeland – ready!' – the Ustaša equivalent of the fascist salute 'Sieg heil') in Jasenovac have sparked a negative public discussion that neglects the suffering of victims and incites political conflict. An additional problem in relation to the past are the pressures put on the freedom of documentary film creation related to the war, such as the announcement that co-financing of the film 'Chris The Swiss' will be denied.
72. The trend of reducing the frequency and severity of war crime prosecution since Croatia's accession to the EU continued. According to preliminary data¹⁵, only 8 charges were brought against 25 defendants and only 11 final judgements were rendered against 25 defendants, as well as 7 interlocutory judgements against 25 defendants in 2017. Scheduling hearings for war crimes also declined in frequency.
73. There is still a trend of discriminatory practice when imposing sentences in war crime trials. Perpetrators of Serbian nationality are often more severely sanctioned than Croatian perpetrators of the same criminal offences.

74. The Civilian Victims of War Rights Act, which would regulate the exercising of the right to damages and necessary support, was not adopted in 2017. Victims of war crimes face many problems, primarily in their access to the right to material damages which is conditioned upon the existence of final convictions in criminal proceedings which are often non-existent due to difficulties in prosecuting war crimes.
75. Although the Victims of Sexual Violence Rights Act¹⁶ represents a positive step in recognizing the rights and reparations for civilian victims of war, its restrictive application has led to several drawn out and exhausting administrative and court proceedings for the recognition of the sexual violence victim status.
76. There were significant omissions in the work of the Committee for Victims of Sexual Violence. Statements that claim that the Committee is biased and is not determining status for Serbian and Croatian victims equally is of concern. Although the Victims of Sexual Violence Rights Act¹⁷ does not explicitly require submission of medical documentation as a prerequisite for the approval of the victim of sexual violence status, a victim of Serbian nationality from the military prison Kuline near Šibenik was not recognized as a victim of rape because she failed to submit medical documentation.
77. The problem of missing persons is still not being resolved with sufficient expediency. According to the available data, Croatia is still searching for 1952¹⁸ people from the Homeland War. Although the Ministry of Croatian Veterans does not have sufficient capacity to accommodate all of the remains, additional budgetary resources for new accommodation were not requested in 2017, which greatly slows the exhumation and identification process. An additional reason for the slow identification process of missing persons is also the extremely poor cooperation between the competent state authorities in Croatia and Serbia.
16. The Act on the Rights of Victims of Sexual Violence during Armed Aggression against the Republic of Croatia during the Homeland War (Official Gazette no. 64/15)
17. Ibid.
18. Public Report of SOA for 2017, <https://www.soa.hr/UserFiles/File/pdf/Javno-izvjesce-2017.pdf>

The Right To An Adequate Standard Of Living

19. Enforcement Act (Official Gazette nos. 112/12, 25/13, 93/14, 55/16, 73/17)

20. Ibid.

The right to housing and protection of property

78. Instead of redressing unpaid debts and resolving the issue of settling creditors' claims, the Enforcement Act¹⁹ unjustifiably imposes the costs of debt for FINA services, attorneys and notaries public which ultimately significantly exceed the debt base.
79. The charging of enforcement proceedings costs and unreasonably lengthy proceedings result in the multiplication of costs for the enforcement debtor that, given the high rate of poverty and insolvency, may last for a lifetime and extend to the following generation. Thus, the legislator has made the road to debt servitude lawful, and the existing enforcement practice in Croatia violates citizens' right to dignity and prevents them from enjoying their own property.
80. The institute of forced debt collection loses its purpose due to the order in which the costs of enforcement proceedings are collected. The first to be collected are the costs of the enforcement, then interest and finally the debt base, with which the existing Act²⁰ also endangers the creditors' right to disposition of property.
81. Of great concern is a large number of recorded cases of the irregular serving of rulings to initiate enforcement proceedings, resulting in the blocking of citizens' accounts without the opportunity to lodge complaints and/or requests for deferment of enforcement. This violates the right to lodge an appeal against a decision of the public authority and prevents exercising the right of access to a court.

Financial lending

- 82.** Even in 2017, banks in Croatia did not adapt their business to the judgement of the Supreme Court in the ‘Franak’ case of 2014. Unlawful interest rates based on unfair contractual provisions regulating the manner in which the interest rate is changed are still being applied, which is contrary to the principle of the rule of law and seriously undermines the legal security of citizens.
- 83.** Citizens may request a return of overpaid interest by lodging individual civil actions, relying on the 2014 judgement. However, due to the long-lasting proceedings, high costs and poor socio-economic situation, only a small number of citizens instituted court proceedings. This directly negatively affects their access to court and their right to recovery and disposal of their own financial assets.

Workers’ rights

- 84.** The trend of precarious forms of employment continues due to the introduction of so-called atypical employment contracts. The main characteristic of precarious work is uncertainty, fixed-term work, occasional, temporary and part-time work, which is the cause of constant existential uncertainty of precarious workers due to the inability to exercise rights such as loan financing and the right to severance pay.
- 85.** Atypical forms of employment are the source of numerous abuses that employers use to strengthen their competitiveness on the market, and the majority are in the service sector; transport and logistics; and cleaning and upkeep positions. They have a low level of labour rights and the lowest wages in the country. Legislation has thus enabled maximum exploitation of precarious workers, whereby they are minimally paid for their work, which greatly impedes their ability to achieve an adequate standard of living.

- 86.** The legal extension of the number of working hours, i.e. the introduction of the redistribution of working hours enabled the extension of working hours that is not considered overtime work. In practice, this enabled unpaid overtime work, which directly threatens the workers' rights to fair and favourable working conditions with a reasonable limitation on working hours.

Active youth employment measures

- 87.** A significant problem has been identified in the context of active youth employment measures, i.e. professional worker training without employment (SOR). The measure leaves room for manipulation because it enables employees to employ new workers through SOR instead of the regular employment agreement. For this reason, a large number of young people do not remain employed at companies where they were trained, even though the need for an employee at that position still exists.
- 88.** Another problematic aspect is that SOR enables work in those public authorities where there is a ban on employment in other circumstances. This completely defeats the purpose of this measure – that persons who have been professionally trained at a company actually remain as employees there.
- 89.** SOR allowances are insufficient for independent living, which is why this measure can most often be used by only those persons who have sufficient material support. This further prevents young people from achieving economic independence.

Human Rights And The Environment

90. Despite a high level of agreement between the main political parties regarding problems in the environmental impact assessment system, no serious steps have been taken to resolve this problem for years. Economic reasons become the predominant criteria for approving projects and the so-called legitimate expectations of investors, one of the main justifications for such decisions. At the same time, the quality of the studies is still questionable, which reduces public trust in public administration and environmental impact assessment procedures. Distrust additionally stems from the fact that committees often ignore public remarks and proposals and fail to adhere to all of the regulations in force for their field.
91. Waste management represents a significant problem and threatens the quality of life, health and safety of the population. The problem that arises year after year are 'wild' or unregulated landfills. Their removal is extremely expensive, and cities and municipalities lack funds in their budgets allocated for such problems. Due to the complexity of submitting reports to inspectors and the length of proceedings, as well as an insufficient number of municipal services monitoring officers, construction inspectors and environmental protection inspectors, the persons who illegally dispose of waste are not found in most cases.
92. The issue of access to quality drinking water is particularly present on the coast and islands. Islands face problems in drinking water supply, and the quality of the available water is an increasingly common problem in large coastal cities such as Split and Dubrovnik.

- 93.** Due to an increase of tourist activity and insufficient structural investment in the development of municipal services and urban infrastructure, the negative trend of tourism impact on the environment and the quality of life of the local population continued in 2017.
- 94.** The perception of corruption in the public sector is worsening, especially in the provision of municipal services, and a significant contributing factor are the recurring new affairs that rarely end in court. Effective measures to reduce corruption and raise public trust, such as civilian oversight over municipal services companies and the involvement of citizens in decision-making, are systematically ignored at all levels of government.

21. Constitution of the Republic of Croatia (Official Gazette nos. 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14)

Education And Human Rights

- 95.** There is growing social stratification of the education system because more developed and richer counties and municipalities invest more in the education system and, thus, their students achieve higher grades at state matura and university entrance exams. This is contrary to the Constitution²¹ which states that higher education must be accessible to everyone under equal conditions.
- 96.** Vocational school students make up the largest share in the secondary school population, and there are no textbooks for a significant portion of subjects in their curriculum. Professors resolve the problem by designing and writing notes for their students themselves, which results in unequal levels of acquired competencies and skills and subsequently in unequal access to the labour market.

- 97.** Despite the adoption of numerous public policies and initiatives to improve the social position of Roma people, Roma children are still the most vulnerable group in the education system. Roma children have the highest rate of leaving secondary, but also primary, schools, which is particularly problematic because primary school education is compulsory.
- 98.** A case in which a rector instituted court proceedings against a student due to the student's criticism against the management of the University of Zagreb is an attempt at retaliation and censorship that directly endangers academic freedom of students.

Education reform

- 99.** The adoption of Comprehensive Curricular Reform and resolving the accumulated problems in the education system in Croatia is directly dependent on the political situation in the country and the lack of political will and support for the implementation of systematic changes, which greatly affects the exercising of the right to access to education. In the context of human rights, the lack and inadequacy of educational content that would develop social and civic competencies of students – knowledge, skills, attitudes and values, such as critical thinking, media literacy, democratic skills and other knowledge – which will help a young person prosper in all areas of society and not just in their narrow professional field of study is particularly troubling.
- 100.** The appointment of members to the Expert Working Group whose task is the implementation of the Comprehensive Curricular Reform is marked by lack of transparency and by political conflicts. Competition for members of the Expert Working Group was annulled due to numerous irregularities, which further slowed down the adoption process and continued work on the preparation of the cur-

ricular reform. Political changes at the head of the MSE also obstruct the entire process.

22. Draft proposal of the Act on Amendments to the Primary and Secondary Education Act, <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=6207>

101. The draft amendments to the Education Act²² contain proposed legislative changes that would allow parents to intervene in their child's education by prohibiting or allowing attendance of certain educational units of topics taught across different subjects in school, such as civic education. Although it is generally a good step in the democratisation of education, the Draft Act does not specify how the best interests of the child will be balanced with the right of the parent which is, in accordance with ECHR case-law, a limited right and how the limited right of the parent is balanced with the students' obligation to learn material that is factually correct and consistent with objective scientific knowledge.

Civic education and health education

102. Implementation of civic education as an interdisciplinary topic; the lack of specific and comprehensive work material and guidelines for teachers; the lack of programme performance indicators as well as an insufficient number of education programs for teachers result in arbitrary and unsystematic teaching. The implementation of civic education in such an incoherent manner results in a low level of political and democratic competencies in students and prevents them from gaining key knowledge on human rights, as well as gaining the skills necessary for informed and responsible function in contemporary society.
103. Health education is primarily taught during homeroom class, up to 12 hours a year. Implementation is arbitrary and depends on the competencies, personal affinities and motivation of individual teachers. Thus, students can potentially be left without objective information in the field of health education, such as those relating to human sexuality and repro-

ductive rights. However, the biggest problem is still a lack of indicators that can be used to monitor implementation given that neither MSE nor ETTA have the data on implementation.

Healthcare And Human Rights

Primary healthcare

104. In 2017 as in the previous years, the main problems patients faced in the healthcare system were the unavailability of primary healthcare which greatly depends on the geographical location of citizens. In addition, there is no systematic solution in Croatia for measuring the outcome of medical treatment, i.e. relevant population registers that could be used to monitor the outcomes of medical treatments, the quality of life of the patients, treatment costs, the success rate of individual healthcare institutions and medication used, and thus to plan measures to improve the healthcare system and the rights of citizens to health.
105. The number of general practitioners is relatively low, which negatively affects access to health services and, in the long run, exacerbates outcomes of healthcare treatment and increases secondary care costs. The lack of certain healthcare professionals such as paediatricians, specialists in school and university medicine, speech therapists, psychologists, work therapists, nurses and social workers is also a concern.

Access to healthcare and availability of information

- 106.** The system of hospital limits as a savings measure has resulted in the increased unavailability of healthcare and timely treatment, which makes the measure counterproductive.
- 107.** Information on the healthcare system in Croatia is not available to citizens in a comprehensive and simple way. Unlike many European countries, in Croatia there is no phone centre or official website available 24 hours a day where citizens can get information on healthcare services or explanations related to the functioning of the healthcare system for free.
- 108.** The quality of communication between healthcare professionals and patients is at a very low level, resulting in patients being insufficiently informed, being unable to participate in decisions regarding their own treatment, and having a passive role in the entire process.

23. National Programme for Rare Diseases for the Period 2015 – 2020, <https://zdravlje.gov.hr/programi-i-projekti/nacionalni-programi-projekti-i-strategije/ostali-programi/nacionalni-program-za-rijetke-bolesti-od-2015-do-2020/2190>

Treatment of malignant, rare and autoimmune diseases

- 109.** Although Croatia has a National Programme for Rare Diseases²³, it has not been successfully implemented due to a lack of a unified system of standards in healthcare, social welfare, the pension system and the education system that regulate the rights of persons with rare diseases, and the availability of services in a particular system greatly depends on geographical location. Problems are also great in oncological care where differences in the services provided arise within the same healthcare institutions.
- 110.** The system for the procurement of innovative medicine is ineffective because the procedure for their introduction into the Croatian market lasts for too long. In 2017, the Ministry of Health opened an account for citizen dona-

tions that would cover the costs of innovative medicine but, at the same time, the State gave no guarantee that it will also participate in their procurement. In this way, the right to medical treatment and healthcare was classified as a charitable activity that depends on the good will of individuals, while it is actually the obligation of the State to ensure the best possible access to the right to health.

24. National Strategy for Mental Health Protection for the Period 2011 – 2016
https://vlada.gov.hr/UserDocsImages//ZPPI/Strategije%20-%20OGP/zdravlje//NAC.STRATEGIJA_ZA%20C5%A0TITE_MENTALNOG_ZDR.2011-2016..pdf

111. The necessary steps for timely treatment of multiple sclerosis have not been taken even in 2017. Treatment is approved only after two relapses, which puts the patients at significant risk of permanent disability that could be avoided by adequate and timely medical treatment. In addition, patients with MS over the age of 55 receive no treatment according to the current CHIF criteria. Although associations of those affected by MS and their national alliance requested a change in criteria from CHIF, and although the Croatian Neurological Society developed new guidelines for treatment, CHIF criteria remain unchanged.

Mental health

112. The National Strategy for Mental Health Protection²⁴ expired in 2016 and a new one has not been adopted, whereby the Government neglects improving the existing measures and adopting new measures for mental health protection. In addition, access to the mental health protection system is difficult for citizens due to insufficient preventive activities and available information on how to care for personal mental health as well as insufficient information on experts and places where help can be sought. Additionally, people are still reluctant to seek help on time due to the fear of stigmatisation.
113. Although there are praiseworthy individual efforts that nurture the ‘psychiatry in community’ approach (i.e. those that are focused on

deinstitutionalization and the reduction of the number of people being treated in institutions), the treatment of people with impaired mental health is still largely based on treatment in psychiatric hospitals with the use of biomedical interventions. This continues to support the institutional care system, which shows an urgent need for coordination between different sectors in order to humanise the approach.

25. Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, <https://ravnopravnost.gov.hr/UserDocsImages/arhiva/images/pdf/Publikacija%20Konvencija%20Vije%C4%87a%20Europe%20o%20spre%C4%8Davanju%20i%20borbi%20protiv%20nasilja%20nad%20%C5%BEenama%20i%20nasilja%20u%20obitelji.pdf>

Women's Rights

114. 2017 was also marked by the strengthening of the discourse of ultra-conservative groups whose social and political pressure is primarily directed at preventing the ratification of the Istanbul Convention and the right to a safe and legal abortion.
115. As stated, Croatia has not ratified the Istanbul Convention²⁵. Although the Convention is exclusively focused on protecting women from all forms of violence, ultraconservative organisations and political parties continue to manipulate the public²⁶ on the content of the Convention and the motives for its introduction, calling it 'dangerous gender ideology'.

26. Public consultation on the Draft Act Ratifying the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, <https://esavjetovanja.gov.hr/Econ/MainScreen?EntityId=5638>

Reproductive rights, pregnancy and motherhood

116. The reproductive rights of women continue to be under serious threat. With social actions that illusorily promote the right to life, ultraconservative and clerical groups are implementing a negative campaign against women who have decided to have an abortion or plan to have one. Such stigmatisation directly threatens the right to physical autonomy and the constitutional right to the privacy and dignity of women.

- 117.** One of the consequences of this campaign is also the reduced availability of abortions, especially in smaller urban areas and rural areas due to more numerous and poorly-regulated conscientious objections of physicians. Additionally, due to the arbitrary introduction of compulsory counselling as a requirement for access to abortion, which is not prescribed by the Act²⁷, the rights of patients to information and to making an independent decision in abortion issues are violated.
- 118.** A Constitutional Court ruling²⁸ upheld the right to legal abortion on request. However, this decision allowed the opportunity for the legislator to adopt a new Act prescribing a mandatory reflection period prior to the decision on the continuation or termination of pregnancy. Given the current social climate and politicisation and in view of some political announcements, there is fear that, instead of providing information on the termination or continuation of pregnancy, motherhood and the rights arising out of it, the authorities will in fact introduce mandatory counselling, and it is questionable who will implement that counselling and in what manner. Thus, abortion would remain legal, but largely unavailable and/or difficult to access.
- 119.** The Medically Assisted Insemination Act²⁹ discriminates against single women since women without partners and without diagnosed infertility have no access to artificial insemination.
- 120.** A significant problem in the planning of pregnancy and motherhood and care for women's reproductive health is the unequal coverage and availability of gynaecological medical services, especially in rural and cut-off areas. It is deeply disturbing that islands and mountainous areas have no maternity facilities or midwives who would care for pregnant women.
- 27. The Act on Healthcare Measures to Exercise the Right to Free Decision-Making on Childbirth** (Official Gazette nos. 18/78, 31/86, 47/89, 88/09)
- 28. Ruling of the Constitutional Court of the Republic of Croatia no. U-I-60/1991 and others of 21 February 2017 and Dissenting Opinion** (Official Gazette no. 25/17)
- 29. Medically Assisted Insemination Act** (Official Gazette no. 86/12)

- 121.** The level of quality in the provision of medical services in the field of reproductive health is not uniform and differs from maternity ward to maternity ward, which has a negative effect on the health of pregnant women, especially in rural and dislocated areas. Due to an inadequate control mechanism and a lack of a single quality standard for the provision of healthcare services, there is great disparity in the application of contemporary medical methods and achievements that would reduce the use of invasive procedures such as the Kristeller manoeuvre and episiotomy that expose women to additional trauma and prolong their recovery.
- 122.** Providing incomplete information to women in maternity wards regarding their condition and healthcare procedures they will undergo, as well as regarding the recovery process is a significant problem. This endangers their right to information and the right to accept or refuse a medical procedure on the basis of received information and in accordance with their personal preferences, needs and moral values.
- 123.** Even though problems with mental health are one of the leading causes of women's mortality within the first year after childbirth, systematic care for women's mental health is de facto non-existent outside of Zagreb.

Gender-based violence and domestic violence

- 124.** In cases of violence against women, the entire process, from reporting the crime to the court decision, is extremely slow. By repetitive questioning, the victims are subjected to additional victimisation, while perpetrators are not adequately punished due to various mitigating circumstances, often after lengthy proceedings. The sanctions for protection against domestic violence most often fall under the minor offences law. The criteria for when domestic violence is deemed a minor

offence and when it is deemed a criminal offence are neither clear nor consistent. A significant number of reports end in a rejection. The victims are sent a message that their reporting of domestic violence will not bear any tangible fruit. This explains the fact that even though violence against women is on the rise, the number of reports is decreasing. There is also a noticeable lack of data regarding violence against women and domestic violence by competent institutions.

30. Domestic Violence Procedure Protocol, <http://www.mspm.hr/UserDocsImages/djeca%20i%20obitelj/Protokol-opostupanju-u-slucaju-nasilja-u-obitelji.pdf>

125. The application of the Domestic Violence Procedure Protocol³⁰ is arbitrary. The victim is often not physically separated from the perpetrator when giving a statement and is not informed of her rights. Likewise, protection measures are rarely ordered, or the police rarely proposes them and the courts even more rarely accept them. An extremely important problem is the frequent practice of double arrests. Given that the primary aggressor is not correctly identified, the victim that defended themselves and/or a child (children) is detained with the perpetrator and both are most often punished for a minor offence. This equates the victim with the perpetrator.
126. There are no uniform practices or strategies for the work of family centres operating within social welfare centres, which is why some family centres do an excellent job while others spread misinformation and discriminate against women who have suffered violence. Similar omissions have been recorded in the conduct of the police, the courts and other institutions.
127. The issue of custody in cases of domestic violence is problematic. Although domestic violence victims have the right to a separate counselling process, women are often forced to resolve the issue of custody in agreement with the perpetrator of violence by methods of intimidation and threats of court proceedings and the loss of custody. Moreover, social

welfare centres in practice force women to allow and encourage visitation and socialisation of children by the father who is feared both by the woman and the child (children).

- 128.** A particularly serious problem in the context of domestic violence is the economic dependence of the victim on the perpetrator. The victims have difficulty gaining their assets that are part of matrimonial property; they are isolated from the labour market for a long time without adequate employment policies; they face housing problems, problems with access to kindergartens and a struggle for alimony. This is why they are often forced to return to the perpetrator. Additionally troublesome is the fact that female victims of domestic violence have no right to legal aid in court, which significantly aggravates their life and legal situation.
- 129.** Women victims of violence have the right to apply to the City of Zagreb to rent a city apartment. However, for their application to be resolved positively, court proceedings instituted to determine the existence of a minor or criminal offence must first end. Given that court proceedings for criminal offences last for three or more years, women and children who have experienced more severe forms of domestic violence are in a much worse position, which defeats the purpose of such (positive) practices.
- 130.** In Croatia, there is still a lack of shelters for women and children victims of violence, a national telephone line for all forms of violence against women that would be open for 24 hours a day 7 days a week and centres for victims of sexual violence. There is also a lack of systemic financial support for the work of women's organisations that provide the bulk of the services for women who have suffered violence

131. Despite the Victims' Rights Directive³¹ which prescribes that access to services for victims of violence cannot be subject to formal reports, a large number of safe houses, in order to access funding by competent state authorities, insist that acceptance of a person to a safehouse is predicated on a formal reporting of violence to the police.

31. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

Rights of female prisoners

132. According to the Execution of Prison Sentence Act³², a child born in prison may stay with the mother at her request until the third year of life, after which social welfare centres take on the responsibility of the child's accommodation. This provision is inconsistent with the best interest of the child in cases when mothers have a short remaining sentence time, and children are nevertheless taken from them. This exposes both the child and the mother to stress and trauma.

32. Execution of Prison Sentence Act (Official Gazette nos. 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13)

133. Pregnant prisoners are accompanied by a judicial police officer during examination and childbirth. The presence of a person in uniform during examination may cause labeling by the public and thus create discomfort and stress for the pregnant woman, but also affect the physician's work. There is no justification for the continued presence of police officers during medical examinations of prisoners if there are no security reasons for such presence. This violates the provisions of the Patients' Rights Protection Act³³ that require respect for their privacy and human dignity.

33. Patients' Rights Protection Act (Official Gazette nos. 169/04, 37/08)

134. Female prisoners are engaged in performing gender-based work for a fee, such as sewing, cooking, washing, maintenance and cleaning of green areas. This prevents them from gaining a wider range of qualifications and negatively impacts their social reintegration after they leave prison.

Women in the labour market

- 135.** According to the data of the Croatian Bureau of Statistics³⁴, the largest share of the unemployed population in 2017 was female, in almost all age groups. Especially vulnerable are women over 40, women with disabilities, and single mothers. There is lack of quality and available education and retraining programmes for those vulnerable groups, as well as specific measures and employment incentives, while existing ones are inadequate.
- 136.** Of the total number of fixed-term contracts, women are most often employed on the basis of fixed-term contracts that employers often abuse. As a result, women are more often found in situations of uncertain employment. Women are also the majority of employees employed through agencies, which is also an extremely precarious form of work. Although inspection exists, the main obstacle to its effectiveness is a small number of received reports from employees who, for fear of losing their job, fail to report violations of the Labour Act³⁵.
- 137.** There is still a pronounced income inequality between men and women. Depending on the statistics and methodology of data analysis, women are paid from 10% to even 24% less than men³⁶. Their wages are particularly lower in the trade, healthcare and social welfare sectors, as well as finance and insurance sectors. Consequently, women in Croatia have lower pensions and are on the verge of poverty.
- 138.** In addition to precarious forms of work, there are recorded cases of discrimination in which employers ask women about their private lives with special emphasis on pregnancy and motherhood and condition their employment upon those factors.

34. Croatian Bureau of Statistics, Women and Men in Croatia in 2017, file:///D:/Godi%C5%A1n%20izvje%C5%A1taj_intervjui/men_and_women_2017.pdf

35. Labour Act (Official Gazette nos. 93/14, 127/17)

36. <http://vijesti.hrt.hr/413567/europski-je-dan-jednakih-placa-ali-zene-zarauju-163-posto-manje>

Sex workers

- 139.** Sex workers in Croatia are exposed to violations of a number of human rights during the judicial process for committing a minor offence against public order.
- 140.** The police often behave unprofessionally or threateningly towards sex workers – extorting services, falsely identifying themselves, preventing sex workers from lodging reports, insulting and demeaning them. Arrests are arbitrary and motivated by the personal bias of police officers, and the fact that sex workers are not adequately informed of their rights is additionally of concern.
- 141.** An additional problem in police conduct are violations of the right to personal freedom and the security of persons who are detained without being brought before a court because they found themselves in ‘suspicious’ public spaces and were previously known to the police.
- 142.** There is also arbitrary conduct of the courts that are inclined to bestow greater or, in some cases, absolute trust in police statements. In addition, there is no consensus regarding elements of a minor offence – what exactly does it mean to engage in prostitution and whether the offence should be specified in terms of time, other people and the price. This endangers the right to a fair trial of sex workers.
- 143.** Sex workers are marginalised in multiple ways and are a vulnerable social group that is not the full focus of any public policy that oversees measures for the protection and respect of fundamental human, social and economic rights.

Children's Rights

- 144.** Upon the entry into force of the new Children's Ombudsperson Act³⁷, the mandate of the Children's Ombudsperson ceased prior to the expiry of her full mandate. The new Act provides the opportunity to dismiss the Ombudsperson if the Croatian Parliament fails to accept her work report (which is a de facto report on children's rights). The Act also added a requirement that the Parliament has to accept the Ombudsperson's annual work plan, which constitutes significant political pressure on the independence of that institution and makes it subject to the political will of the parliamentary majority.
- 145.** Even though the reason for the existence of the Government's Council for Children is to work on improving the rights of children in Croatia by following the National Strategy³⁸ and the UN Convention on the Rights of the Child³⁹, the council fulfils that role only formally. Council sessions are held once a year, and not a single session was held in 2017.
- 146.** In the social welfare system, the network of social services providers for families at risk of poverty or other difficulties is underdeveloped, especially outside of large cities. One of the consequences of that are cases in which children are taken from families with poor socio-economic status, which is contrary to the Convention on the Rights of the Child.
- 147.** There is significant regional inequality in the availability and quality of early and pre-school education. There are both an insufficient number of kindergartens in many rural areas, and an insufficient number of places for children in existing kindergartens. Likewise, the prices of kindergartens are regulated by local self-government units which is why

37. Children's Ombudsperson Act (Official Gazette no. 73/17)

38. National Strategy for Children's Rights in the Republic of Croatia for the Period 2014 – 2020, [https://vlada.gov.hr/UserDocsImages//ZPPI/Strategije%20-%20OGP/socijalna%20politika//NACIONALNA%20STRATEGIJA%20ZA%20PRAVA%20DJECE%20U%20RHZA%20RAZDOBLJE%20OD%202014.%20DO%202020.%20GODINE\[1\].pdf](https://vlada.gov.hr/UserDocsImages//ZPPI/Strategije%20-%20OGP/socijalna%20politika//NACIONALNA%20STRATEGIJA%20ZA%20PRAVA%20DJECE%20U%20RHZA%20RAZDOBLJE%20OD%202014.%20DO%202020.%20GODINE[1].pdf)

39. United Nations Convention on the Rights of the Child, https://www.unicef.hr/wp-content/uploads/2017/05/Konvencija_20o_20pravima_20djeteta_full.pdf

the prices in some areas exceed the financial means of parents, and children are deprived of access to a kindergarten. The fact that some kindergarten groups are larger than the pedagogical standard is additionally of concern.

148. Centres for the rehabilitation of children with developmental difficulties are available only in larger urban areas, which puts children and parents in smaller areas and areas without public transportation in a disadvantaged position. During the week, children are accommodated in rehabilitation centres and separated from parents who cannot be with their child due to business, financial and family circumstances. There are also no mobile teams that would alleviate the unequal distribution of care and that would provide support for children and families in their homes.

Foster care and adoption system

149. The foster care system is burdened with numerous problems. The monetary rewards received by foster parents are extremely low, they are not entitled to sick leave in the event a foster child is sick, nor to parental or maternity leave if they fostered a new-born. An additional problem is the unequal geographical distribution of foster families in Croatia, which makes maintaining contact between children and biological parents more difficult.
150. The adoption process is extremely lengthy and there is no support system for adoptive parents, especially in cases of children with developmental difficulties or behavioural problems. Throughout the adoption process, children often pass the optimal age of adoption, which is why adoptive parents give up on adoption. Likewise, it is particularly concerning that emphasis is put on the right of the potential adoptive parent to choose a child they will adopt, while the opinion of the child is either not

taken into account or is marginalised, thereby neglecting the best interest of the child.

- 151.** Even in 2017, there were no significant steps forward in the process of transforming or deinstitutionalising children's homes or towards the development of a network of social services that would reduce or prevent the institutionalisation of children. A large number of children are still accommodated in institutions, which is not in the best interest of a child.

Violence against children and its prevention

- 152.** A significant problem is the lack of systemic financing of counselling lines for children. Although the state should support the introduction of children's lines and ensure their smooth functioning through systematic financing of their work and expert education, such support to children and youth was not systematically implemented in Croatia even in 2017.
- 153.** Combating violence against children, especially peer violence, cannot be effective due to a severe lack of awareness of this issue and a low level of reporting of such violence. When it is reported, the procedures for investigating violence are lengthy and children must testify several times, which leads to secondary victimisation and is contrary to the best interest of the child.
- 154.** There is a significant problem with digital or cyber violence against children. Controlling and curbing it is especially problematic, as well as the fact that children are exposed to it at an increasingly younger age. Experts for children are under-educated regarding this issue, there is no systematic approach to prevention, the state does not invest sufficient funds in preventive programmes in schools, nor does it implement those programmes systematically.

Juvenile adjudication

- 155.** A major problem regarding juvenile adjudication is the lack of judges specialised in working with children and youth. Although in larger courts, cases related to children and young people are mostly adjudicated by family law judges, the problem is most evident in so-called enforcement proceedings against children because they are conducted by judges who also conduct financial enforcements.
- 156.** When questioning children in criminal proceedings, judges and other stakeholders are not sufficiently educated to carry out a forensic interview of a child. Likewise, there are still spaces for questioning of children that are not suitable for the specifics of child development, and there are very often cases in which children enter the courtroom through the same door as convicts and defendants who are wearing handcuffs.
- 157.** Due to the lack of pedagogues, psychologists and social workers who would work only with children and youth in social care, there have been cases of inappropriate sanctioning of children and young people that has not been sufficiently individualised and adapted to each child. Incorrect execution of out-of-institution sanctions may result in children being placed in institutions, which makes their socialisation and later integration into society more difficult.
- 158.** Although the capacities and conditions of the Turopolje Rehabilitation Institute improved compared to previous years, there is still a lack of sufficiently educated psychologists, psychiatrists and educators who would work with children. Additionally, children are not in small groups and the institute is isolated and located far from any settlement. Such circumstances lead to a complete absence of educational and rehabilitation work, which is why children become isolated and

often continue to commit criminal offences after being released from the institute.

The Rights Of Persons With Disabilities

- 159.** There is a large number of regulations governing the rights of persons with disabilities in various areas, which often results in the same issues being addressed differently in various regulations. Therefore, the main obstacle in exercising the rights of persons with disabilities is lack of information and a low clarity of regulations governing their rights. In addition, there is too little research and examination of the needs of people with disabilities that would serve as a useful basis for systematic planning of state measures and efficient allocation of budget funds.
- 160.** The obstacles to exercising the rights of persons with disabilities are characterised by inadequate environment and a very low awareness of the need to create an inclusive environment for all citizens, regardless of their capabilities. The culture of including persons with disabilities as equal members of society is also very questionable. Although some progress has been made, it is still not at a satisfactory level and there is constant need for stressing and pointing to the fact that the community needs to be changed and adapted.
- 161.** Even in 2017, the issue of an inclusive allowance that would be awarded to all persons with disabilities as financial support, regardless of their income, in order to create conditions to equalise opportunities for their inclusion into everyday life has still not been addressed or legally regulated.

- 162.** Although the National Strategy for Equalisation of Opportunities for Persons with Disabilities⁴⁰ adopted in 2017 introduced measures to protect persons with autism as a special category, a large number of services for persons with autism are still lacking, such a quality diagnosis, early intervention, and adequate support measures in preschool and post-education stages of life. Likewise, unequal regional availability of services is also a major problem.
- 163.** A uniform authority for expert witness testimony for disabled war veterans and civilian persons with disabilities was established four years ago, but problems in the practice and functioning of this authority were recorded in 2017 as well, such as large number of legacy and accumulated cases, unequal expert witness reports and insufficient expertise of members for some aspects of the assessment.
- 164.** The system is ineffective in preventing institutionalisation in cases when persons have their own housing but are institutionalised due to inadequate support services that cannot provide them needed assistance.
- 165.** Most employers see employment of persons with disabilities as a humanitarian aid project and often offer them jobs on public works that last up to six months. Such temporary solutions do not contribute to increasing the employability of persons with disabilities.

42. National Strategy for Equalization of Opportunities for Persons with Disabilities for the Period 2017 – 2020 (Official Gazette no. 42/17)

41. Ordinance on Ensuring Accessibility of Buildings to Persons with Disabilities and Reduced Mobility (Official Gazette no. 151/05)

Infrastructure barriers

- 166.** Despite the Ordinance on Ensuring Accessibility of Buildings to Persons with Disabilities and Reduced Mobility⁴¹, the movement of persons with disabilities is significantly limited by the existence of many physical barriers. A particular problem is transport and the fact that public transport vehicles are not customised for the transport of persons with disabilities. In addition to Zagreb, only

a few other larger cities in Croatia have some customised vehicles, and there is no customisation whatsoever in intercity transport.

- 167.** A survey by the Ombudsperson for persons with disabilities shows that only eight social welfare centres and nine CHIF offices out of 350 surveyed institutions have the appropriate architectural conditions that allow full accessibility to persons with disabilities.⁴² In addition, employees in state and local institutions are not familiar with specific problems of persons with disabilities, which is why these persons also encounter numerous administrative obstacles in exercising their rights.

42. Report on the Work of the Ombudsperson for Persons with Disabilities for 2016, <http://posi.hr/joomdocs/Izvjesce-o-radupravobraniteljice-za-osobes-invaliditetom-za-2016.pdf> Konvencija_20o_20pravima_20djeteta_full.pdf

Access to services

- 168.** There is a noticeable standstill in improving the quality of social services in 2017. Numerous services have been transferred to civil society organisations advocating for the rights of persons with disabilities. Since those civil society organisations are financed through projects, they lack sufficient and stable financial means to provide services such as personal assistance, sighted guides or sign language interpreters.
- 169.** Due to large regional differences in the accessibility of services for persons with disabilities, which are available only in large cities, persons with disabilities have significant barriers to participating in everyday activities.
- 170.** No progress was seen in personnel or physical adjustment of institutions in 2017 with the aim of achieving conditions for equal access of persons with disabilities to all types of education. Students with disabilities are under-represented in higher education and are extremely dissatisfied with the types of support available to them during education.

171. Persons with disabilities lack sufficient access to healthcare and social services due to a lack of financial resources for training caregivers on accommodation of and treatment for persons with disabilities and, additionally, due to insufficient education of healthcare professionals in terms of working with persons with disabilities.

172. The opportunities for rehabilitation of persons with disabilities in spas are being reduced and terminated, which is in contradiction with their need for continued rehabilitation. Additionally, hospitals do not have enough beds or aids for persons with disabilities, such as orthopaedic and technical aids.

Rights of persons with sensory impairments

173. The problem of continuous provision of specific and quality services such as guides for the blind and partially blind or interveners and translators for the deaf-blind is still not adequately resolved in 2017, and their services are still financed from projects. In addition, although there are some shows that have subtitles and are as such adapted for the deaf and the deaf-blind, as well as news shows and other shows that are translated into Croatian sign language, the quality of those interpreters is of concern.

174. The existing measures for providing interpreters for the deaf-blind in kindergartens and schools are completely inadequate, as well as measures related to the funding, quality and supervision of education of future interpreters. None of the competent ministries have so far offered an appropriate education programme that suits the deaf and deaf-blind community.

175. Despite the fact that the Croatian Sign Language Act⁴³ was adopted in 2015, the problem of unharmonized standards, financing

43. Act on Croatian Sign Language and Other Communication Systems of Deaf and Deaf-blind Persons in the Republic of Croatia (Official Gazette no. 82/15)

and education of interpreters on the national level was not resolved even in 2017. Consequently, there are not enough educated interpreters for deaf, partially deaf and deaf-blind persons, nor official verified programmes for their education. Current education programmes are financed locally and those programmes are not harmonised at the state level.

- 176.** Deaf, partially deaf and deaf-blind persons have an extremely hard time finding employment and the majority of deaf-blind persons are in disability retirement. Given that parents of children with sensory impairments know that their children will have a very hard time finding employment one day, there is a concerning tendency of removing children from schools so that they gain the right to a care and assistance allowance.
- 177.** In terms of participation in political and public life, Croatia has a specific situation in which the state does not bear travel costs for interpreters when a deaf, partially deaf or deaf-blind person goes on an official trip abroad as part of their official function. Such practice is common in other European countries.

Women with disabilities

- 178.** Many gynaecological clinics in Croatia still have no gynaecological tables that can be adjusted for women with disabilities. Mammography and breast ultrasounds are often inaccessible to those women due to architectural barriers, and a lack of sanitary facilities in maternity wards and gynaecological clinics.
- 179.** Women with disabilities of reproductive age have difficulties obtaining necessary information because there are no educational materials for women with sensory impairments. They also have no access to education and support groups for pregnant or breastfeeding women run in healthcare

centres and hospitals both because of architectural and communication barriers.

- 180.** Healthcare workers are not sufficiently educated about how certain disabilities affect pregnancy, childbirth, motherhood and vice versa and are not sensitised to the needs of persons with disabilities, and especially women with disabilities of reproductive age.

44. Draft Act on Amendments to the Social Welfare Act, with the Final Draft, P.Z.240, December 2017, <http://edoc.sabor.hr/Views/AktView.aspx?type=HTML&id=2022291>

The Rights Of LGBTIQ Persons

- 181.** Certain clerical and ultraconservative social groups and political parties continue the discourse of demonization of LGBTIQ persons in 2017 by spreading misinformation on gender, sex and sexual orientation in the context of the Istanbul Convention ratification, thus creating a disturbing and humiliating social atmosphere for LGBTIQ persons.
- 182.** The practice of excluding LGBTIQ persons from legislative and policy initiatives continued. Thus, the new draft of the Family Act narrowly defined family as a community of mother, father and child which excludes not only same-sex couples, but also single parents and couples without children. Likewise, the initial draft of Social Welfare Act⁴⁴ failed to acknowledge the caregiver status for formal and informal life partners. Those initiatives have been altered or withdrawn after public pressure.
- 183.** Within the education system, there is a significant problem of harassment and peer violence against LGBTIQ students for their sexual orientation and/or gender identity. It is problematic that teaching staff is not sufficiently educated and sensitised re-

garding sexuality, gender identity and outing and are unable to address the problems faced by students in an adequate manner.

45. Ordinance on the Manner of Collecting Medical Documentation and Determining Conditions and Requirements for Sex Reassignment or on Life with Another Gender Identity (NN 132/2014)

184. In addition to the inadequate support system and fear of homophobic, transphobic and bi-phobic teachers' reactions, the reticence of students to openly express reasons for violence suffered also contributes to the small number of reports of peer violence against LGBTIQ students. Namely, if they told the teachers the reasons why they are bullied, there is a possibility that teachers would inform their parents and other persons about it and would actually forcibly 'out' them.
185. A particularly vulnerable group consists of LGBTIQ youth who are banished from home after outing themselves to their parent and who become homeless. In this context, there is a major problem of finding accommodation for such persons due to the limited number of shelters in Croatia.
186. The current sex reassignment procedure⁴⁵ is not based on the principle of self-determination of a person but solely on medical pathology, thus violating the physical autonomy and human dignity of transgender people. In order to achieve legal recognition of gender, transgender persons need to obtain a gender identity disorder diagnosis. Such procedures last much longer than the prescribed one-month period and there is no possibility of appeal against a National Healthcare Council decision.
187. The sex reassignment procedure is still considered to be cosmetic and the costs of such medical treatment are not covered by health insurance, so the medical aspects of transitioning must be covered at own expense.
188. Although according to ECHR case-law, life partners must have the same level of rights as persons in the nonmarital community, access

to adoption for same-sex couples who have entered into life partnership is de facto impossible. This is discrimination in comparison to other couple, or partners in a nonmarital relationship who have that option in accordance with the provisions of the Family Act⁴⁶.

46. Family Act (Official Gazette no. 103/15)

47. Medically Assisted Insemination Act (Official Gazette no. 86/12)

48. Same-Sex Life Partnership Act (Official Gazette no. 92/14)

49. Strategy for Combating Poverty and Social Exclusion in the Republic of Croatia (2014 – 2020), <http://www.mdomsp.hr/userdocsimages/arhiva/files/76643/Strategija-siroma%C5%A1tvo-27032014.pdf>

- 189.** The Medically Assisted Insemination Act⁴⁷ stipulates that only couples with diagnosed infertility have the right to the procedure. This directly discriminates lesbian couples who then often make their own arrangements for insemination or opt for expensive treatments abroad.
- 190.** A high level of ignorance regarding regulations and lack of awareness of employees of public authorities, primarily social welfare centres, makes the effective exercise of the rights prescribed in the Life Partnership Act⁴⁸ significantly difficult and slow for same-sex couples. A lack of professional education and training for officials poses an additional problem.

The Rights Of The Homeless

- 191.** Although Croatia adopted a Strategy⁴⁹ that recognises homeless people as a particularly vulnerable group in 2014, an Action Plan that would specify activities to improve the system of social care for the homeless was not adopted even in 2017.
- 192.** 198. The absence of a uniform protocol on the treatment of homeless people for social welfare centres and other stakeholders involved in working with this vulnerable group significantly impedes their operation. This is because there are no standards that would increase the availability and quality of services for their users.

- 193.** The right to a personal identification document is denied for a large number of homeless people because they do not possess a certificate of registered residence, which denies them the right to exercise other rights such as the right to vote, the right to freedom of movement and the right to work. This failure is the responsibility of the social welfare centres, which issue residence certificates to persons who have neither a place nor address of residence nor the means to gain accommodation.
- 194.** Non-possession of an identification document often results in monetary penalisation. Such practices further aggravate the position of homeless people and additionally marginalise them.
- 195.** Since permanent or temporary residence registration is the criteria for accessing healthcare, access to healthcare is denied to homeless people who have no such residence. This directly violates their right to health.
- 196.** There remain an insufficient number of shelters in Croatia, as well as insufficient accommodation within existing shelters. Likewise, there is still no single registry of homeless people, so we still have no knowledge of the exact number of people without any accommodation, which further contributes to the current state of their invisibility in the system and society.

50. Migration Policy of the Republic of Croatia for the Period 2013 – 2015 (Official Gazette no. 27/2013)

51. Action Plan for Integration of Persons Who Have Been Granted International Protection for the Period 2017 – 2019, <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/AKCIJSKI%20PLAN%20ZA%20INTEGRACIJU%202017-2019.pdf>

Refugee Rights

- 197.** Croatia has not had a migration policy since 2015 when the Migration Policy for the Period 2013–2015 ceased to be in force⁵⁰.
- 198.** The Integration Action Plan⁵¹ was adopted with a two-year delay, given that the previous action plan ceased to be in force at the

end of 2015. Apart from being delayed, the Action Plan no longer recognises international protection seekers as a particularly vulnerable group, which is a major omission.

Access to the right to international protection

- 199.** Croatia is implementing a restrictive asylum-granting policy, as shown by the latest MOI data⁵² for 2017. The number of persons who sought some form of international protection in Croatia was 1887 and only 183 applications have been approved. These figures suggest that on average only every tenth application has a positive outcome.
- 200.** There have been irregularities in the asylum granting procedure, especially during the process of verifying the credibility of asylum seekers. In practice, the methods of verifying the credibility of testimonies are often superficial, with the use of unreliable sources of information for verification.
- 201.** Asylum seekers whose applications have had a negative outcome in the first instance of the proceedings are in large numbers designated as security threats. SOA forms an opinion on whether there are 'security obstacles' for a person and submits that opinion to MOI. However, such an opinion is not accompanied by an explanation, which prevents asylum seekers and their attorneys from challenging these conclusion in the first instance proceedings and later in appeal proceedings, which violates their right to a fair trial.
- 202.** Most of the negatively resolved applications include asylum seekers from Afghanistan and the rulings state that international protection has been denied because their country of origin is deemed safe. This directly contradicts reports on human rights in Afghanistan published by many renowned international organ-

52. Statistical indicators of persons granted international protection in the Republic of Croatia by 31 December 2017, <https://www.mup.hr/public/documents/Statistika/Statisti%C4%8Dki%20pokazatelj%20osoba%20kojima%20je%20odobrena%20me%C4%91unarodna%20za%C5%A1tita%20u%20Republici%20Hrvatskoj%20zaklju%C4%8Dno%20-do%2031.12.2017..pdf>

isations devoted to protecting human rights⁵³, documented civilian deaths, extremist attacks, armed conflicts and other security threats.

- 203.** There are significant shortcomings in ensuring adequate translation in international protection proceedings. There are no translators for all the specific languages and dialects spoken by asylum seekers; translators often paraphrase their statements and fail to translate them precisely and are not sensitised to particularities of cultural and gender-sensitive contexts of the asylum seekers' countries of origin. This may have a direct impact on the outcome of an application for international protection.

Access to Croatian territory and unlawful pushbacks

- 204.** Unlawful pushbacks of refugees from Croatia's territory, even after they expressed their intent to seek asylum, have shown to be a common practice at the borders with neighbouring countries, but also far inside Croatian territory. Last year, 3242 persons have been illegally pushed back to Serbia⁵⁴, making Croatia the country with the highest rate of expulsions in the region⁵⁵. This violates provisions of international and national legislation according to which a person who expresses intent to seek asylum must be given access to the procedure for determining the merits of their application, regardless of the manner in which the person entered the country. Likewise, the Act⁵⁶ prescribes that a person may express intent to seek asylum at the border, in any police station in Croatia or in a reception centre but does not prescribe places where international protection cannot be sought.

- 205.** There have also been cases of violent and unprofessional police conduct at the borders towards persons they found illegally crossing the border. Civil society organisations repeatedly warned of those problems and exposed

53. Amnesty International: *Afghanistan: Forced Back To Danger: Asylum-Seekers Returned From Europe To Afghanistan* (2017), <https://www.amnesty.org/en/documents/asa11/6866/2017/en/>; Human Rights Watch: *World Report 2018 (events of 2017)*, https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf

54. UNHCR Snapshot, December 2017, <https://data2.unhcr.org/en/documents/download/61524>

55. Report on Unlawful and Violent Pushbacks of Refugees from the Republic of Croatia, https://www.cms.hr/system/article_document/doc/501/IZVJE_TAJ_O_NEZAKONITIM_I_NASILNIM_PROTJERIVANJIMA_IZBJEGLICA_IZ_REPUBLIKE_HRVATSKE.pdf

56. International and Temporary Protection Act (Official Gazette nos. 70/15, 127/17)

them in the media, and they also sent two complaints to MOI's internal control regarding unlawful expulsion of refugees and violent behaviour of the police and lodged criminal complaints with the State Attorney's Office.

The process and aspects of integration into society

- 206.** The waiting period in the international protection application proceedings is extremely lengthy, characterised by inadequate living conditions and an unfriendly environment that negatively affects personal development and human dignity of asylum seekers and prevents their integration into society.
- 207.** International protection seekers in Zagreb are accommodated in the former Porin hotel, where the conditions and infrastructure are not entirely suitable for living, especially for a family with children and other vulnerable groups. Heating, water and power outages are common in the Porin reception centre. Access to hygiene and sanitation supplies is limited. Three meals a day are unvaried and often contain canned food. In addition, Zagreb's reception centre is far from the city centre, which isolates asylum seekers and makes their integration into the community more difficult.
- 208.** During the waiting period for application resolution, international protection seekers have a right to an allowance of HRK 100 a month, which is insufficient to cover the costs of necessary living needs that are not met in the reception centre.
- 209.** Unaccompanied minors who seek asylum are accommodated in homes for children without adequate parental care or in homes for children with behavioural problems. Placement in such institutions is directly contradictory to the principle of the best interest of the child, and

the staff is often insufficiently educated and trained to work with such a vulnerable group.

57. International and Temporary Protection Act (Official Gazette nos. 70/15, 127/17)

- 210.** Children of asylees have the right to enrol in kindergarten, while children of asylum seekers have only the right to a preschool education, which is obligatory for all. Although this is a positive step on the normative level, there are significant problems in practice. The waiting time for enrolment is extremely long, among other things because the children wait to receive all of the required vaccines. During the wait, the children of asylum seekers spend their days in reception centres instead of institutions that are key for the early integration and social development of children.
- 211.** Children of asylees and asylum-seekers face many problems in the education system. Their enrolment in school is delayed by several months, and the preparatory classes that last 70 school hours are insufficient. Because of a lack of standardised mechanisms for the assessment of individual knowledge and competency, children are automatically included in classes with much younger children.
- 212.** MSE does not provide systematic support to teachers, associates and other employees who work with children of asylees and asylum seekers. There are no manuals for working with this group of children or additional institutional training for teachers in order to provide a higher quality of education and, thus, integration.
- 213.** According to the International and Temporary Protection Act⁵⁷, asylees and foreigners under subsidiary protection are obliged to attend a Croatian language, history and culture course. A Croatian language course was finally organised in 2017, however, it lasted for only one semester because it was not adequately crafted or implemented. This makes employment, independence and full integration of persons under international protection more difficult.

- 214.** Although housing costs are covered by state budget funds, persons who have received international protection have a right to social benefits that, e.g. for single people, amount of HRK 800 a month, while the amount for families is in accordance with the amount of social benefits prescribed under the Social Welfare Act⁵⁸. This amount is insufficient to cover all of the necessary costs of an individual's life, making this vulnerable group even more vulnerable and largely dependent on volunteers from civil society organisations.
- 215.** Those who have been granted international protection have the right of access to higher education. However, it is impossible to achieve that access in practice due to bureaucratic obstacles. Persons under international protection may enrol into university either as Croatian nationals or as foreigners. If they enrol into university as foreigners, they must pay high tuition fees, which most asylees are unable to do. If they enrol as Croatian nationals, they must fulfil the same requirements as Croatian nationals, e.g. pass the state matura. Most of them, however, cannot pass the state matura because they cannot attend Croatian language courses which the state is obliged to conduct but is not conducting adequately. This directly discriminates them and threatens their right to education.
- 216.** An additional obstacle to access to the higher education of persons under international protection is the non-recognition of their educational qualifications and the absence of a set of mechanisms for verifying previously acquired competencies.
- 217.** Asylum seekers are not entitled to comprehensive healthcare, only emergency healthcare. Such a legal provision is problematic because physicians decide at their own discretion which case constitutes emergency
- 58. Social Welfare Act (Official Gazette nos. 157/13, 152/14, 99/15, 52/16, 16/17, 130/17)**

and which does not, thus potentially endangering a person's right to medical treatment. Emergency healthcare also does not include antenatal and postnatal healthcare, neither protection of preschool and school children.

59. International and Temporary Protection Act (Official Gazette nos. 70/15, 127/17)

- 218.** The system of care for the mental health of international protection seekers is not at a satisfactory level. A lack of psychological care and therapy for persons traumatised by war, war crimes and other inhumane treatment in their country of origin is of specific concern. When we take into account the poor conditions at the reception centre, as well as stifling living conditions in which asylum seekers find themselves, there is a real risk of deepening psychological trauma and even more difficult integration into society.
- 219.** According to the International and Temporary Protection Act⁵⁹, asylees and vulnerable groups of foreigners under subsidiary protection have the right to healthcare in the same scope as those insured within the obligatory health insurance in Croatia, but they very often cannot exercise that right. Numerous health professionals refuse to provide healthcare to these groups because the professionals are not familiar with legal regulations governing the rights of asylees to healthcare. An additional problem is the observed discriminatory attitudes of healthcare professionals. Because they are unable to speak Croatian, asylees cannot explain their situation or their rights and must therefore rely on volunteers who accompany them on visits to physicians and inform physicians of legal regulations.
- 220.** Asylum seekers and persons under international protection are facing a high unemployment rate, discrimination in the labour market, non-recognition of their acquired qualifications, lack of Croatian language proficiency

and difficult access to retraining and additional training. There are no strategies or measures that would facilitate their employment and if they do find a job, they are mostly poorly paid jobs in difficult working conditions that are not in accordance with their qualifications.

The Rights Of National Minorities

- 221.** Although CARNM⁶⁰ regulates a wide range of rights of minorities, they are partially not exercised in practice, especially the right to priority in employment under equal conditions of national minority members and the use of language and script of national minorities.
- 222.** There was no significant progress in 2017 in applying the right of national minorities to priority in employment in the state administration sector, judicial sector and administrative sectors of self-government units. Employment of national minority members in the public sector is constantly decreasing and there are no adequate mechanisms for monitoring the exercise of this right.
- 223.** Contrary to the decision of the Constitutional Court of 2014⁶¹, the Government has not yet submitted amendments to the Act on the Use of Languages and Scripts of National Minorities⁶² for debate in Parliament. This directly violates the decision of the Constitutional Court and de facto prevents exercising the right of national minorities to official and equal use of their language and script in the City of Vukovar.
- 224.** Even though the adoption of the general Operational Programme for National Minorities for the Period 2017 – 2020⁶³ and separate operational programmes for Serbian, Italian,

60. Constitutional Act on the Rights of National Minorities (Official Gazette nos. 155/02, 47/10, 80/10, 93/11)

61. Decision of the Constitutional Court of the Republic of Croatia no. U-VIIR-4640/2014 of 12 August 2014 (Official Gazette no. 104/14)

62. Act on the Use of Languages and Scripts of National Minorities in the Republic of Croatia (Official Gazette nos. 51/00 and 56/00)

63. Operational Programme for National Minorities for the Period 2017 – 2020, [https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Zaklju%C4%8Dak%20Vlade%20RH%20i%20OP%20za%20nm%20\(3\).pdf](https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Zaklju%C4%8Dak%20Vlade%20RH%20i%20OP%20za%20nm%20(3).pdf)

Hungarian, Albanian and Roma minorities, as well as a joint operational programme for Czech and Slovak minorities, were generally assessed as a positive step, the criteria for the selection of these 7 minorities and criteria for the omission of the remaining 15 minorities remain unclear and non-transparent. Separate operational programmes were adopted exclusively for those national minorities that have national minority representatives in Parliament, with the exception of the Slovak minority which was included in joint operational programme with the Czech minority, which raises the question of the equality of all national minorities in Croatia or specifically those minorities that are jointly represented by a representative of another minority in Parliament due to their numerically smaller share in the general population.

Roma national minority

- 225.** Members of the Roma national minority still face numerous problems and challenges in exercising human rights as a result of historically-based discrimination. This is evident from the research data⁶⁴ which show that the social discrimination against Roma people in Croatian society is almost 50%.
- 226.** Discrimination towards Roma people is most pronounced in employment and access to services. The research⁶⁵ also states that approximately a quarter of citizens believe that employment of Roma people in the service sector would negatively affect the number of clients.
- 227.** It is particularly problematic as two years after the expiry of the Action Plan⁶⁶ for the Implementation of the Roma Inclusion National Strategy⁶⁷, no new action plan has been adopted. The continued effective implementation of the National Strategy has also been put into question by the adoption of a separate operational program for Roma people.

64. Ombudsperson, Centre for Peace Studies: Research on Attitudes and Levels of Awareness of Discrimination and Forms of Discrimination in 2016, <http://ombudsman.hr/attachments/article/1147/Istra%C5%BEivanje%20-%20diskriminacija%202016.pdf>

65. *ibid.*

66. Action Plan for the Implementation of the National Roma Inclusion Strategy for the Period 2013 – 2015, <https://pravamanjina.gov.hr/UserDocsImages/arhiva/15012016/Akcijски%20plan%20za%20provedbu%20NSUR%20za%20razdoblje%202013-2015.pdf>

67. National Roma Inclusion Strategy for the Period 2013 – 2020, <https://pravamanjina.gov.hr/UserDocsImages/arhiva/Nacionalna%20strategija%20za%20ukljucivanje%20Roma%20za%20razdoblje%20od%202013.%20-%202020.pdf>

Although the operational program envisages a revision of the National Strategy and the adoption of a new Action Plan, priority areas are reduced to a very small number of measures that do not fully overlap with all of the action areas required in order to improve the position of the Roma national minority.

68. European Court of Human Rights, *Oršuš and others v. Croatia* (application no. 15766/03)

- 228.** In the case *Oršuš v. Croatia*⁶⁸, ECHR has ruled against Croatia for the segregation of Roma children in schools, and 7 years after that judgement, Roma segregation in the education system is still a serious problem. The number of segregated classes has only increased and the MSE did not adopt the necessary acts to prescribe the upper limit of Roma students per class that would improve their integration into the education system.
- 229.** There is large number of buildings that have not been validated legally in Roma settlements and there are no effective national mechanisms for resolving that issue. Legalisation applications are resolved slowly and new unlawful buildings emerge in the meantime.

Serbian national minority

- 230.** The problems faced by the Serbian national minority are the result of the Homeland War, which include those from the legacy of war – unprosecuted war crimes against Serb civilians in Croatia, discrimination during trials; missing persons; the slow and secretive process of exhumation of remains and the accompanying media silence; the problem of refugee return; a lack of investment into areas of special state care; a lack of housing care and discrimination during resolution of applications; as well as a lack of restoration of destroyed cultural and religious heritage and non-return of all heritage that was moved.
- 231.** A special problem in the context of the implementation of minority education is lack of reg-

istration of schools in Vukovar-Srijem County that have a model A education programme, i.e. a programme entirely in the language of the minority community. Because of bureaucratic obstacles and a lack of political will, such schools have not been registered since the 1990s.

69. Preliminary data of the
Serb National Council

- 232.** A total of 393⁶⁹ incidents against citizens of Serb nationality have been recorded in 2017. Such incidents are on the rise, and the most common are cases of insults and threats directed at Serbs and Serbian institutions in Croatia, public actions with elements of ethnic intolerance and historical revisionism in statements and the behaviour of public personae, as well as hate speech and ethnic intolerance in the media.
- 233.** According to 2017 data, there remain 1505 unresolved applications for housing by former holders of housing rights that have yet to be examined, which largely are those of returnee Serbs. Many who have been given the right to housing are still facing a problem because no housing unit has yet been assigned to them.



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