

Human rights in Croatia:
Overview of 2022

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On behalf of the publisher:

Ivan Novosel

Editorial board:

Tina Đaković and Ivan Novosel

Research team:

Tina Đaković, Klara Horvat, Martina Refi
Homolak, Sara Sinčić

Translation:

Parallela, Jelena Grobenski

Design and layout:

Radnja, Antonio Karača

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Human Rights House Zagreb is a human rights organisation established in 2008 as a network of civil society organisations with the goal of protecting and promoting human rights and fundamental freedoms. HRH's vision is to build a democratic, pluralistic and inclusive society founded upon the values of human rights protection, the rule of law, social justice and solidarity. Through research, monitoring, advocacy and education, HRH contributes to the protection, promotion, development and advancement of human rights and fundamental freedoms. By publishing annual overviews of the state of human rights, thematic reports and petitions, we help create better laws and public policies.

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Introduction

1. Human Rights in Croatia: Overview of 2022 is an annual report by Human Rights House Zagreb that provides insight into violations, issues and challenges in the area of the protection and promotion of human rights in Croatia.
2. This report is the result of systematic, year-long monitoring and data collection from the media and relevant stakeholders from civil society and the academic community engaged in human rights issues. Although comprehensive, this report does not cover all human rights violations and issues that took place in the course of 2022 but those recorded by Human Rights House Zagreb and the civil society organisations that contributed to the preparation of this report.
3. We thank the civil society organisations and individuals whose insight helped us create this report: Are You Syrious, B.a.B.e. – Be Active, Be Emancipated, Miko Tripalo Centre for Democracy and Law, Centre for Peace, Nonviolence and Human Rights Osijek, Centre for Peace Studies, CESI – Centre for Education, Counselling and Research, Documenta – Centre for Dealing with the Past, Rainbow Families, Forum for Freedom in Education, Gong, Croatian Law Centre, Croatian Association of Deafblind Persons “Dodir”, Croatian Journalists’ Association, Youth Initiative for Human Rights, LORI, Croatian Youth Network, Children’s Rights Associations Network: Ambidekster club, Sirius Centre, Magical World, “ДОККИСА” Children’s Creative Centre, Society for Psychological Assistance, Brave Phone, HURID – Croatian Association for Early Childhood Intervention, sos Children’s Village Croatia, Arduora Association, Breza Association, Igra Association, Krijesnica Association, Parents’ Association “Step by Step”, SIDRO Association, “Children First” Association, PaRiter, Right to the City Zagreb, Parents in Action – РОДА, Roma National Council, Croatian Union of Associations for Autism, SOIH – Croatian Union of Associations of Persons with Disabilities, sos Rijeka – Centre for Nonviolence and Human Rights, Serb

National Council, BIOM Association, Delta Association, HERA Association, Svitanje Association, Association of Youth and Family Judges and Specialists, Victims and Witnesses Support Association, Zagreb Pride, Friends of the Earth Croatia, Women's Room, dr.sc. Lana Peto Kujundžić.

4. Expressions used in this report, whether in masculine or feminine gender form, refer equally to all persons, except in parts of the report dedicated to women's human rights.

Methodology

5. The methodology of research used in this overview of human rights in Croatia is based on the United Nations' Universal Human Rights Index. The Index includes all relevant norms and standards of the global human rights protection system and is applicable to research in the national context.
6. The findings have been formulated on the basis of research conducted in two stages. The first stage involved collecting information from secondary sources: media outlets, the monitoring of official announcements, statistics, reports by public authorities and ombuds institutions, reviews of civil society reports and publications, as well as analyses of relevant legislation.
7. The second stage consisted of consultations with civil society organisations and the academic community on the basis of systematised findings collected in the first stage. In drafting the report, Human Rights House Zagreb is guided by the principle of participation: civil society organisations and members of the academic community whose work is dedicated to creating a tolerant, just, inclusive and open society are represented in the research. Human Rights House Zagreb shares these values and considers cooperation with these organisations and individuals to be a valuable resource in our work.

Social, economic and political context

8. Human rights stagnated in 2022 – no significant progress was recorded in any of the monitored areas. Although fundamental human rights policies were presented to the public at the end of the year after over a five-year wait, their quality, scope and ambitiousness are not at a satisfactory level. If Croatia wants to successfully tackle complex challenges arising in the field of human rights, it will have to invest significantly more creativity, knowledge and energy into creating ambitious, sustainable and targeted measures to solve the issues of poverty and economic inequality, climate change, discrimination, challenges introduced by new technologies, sustainable development, migration and population ageing.
9. Of particular concern is the state's failure to remediate the consequences of the earthquakes in Zagreb and Banija in over two years from these events. More than 6,000 citizens in Banija still live in housing containers, which constitutes a violation of the human right to an adequate standard of living.
10. Regional inequalities and differences in access to basic social services between urban and rural parts of Croatia remain pronounced. More than a fifth of Croatia's population is still at risk of poverty. The at-risk-of-poverty rate remains alarmingly high for some vulnerable groups and has slightly increased compared to previous years. Persons over the age of 65 who live alone, women living in single-member households, single-parent families and Roma are most exposed to the risk of poverty.
11. Despite certain legal amendments, the judiciary continues to be burdened by a low level of citizens' trust, insufficient transparency and inadequate quality. Croatia has yet to implement a large number of European Court of Hu-

man Rights judgments, which point to systemic problems in the area of respect for and the protection of human rights in Croatia. Although the fight against corruption has accelerated, primarily due to the work of the European Public Prosecutor's Office, the prevention of corruption has weakened, primarily through the weakening of the Commission for Conflict of Interest.

12. The realisation of the right to public participation as one of the pillars of the democratic system is getting weaker year by year. This is due to the institutions being reluctant to engage in cooperation and dialogue with civil society in order to create public policies that would contribute to the improvement of human rights in Croatia. A formalistic approach to cooperation and consultations, in place of cultivating honest dialogue, weakens the already low level of participation of citizens and civil society in decision-making processes.

International instruments, legislation, public policies and institutions

13. In 2022, no progress was again made on the ratification of the European Social Charter (Revised) or in accepting Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, meaning that citizens remain deprived of the possibility to make individual complaints to the Committee that monitors its implementation.
14. Croatia has yet to sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, denying citizens the possibility of submitting individual complaints to the independent UN committee for the protection of social, economic and cultural rights. Additionally, Croatia again did not express its intention to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2022.
15. No steps were again made in 2022 towards establishing a functioning system for the coordination and preparation of reporting and implementation of recommendations from international human rights instruments, leading to multi-year delays in reporting on the implementation of conventions and to the unsystematic implementation of received recommendations. Even though the Government Human Rights Council is tasked with reviewing reports and recommendations of international human rights bodies,¹ it did not review a single state report nor the recommendations received from international human rights bodies.

¹ Human Rights Council of the Government of the Republic of Croatia, available at: <https://ljudskaprava.gov.hr/ljudska-prava/savjet-za-ljudska-prava/1061>.

16. Croatia continued to delay meeting its international obligations in 2022. Even after a 19-year delay, it failed to submit a periodic report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, while the report on the implementation of the International Convention on the Elimination of all Forms of Discrimination against Women is four years overdue.
17. There was no progress in translating the recommendations and opinions of the UN committees that monitor the application of conventions for the protection of human rights into Croatian, which would make them more accessible to experts and the general public.
18. Drafts of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period until 2027² and the National Policy on Gender Equality for the period until 2027³ were issued for public consultation at the end of 2022 and adopted in the first quarter of 2023 along with associated action plans. Although these represent fundamental human rights policies and despite over a five-year wait for their adoption and numerous comments and suggestions from civil society organisations aimed at improving the proposed measures and activities, the proposers unfortunately did not hold a public discussion with stakeholders, thereby missing the opportunity to significantly improve the quality of both documents.

2 Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, National Plan for the Protection and Promotion of Human Rights and Combating Discrimination until 2027, March 2023, available at: <https://ljudskaprava.gov.hr/nacionalni-plan-zastite-i-promicanja-ljudskih-prava-i-suzbijanja-diskriminacije-za-razdoblje-od-2021-do-2027-godine/989>.

3 Office for Gender Equality of the Government of the Republic of Croatia, Government adopts the National Plan for Gender Equality and the associated Action Plan, March 2023, available at: <https://ravnopravnost.gov.hr/vijesti/vlada-donijela-nacionalni-plan-za-ravnopravnost-spolova-i-pripadajuci-akcijski-plan/3561>.

19. The civil society organisations that participated in e-consultations mainly objected to the document lacking coherence, the insufficient, non-comprehensive and deficient analysis of the situation and identification of problem areas, insufficiently clearly defined goals and measures, and deficient, poorly designed activities.⁴
20. According to the Ombudswoman's Report for 2022, the degree of implementation of the recommendations from the Report for 2021 was 45%, similar to the degree of last year's implementation but still insufficient. The lack of promptness of the Croatian Parliament, which has not yet discussed the Report for 2021 nor the special report on the Covid-19 pandemic, certainly does not contribute to a higher degree of implementation of the recommendations. Additionally, the Office for Human Rights and the Rights of National Minorities again did not prepare a report on the implementation of the Ombudswoman's recommendations, which is its obligation.⁵
21. No steps were again taken in 2022 to ensure that special ombudspersons' offices work independently from politics, continuing to allow for the possibility of dismissing ombudswomen and their deputies if the Croatian Parliament does not accept their annual reports, which de facto serve as reports on the state of human rights in thematic areas of children's rights, gender equality and the rights of persons with disabilities.

4 Consultations on the proposal of the National Plan for Gender Equality for 2021–2027, available at: <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=21788> and Consultations on the proposal of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for 2022–2027, available at: <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=22687>.

5 Ombudswoman's Report for 2022, p. 244, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=643fcc17bc7fb1681902615>

The right to participation, human rights defenders and civil society

Freedom of Expression, Assembly and the Right to Peaceful Protest

22.

In February 2022, we again witnessed an unjustified restriction of the right to freedom of expression when a 72-year-old man from Briševo near Zadar was arrested and indicted for a Facebook comment in which he publicly expressed disagreement with the Government's policies.⁶ In a democratic society, it is unacceptable for the police to arrest citizens for publicly spoken or written criticism of the government, even when that criticism insults or belittles politicians, including the highest state officials, which was confirmed by the position of the European Court of Human Rights. Unfortunately, this is not an isolated case of wrongful police conduct that violates the right to freedom of expression, but one that follows cases such as the police arresting a protester who greeted Plenković by calling him "ćaća" (in reference to the disgraced former prime minister Sanader) in Korčula in 2019 and the Erceg case from 2018.

23.

According to the Information Commissioner's Report for 2022,⁷ there are continuing negative trends of issuing illegal decisions on denial of the right to access information, of public authorities insufficiently using the publicly available and standardised practice of the Commissioner

6 Index.hr, Man (72) arrested for writing Plenković should be greeted with rotten eggs, January 2022, available at: <https://www.index.hr/vijesti/clanak/uhitili-muskarca-72-jer-je-napisao-da-plenkovica-treba-docekati-pokvarenim-jajima/2334559.aspx>

7 Information Commissioner, 2022 Report on the Implementation of the Act on the Right to Access Information, March 2022, available at: <https://pristupinfo.hr/wp-content/uploads/2023/04/1.-Izvjesce-o-provedbi-ZPPI-za-2022.pdf?x57830>

and the High Administrative Court, the administration's silence and the failure to resolve requests for access to information within the prescribed period.

24. Organising peaceful gatherings and protests in front of the most important state institutions on St. Mark's Square in Zagreb was hindered in 2022 as public gatherings could only be organised on St. Mark's Square with prior notice, while access was possible only through police checkpoints introduced after the shooting at the Government Building in late 2020. This limits citizens' right to public expression and protest in the most politically relevant location where they can be heard and seen by elected democratic representatives and officials – i.e., the ones being addressed.
25. There are still attempts to depoliticise some public gatherings by treating them as manifestations with the intent for them to fall under different rules than those that apply in the case of protests, which imposes a financial burden on the organisers and can discourage citizens from exercising their right to freedom of assembly.
26. Hate speech remained present in public spaces in the form of comments on news portals and social networks, hateful graffiti, in sports chants, even in job advertisements, with LGBTIQ persons, refugees, Serbs and Roma as the most common targets.⁸ The lack of an adequate and comprehensive response to hate speech remains a cause for concern.

⁸ Ombudswoman's Report for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6436a4b7c93c91681302711>

Freedom of Association, Human Rights Defenders, Enabling Environment for Civil Society Development and Participation in Decision-Making Processes

27. The National Plan for Creating an Enabling Environment for Civil Society Development was again not adopted in 2022, making it the seventh consecutive year without a fundamental public policy on civil society development. Even though the process of drafting a new strategic document was initiated in 2021, while the Working Group for drafting the National Plan for Creating an Enabling Environment for Civil Society Development for 2021-2027 was established in January 2022,⁹ the document was not adopted before the end of the year.
28. According to CIVICUS, a global alliance for civic participation, the space for civil society in Croatia remained narrow in 2022,¹⁰ the same as in previous years.
29. In 2022, civil society organisations faced numerous problems in access to funding, i.e., when applying for tenders and implementing ESI funds, including excessive administrative demands, slow tender announcements and delays in publishing the results. The trend of non-existent or insufficient funding from national sources for programmes carried out by human rights civil society organisations continues, while there is a particularly worrying lack of

9 Croatian Government Office for Cooperation with NGOs, Decision on the appointment of members of the Working Group for the preparation of the National Plan for Creating an Enabling Environment for Civil Society Development for 2021-2027, January 2022, available at: <https://udruga.gov.hr/UserDocsImages//dokumenti//Odluka%20o%20imenovanju%20NP.pdf>

10 Monitor.civicus.org, Croatia, available at: <https://monitor.civicus.org/country/croatia/>

funding for watchdog, research and advocacy activities, as well as the lack or absence of funding for activities of civil society organisations aimed at pressing social challenges and problems.¹¹

30. Although still prevalent, one-time one-year projects are not suitable forms of funding for long-term support programmes that civil society organisations provide to citizens, such as free legal aid or psychological counselling. Additionally, this funding model produces an unnecessary administrative burden for both the organisations and public authorities.
31. Insufficient funding from national sources for the organisational development of smaller and new civil society organisations often presents a major obstacle to continuous and sustainable work on the protection and promotion of human rights, especially for organisations operating outside of larger urban areas.
32. The involvement of civil society organisations in decision-making and consultation processes is still often more formal than substantive, which weakens the opportunities for participation and has a negative impact on the quality of public policies. The practice of appointing civil society organisations to working and advisory bodies is often non-transparent, while candidates selected through the Council for Civil Society Development are not always the most qualified ones, which sends the message that the Government does not care about civil society participating in decision-making processes in a meaningful way.¹²

11 Human Rights House Zagreb, Human Rights Defenders: Obstacles and Challenges, December 2022, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_Tematski-Braniteljji-FIN-3.pdf

12 Human Rights House Zagreb, Human Rights Defenders: Obstacles and Challenges, December 2022, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_Tematski-Braniteljji-FIN-3.pdf

33. In 2022, civil society organisations again pointed out that e-consultations are almost always only a matter of form, while numerous issues with this form of public consultation continue to be of concern, among them the issue of shortening the consultation period without justification. Report preparation following e-Consultation takes a long time, while reasoned comments from experts and the public are often ignored, calling into question the effectiveness of the mechanism.¹³ The practice of organising public consultations during the summer, i.e., during annual leave, which significantly hinders citizen participation in decision-making, also continued in 2022.
34. This year's annual report of the Information Commissioner¹⁴ once again points to the continuation of the negative trend of shortening the consultation period without explanation. Of particular concern is the fact that shortening the duration of consultations has in most cases become the rule, especially at the local level. In addition to the shortening of the consultation period, there are still cases of reports on conducted consultations not being published, as well as public consultation plans not being adopted nor published.
35. During 2022, Croatia adopted numerous programme documents that determine the country's development in the next five-year period – a large number of these documents were subject only to a shortened consultation, without proper explanation. Thus, the Fishery Programme of the Republic of Croatia for the programme period from 2021-2027 was in the consultation process for 9 days,¹⁵ and the

¹³ Ibid.

¹⁴ Information Commissioner, 2022 Report on the Implementation of the Act on the Right to Access Information, March 2023, available at: <https://pristupinfo.hr/wp-content/uploads/2023/04/1.-Izvjesce-o-provedbi-ZPPI-za-2022.pdf?x57830>

¹⁵ e-Consultation, Public consultation for the Fishery and Aquaculture Programme of the Republic of Croatia for 2021-2027, June 2022, available at: <https://esavjetovanja.gov.hr/Econ/MainScreen?EntityId=20952>

Integrated Territorial Programme for 2021-2027¹⁶ and the Competitiveness and Cohesion Programme for 2021-2027¹⁷ were open for consultation for 15 days. The Ministry of Agriculture is leading the trend of shortening e-consultations, some of which had been shortened to only 4 days. In addition to the fact that this practice prevents public participation in the adoption of regulations and disparages achieved democratic standards, the lack of sanctions from competent authorities tacitly encourages its continuation.

36. The unavailability of public information and the apparent reluctance to cooperate with civil society organisations focusing on the rights of refugees, migrants and asylum seekers, but also organisations working on environmental protection, are still particularly worrying. Records also show that the intersectoral cooperation between human rights defenders supporting the rights of refugees and competent institutions continues to collapse.¹⁸
37. Human rights defenders and civil society organisations are still exposed to attempts at intimidation and criminalisation of their work when they strive to help refugees, migrants and asylum seekers in ways that facilitate access to asylum. The criminalisation of the work of organisations that protect the rights of refugees, migrants and asylum seekers, in addition to direct negative consequences on the work and lives of human rights defenders, also has a direct negative impact on the work of other human rights organisations and discourages them from expressing public criticism and pointing out human rights violations.¹⁹
38. In December 2022, police officers illegally entered the

16 e-Consultation, Public consultation for the Integrated Territorial Programme for 2021-2027, June 2022, available at: <https://esavjetovanja.gov.hr/Econ/MainScreen?EntityId=20693>

17 e-Consultation, Public consultation for the Competitiveness and Cohesion Programme for 2021-2027, available at: <https://esavjetovanja.gov.hr/Econ/MainScreen?EntityId=20696>

18 Human Rights House Zagreb, Human Rights Defenders: Obstacles and Challenges, December 2022, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_Tematski-Branitelji-FIN-3.pdf

19 Ibid.

premises of the environmental association Zelena Akcija/ Friends of the Earth Croatia in Zagreb, which represents a gross overreach of police authority. Namely, more than five plainclothes police officers entered one of the rooms of FoE Croatia, the free Bicycle Repair Workshop, without a warrant or identification, looking for “migrants and people of poor financial status.” FoE Croatia stated that it considers the event to be a form of intimidation of civil society organisations which, among other things, act in solidarity with marginalised social groups.²⁰

39. Environmental protection organisations continue to face SLAPP suits that are intended to intimidate, censor and silence the work of human rights defenders in the field of environmental protection in proceedings in which procrastination entails problems in the form of a financial burden, loss of civil society organisations’ time and capacities. The pressure that private investors put on environmental organisations continues to be a cause for concern, as evidenced by the proceedings that the investors in the golf course project on Srđ initiated against FoE Croatia for reputational damage in 2017.²¹

40. In 2021, environmental protection organisations recorded the case of burdening the local environmental activist Nikola Tesla with excessive court costs after he had spent 12 years pointing to the illegal disposal and manipulation of waste in the immediate vicinity of his house, located on the edge of a protected area in Zadar County. Although the landfill was remediated, the court rejected the local activist’s claim to stop environmental emissions on the property and imposed court fees in the amount of over HRK 80,000 with default interest. In 2022, FoE Croatia

20 Friends of the Earth Croatia, Schengen ends on Ilica street: The Police illegally barged into Zelena akcija!, December 2022, available at: <https://zelena-akcija.hr/hr/vijesti/schengen-do-ilice-policija-nezakonito-upala-u-zelenu-akciju>

21 Human Rights House Zagreb, Human Rights Defenders: Obstacles and Challenges, December 2022, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_Tematski-Branitelj-FIN-3.pdf

launched a crowdfunding campaign to cover the court fees. Croatia's legal framework for collecting aid is insufficient as it fails to recognise the possibility of registering a humanitarian action in cases that involve court fees.²²

41.

Public support from politicians and other officials for human rights defenders and their organisations continues to be inadequate, while public support from institutions at the national level, with the exception of ombudsperson's offices, is almost exclusively declarative or non-existent. Public discrediting and delegitimation of human rights defenders by ultraconservative and populist politicians remains a problem, while cases of discrediting human rights defenders by the highest state officials – the president and prime minister – are particularly concerning, further complicate the work of human rights defenders and relativise the value of human rights in a democratic society.²³

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- 22 Friends of the Earth Croatia, Charity campaign: Donate for Nikola Tesla – Environmental Defender!, May 2022, available at: <https://zelena-akcija.hr/hr/vijesti/dobortvorna-akcija-doniraj-za-nikolu-teslu-braniteljja-okolisa>
- 23 Human Rights House Zagreb, Human Rights Defenders: Obstacles and Challenges, December 2022, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2022/12/KLJP_Tematski-Braniteljji-FIN-3.pdf

Media freedoms

42. Croatia ranked 48th out of a total of 180 on the Reporters Without Borders' World Press Freedom Index²⁴ in 2022. This represents progress compared to the previous year when it was in the 56th place, and places Croatia in the group of countries with a satisfactory degree of media freedom. Despite this, systemic problems that impede media freedom remained present in 2022, including frequent lawsuits against journalists and editors for defamation, insult and shaming, as well as threats and intimidation of journalists, especially those investigating controversial topics such as organised crime, corruption or war crimes. Government interference in the work of public broadcasting and the continued financial crisis in the media remain problematic.²⁵
43. Although the Ministry of Culture and Media began the process of amending the Media Act at the end of 2021, established the working group and carried out the consultation with stakeholders, the changes were not adopted, and the Government's proposal for the Plan of Legislative Activities for 2023²⁶ does not foresee the adoption of amendments to the Media Act. In January 2022, the Government passed the Decision on the initiation of the process of creating the National Plan for the Development of Culture and Media for 2022-2027,²⁷ but it was not adopted by the end of the year.

24 Reporters Without Borders, available at: <https://rsf.org/en/index>

25 Reporters Without Borders, data for Croatia, available at: <https://rsf.org/en/croatia>

26 Government of the Republic of Croatia, Proposal for the Plan of Legislative Activities for 2023, available at: <https://zakonodavstvo.gov.hr/godisnji-plan-normativnih-aktivnosti/229>

27 Government of the Republic of Croatia, Decision on the initiation of the process of creating the National Plan for the Development of Culture and Media for 2022-2017, January 2022, available at: <https://min-kulture.gov.hr/vijesti-8/izrada-prijedloga-nacionalnog-plana-razvoja-kulture-i-medija-za-razdoblje-od-2022-do-2027-godine/21879>

44. One of the persisting problems in 2022 is the lack of political independence of Croatia's public broadcasting service. The Croatian Radiotelevision's (HRT) Director General is still appointed by the Parliament by a simple majority, and the Director General in turn appoints the editors-in-chief. Therefore, the management structures of the public broadcasting service continue to depend on the parliamentary majority. There is a need for amendments to the Croatian Radiotelevision Act which should provide a framework for building a professional and independent public broadcasting service.
45. Political factors influence the procedure for electing members of the Electronic Media Council (VEM).²⁸ Council members are still appointed by the Parliament by a simple majority vote at the Government's proposal based on a public call for nominations. The possibility of Council members being appointed for several five-year terms and the decisive influence that the parliamentary majority has on the appointment of members calls into question the political independence of the regulatory body in question.²⁹
46. There is still no independent and comprehensive self-regulatory media council (that would include print media) with the authority and capacity to address the issue of media pluralism, raise journalistic and media standards for reporting on vulnerable and marginalised social groups, regulate and sanction hate speech and protect the freedom of expression in the media and other areas that are important for media freedoms in Croatia.³⁰
47. The Croatian Journalists' Association's analysis of local media financing through public funding published in 2022

28 Electronic Media Act (OG 111/21), available at: <https://www.zakon.hr/z/196/Zakon-o-elektroni%C4%8Dkim-medijima>

29 Human Rights House Zagreb, Comments and proposed amendments to the proposal of the Electronic Media Act, September 2021, available at: <https://www.kucaljudskihprava.hr/2021/09/23/komentari-i-prijedlozi-amandmana-na-prijedlog-zakona-o-elektronickim-medijima/>

30 European Commission, Rule of Law Report 2022, Chapter for Croatia, July 2022, available at: https://commission.europa.eu/publications/2022-rule-law-report-communication-and-country-chapters_en

reveals that local and smaller media outlets have taken the hardest hit from a series of economic and social crises. Thus, there are municipalities and cities in Croatia that are completely left out of media coverage. The reason for this is a relatively weak local economy, which often leads to choosing cheaper online advertising alternatives, and underdeveloped public support tools, i.e., insufficient public funding. As a result, economically weaker local media outlets resort to the use of public support and public advertising by local politicians who then use them for their own promotion.

48. SLAPP suits aimed at journalists and media organisations continue to be a major problem, which is confirmed by the results of the survey conducted by the Croatian Journalists' Association for the fourth year in a row. According to the survey which included 26 media organisations, at least 951 lawsuits against media organisations and journalists were active in Croatia at the beginning of 2022, with claimants demanding almost EUR 10.3 million. In active court cases, claim amounts range from a few thousand to over a million HRK, while the longest court case has lasted for 32 years. Out of the total number of 951 lawsuits, 928 refer to lawsuits for damage to honour and reputation against publishers, editors and journalists for published texts and contributions. There are also 23 ongoing criminal proceedings. The claimants are often people from public and political life, among them politicians in power, legal entities and judges.
49. The fact that journalists have both criminal and civil liability is also problematic. Although the Media Act stipulates that inaccurately published information is the responsibility of the publisher, journalists are often the ones directly sued in practice. The Croatian Journalists' Association states that the amounts of initial claims in civil proceedings, often much higher than court-imposed amounts, indicate that a large number of these claims serve to intimidate media organisations and incite censorship and self-censorship among journalists.

50. The latest official data from the Ministry of Justice and Public Administration show that in 2021, 380 new lawsuits for damages were initiated against journalists, and a total of 859 lawsuits had not yet been resolved by December 31, 2021. The total number of active criminal cases against journalists in all courts in Croatia at the very end of 2021 was 110. An overview of the outcomes of the proceedings in previous years reveals that journalists were convicted in only 11 cases, meaning that only a very small number of journalists were convicted of the crime they had been accused of.³¹
51. Determining the exact number of SLAPP suits is difficult because the Croatian judicial system does not recognise SLAPPS by definition. The unavailability of data on lawsuits and court decisions in cases against journalists for damage to reputation and honour is also a problem because courts do not categorise cases against journalists, editors and media organisations under a special classification.
52. The recent case of Davorka Blažević, the editor and co-founder of the Šibenik portal Tris, is an example of abuse of the judicial system against journalists by a Supreme Court judge who sued the journalist for harm to reputation and honour due to a published article. Although the judge in question got satisfaction based on the Criminal Code, the contested article was removed and the journalist apologised, the claimant used this fact to file a civil lawsuit against the journalist with a claim for compensation in the amount of HRK 150,000. After almost five years in court, the journalist lost the case to the judge and was facing a court enforcement order in the amount of slightly more than HRK 50,000. At the end of 2022, the Croatian Journalists' Association launched a solidarity campaign to collect the funds so that the now-retired jour-

31 Croatian Journalists' Association, CJA's survey: Lawsuits against journalist and media are on the rise with at least 951 currently active cases, March 2022, available at: <https://www.hnd.hr/istrazivanje-hnd-a-broj-tuzbi-protiv-novinara-i-medija-u-porastu-aktivno-njih-najmanje-951>

nalist could avoid enforcement. Compensation amounts that are this high discourage journalists and may have a chilling effect on future journalistic activity.

53. According to statistics maintained by the Croatian Journalists' Association as part of the regional project Safe-Journalists,³² 14 attacks on journalists were registered in Croatia in 2022, of which 5 were threats of death or serious bodily injury, 7 were other threats, 1 was a physical attack and 1 was a cyberattack on a media organisation. Reporters Without Borders³³ points out that "working as a journalist in Croatia can be hazardous," while the biggest problem is that journalists and media organisations rarely report attacks and threats because journalists are used to living with this kind of pressure and consider it a part of their job.
54. Although the recent amendments to the Electronic Media Act³⁴ have resulted in improved transparency of media ownership, there are still cases in which the identity of the ultimate beneficial owner is concealed,³⁵ which can be explained by the lack of a system for monitoring and sanctioning cases when the media ownership structure is not accurate and published in due time, which needs to be addressed in order to achieve greater ownership transparency.

32 Safejournalists.net, Journalists Attack Cases, available at: <https://safejournalists.net/napadi-na-novinare/?lang=hr>

33 Reporters Without Borders, data for Croatia, available at: <https://rsf.org/en/country/croatia>

34 Electronic Media Act (OG 111/21), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2021_10_111_1942.html

35 European Commission, Rule of Law Report 2022, Chapter for Croatia, July 2022, available at: https://commission.europa.eu/publications/2022-rule-law-report-communication-and-country-chapters_en

The judiciary and human rights

55. The European Commission's annual Rule of Law Report for 2022 for the first time contains specific recommendations for each member state. Reminding Croatia of its obligations under the national Recovery and Resilience Plan concerning aspects of the justice system and the anti-corruption framework, it recommends that Croatia reviews the system of security checks for judges, regulates lobbying, increases the transparency of state advertising in the media, resolves the issue of SLAPP suits against journalists, and ensures a more systematic response to the Ombudswoman's recommendations and her requests for information.³⁶
56. A number of reform measures were undertaken in 2022 with the aim of strengthening the efficiency of the judiciary. Amendments to the Civil Procedure Act, the Criminal Procedure Act, the Bankruptcy Act, the Consumer Bankruptcy Act, the Land Registration Act and the Public Notary Act came into force. Although legislative activities are sometimes necessary, it should be noted that frequent amendments, especially to central acts, can result in difficulties in their monitoring and application and cause citizens to doubt their purposefulness.³⁷
57. The new amendments to the Civil Procedure Act³⁸ introduced precise time limits for the completion of civil proceedings – three years for first-instance proceedings

³⁶ Ibid.

³⁷ Ombudswoman's Report for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6436a4b7c93c91681302711>

³⁸ Civil Procedure Act (OG 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 96/08, 123/08, 57/11, 148/11, 25/13, 89/14, 70/19, 80/22, 114/22), available at: <https://www.zakon.hr/z/134/Zakon-oparni%C4%B8Dnom-postupku>

and one year for second-instance appeal proceedings. Proposed time limits are too long for the majority of cases but would in rare cases be justifiably too short. This means that the problem of the duration of the proceedings will not be solved for most cases, while more complex cases will not be sufficiently considered, which could prove harmful to the quality of decisions. The amendments do not foresee sanctions for exceeding these time limits, which may hinder the implementation of these provisions in practice.

58. It is important to emphasise that the cause of the large number of unresolved cases before Croatian courts should not be sought in the annual influx of new cases, but in the productivity of the court system. Namely, EU statistics show that the annual number of newly initiated civil disputes in Croatia relative to the number of judges is, on average, significantly lower than in other EU member states.³⁹

Functioning and Transparency of the Judicial System

59. The procedure for electing judges and the work of the State Judicial Council are non-transparent. Apart from the rank order of candidates, information such as evaluation data and explanations of decisions is not publicly available. Although journalists can attend interviews with candidates, video recordings of the interviews are not publicly available, and the method of evaluating candidates' work motivations is questionable. The non-transparency of the procedure leaves room for dubious evaluations, some even reaching the Constitutional Court.⁴⁰ Bearing

39 Miko Tripalo Centre, Comments on the "Draft Proposal of the Act on Amendments to the Civil Procedure Act", February 2022, available at: <https://tripalo.hr/komentari-centra-miko-tripalo-na-dokument-nacr-prijedloga-zakona-o-izmjenama-i-dopunama-zakona-o-parnicnom-postupku/>

40 Decision of the Constitutional Court of the Republic of Croatia no.: U-III-4129/2021 and U-III-4639/2021 from November 16, 2021, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/full/2021_11_129_2182.html

in mind that interviews with candidates can also be faked, civil society organisations emphasise that a more comprehensive insight into the documentation pertaining to both the members of the State Judicial Council and the candidates (information on previous work, statistics on performance duties, the candidate's application and their motivation) would give a clearer picture of whether the best candidates have been selected.⁴¹

60. The selection of members of the State Judicial Council needs to be made more transparent by introducing the obligation to submit detailed documentation on candidates for membership, that is, the obligation to submit a statement on why they are applying, with a resume attached. Furthermore, documents of all candidates considered for selection should be published on the Council's website. Additionally, lawyers, bar associations, academic institutions and civil society organisations should have the possibility of providing a publicly available evaluation of candidates through the Supreme Court's website before each round of voting.
61. According to the Courts Act, cases are assigned to judges through automatic random allocation, using the appropriate algorithm and minding that cases are distributed equally while considering their type and complexity. In key matters in which decisions are made on important principled and/or practical issues (fundamental human rights, society's political, social and economic well-being, etc.), it is important that the system of assigning cases is transparent, i.e., that it is possible to access the system in order to ascertain whether there were subsequent changes within the system during random allocation and whether a case was assigned to another judge. According to Article 29 of the Constitution, everyone has the right to have an independent and impartial court established by law decide fairly and within a reasonable time on their

41 Gong.hr, Recommendations for open justice, December 2022, available at: <https://gong.hr/wp-content/uploads/2022/12/PREPORUKE-ZA-OTVORENOST-PRAVOSUDA-1.pdf>

rights and obligations, or on suspicion or accusation of a criminal offense, but there is no guarantee of a legally elected judge, such as can be found in the constitutions of Germany or Slovenia.⁴²

62. Disciplinary proceedings against judges under the jurisdiction of the State Judicial Council are non-transparent. Procedural rules of criminal proceedings generally apply in disciplinary proceedings against judges, according to which the hearings are public, but at the same time, the Standing Orders of the State Judicial Council stipulate that sessions of the Council in which disciplinary proceedings are discussed are closed to the public, except in cases when the judge who is the subject of the disciplinary proceedings requests that the session be public. The information that the State Judicial Council publishes on disciplinary proceedings contains very few details, while systematic data on initiated disciplinary proceedings, the reasons for their initiation, their duration and the outcome are not publicly available either. A more detailed insight into the proceedings is currently possible only if the case reaches the Constitutional Court.⁴³

63. Publication of first-instance and second-instance judgments is still very limited. Greater availability of judgments online would increase the transparency of the judiciary, help citizens and business entities understand their rights, and contribute to the standardisation of judicial practice. As court proceedings are public, court decisions should be available immediately after the end of the proceedings in a non-anonymised form, unless the public had been excluded for reasons of privacy protection, though judgments should be available to the public even in those cases. Also, it is necessary to provide the public with the possibility of obtaining broad insight into the course of the proceedings (public access via video conferences, access to documents in the file, e-Filing access, etc.).

42 Ibid.

43 Ibid.

64. County court decisions are published only as an exception, with the decision on publishing left to the courts, which leads to only 1 to 5 percent of these courts' decisions being made available to the public. Municipal court decisions are generally not published online, and gaining access to municipal courts' decisions is difficult for the public.⁴⁴
65. Decisions of the Supreme Court are published, with certain exceptions, but their publication is delayed from several weeks to several years. According to the Decision on the Publication and Anonymisation of Court Decisions, decisions of the Supreme Court and related decisions of lower courts should be published in full on the Supreme Court's website.⁴⁵ However, decisions of lower courts are not published, and the lack of context makes it difficult to understand the published decisions of the Supreme Court.

Implementation of ECtHR Judgments

66. In 2022, the number of requests submitted to the European Court of Human Rights increased by 27%. The judgments pertaining to Croatia most often found violations of Art. 6 of the European Convention on Human Rights, which prescribes the right to a fair trial.⁴⁶ Of the 32 judgments concerning Croatia that the ECtHR passed in 2022, 26 found a violation of the rights from the Convention, while six found no violation of Convention rights.
67. In 2022, Croatia received 26 leading judgments from the European Court of Human Rights that have not yet been

44 Miko Tripalo Centre, Recommendations of the Miko Tripalo Centre for increasing the transparency of accountability of the Croatian judiciary, December 2021, available at: <https://tripalo.hr/preporuke-centra-miko-tripalo-za-povecanje-transparentnosti-i-odgovornosti-hrvatskog-sudstva/>

45 Ibid.

46 Ombudswoman's Report for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6436a4b7c93c91681302711>

executed, which is 1 judgment more than in 2021.⁴⁷ At the beginning of 2022, Croatia had not yet executed 25% of leading judgments delivered in the last 10 years, and the average time passed until the execution of judgments was four years and three months. This figure includes the oldest leading judgment that took 14 years to be executed and concerns the lack of a proper investigation into a racially-motivated attack, which had still not been carried out on 1 January 2022, but has been carried out in the meantime.

68. Civil society organisations are not involved in the execution of judgments of the European Court of Human Rights at the national level, i.e., they do not participate in the process of creating action plans for the execution of specific judgments in the areas of human rights in which they have expertise, which misses the opportunity to create better measures in order to more successfully and effectively execute judgments. It is additionally worrying that action plan proposals are not submitted for e-Consultation, which would enable interested civil society organisations, the academic community and other public stakeholders to participate in the creation of measures to eliminate or prevent violations of the Convention in targeted, high-quality and purposeful ways.

Combating Corruption

69. Effective investigations of corruption cases continued in 2022, including in high-level cases, but the number of indictments and final judgments for corruption decreased.⁴⁸ The excessively long duration of criminal proceedings still hampers the effectiveness of the anti-corruption framework. The Parliament adopted changes that revoke the

47 Department for the Execution of Judgments of the European Court of Human Rights, Overview for Croatia, March 2023, available at: <https://www.coe.int/en/web/execution/croatia>

48 European Commission, 2022 Rule of Law Report, Chapter for Croatia, July 2022, available at: https://commission.europa.eu/publications/2022-rule-law-report-communication-and-country-chapters_en

immunity of members of the Government for criminal acts of corruption.⁴⁹

70. The new Act on the Prevention of Conflict of Interest significantly weakened the role of the Commission for Conflict of Interest, the establishment of which was one of the conditions to Croatia's accession to the European Union. The Commission can no longer perform its primary function of deciding on violations of the principles of officials' conduct, and is additionally overburdened by a large increase in the number of officials whose property cards it needs to check.⁵⁰ At the same time, codes of ethics were adopted for members of the Government and Parliament, which will not be supervised by the Commission but by the bodies in which the ruling party holds the majority. In the case of the Parliament, this is the Committee on the Constitution, Standing Orders and Political System, while the Government's compliance with the code will be supervised by the Council for the Implementation of the Code of Ethics for Civil Servants in Executive Bodies, in which three of the five members are appointed by the Government.⁵¹ Additionally, representatives of associations that have nothing to do with combating corruption are almost as a rule elected to the working groups for important anti-corruption laws, while leaving out stakeholders who have been dealing with this topic for years.⁵²

71. According to the EPPo report for 2022,⁵³ European public prosecutors opened 23 investigations in Croatia in 2022, and the total damages caused by the criminal offences

49 Ibid.

50 Ibid.

51 Gong.hr, Here's how the Government fights corruption: By adopting a code of ethics for monitoring themselves, May 2022, available at: <https://gong.hr/2022/05/10/evo-kako-se-vlada-bori-protiv-korupcije-donijeli-su-eticki-kodeks-kojim-nadziru-sami-sebe/>

52 Gong.hr, Token associations shape anti-corruption laws, September 2022, available at: <https://gong.hr/2022/09/09/zeton-udruge-oblikuju-zakone-protiv-korupcije/>

53 European Public Prosecutor's Office, EPPo Annual Report 2022, March 2023, available at: https://www.eppo.europa.eu/sites/default/files/2023-02/EPPo_2022_Annual_Report_EN_WEB.pdf

under investigation were estimated at EUR 313.6 million. If the three investigations inherited from 2021 – the year that the EPPO started operating – are included, there is a total of 26 active investigations, while the total damage caused by criminal offences is estimated at EUR 324.1 million. The EPPO points out that the majority of investigations pertains to the misuse of EU and public funds, as well as malversations in public procurement.

Whistleblower Protection

72. In April 2022, the new Whistleblower Protection Act entered into force, transposing the EU Whistleblower Directive⁵⁴ into Croatian legislation. One of the more significant additions compared to the previous regulation is the provision that allows persons reporting irregularities to freely decide whether to report to a confidential person appointed by the employer or directly to the Ombudswoman as an external channel for reporting irregularities.
73. Although the new Act continues to primarily encourage the use of the internal reporting system, in 2022 the Office of the Ombudswoman recorded 60% more reports than the year before,⁵⁵ which can be interpreted as a possible consequence of implemented changes and may point to distrust in the internal reporting system.
74. Croatia is still characterised by an insufficiently safe environment for whistleblowers who often give up reporting due to a lack of understanding in their environment and for fear of consequences. Despite the fact that the new Act foresees the right of whistleblowers to emotional support, it was not possible to exercise this right in 2022

54 Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, available at: <https://eur-lex.europa.eu/legal-content/HR/TXT/PDF/?uri=CELEX:32019L1937&from=RO>

55 Ombudswoman's Report for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=64381d21a691e1681399073>

because the competent Ministry of Justice and Public Administration did not, within the prescribed period, pass an act regulating the provision of emotional support to whistleblowers.

75. Although the new Act entitles whistleblowers to free legal aid, there is little chance that the provision of free legal aid will be effectively implemented in practice due to insufficient capacities of existing providers of free legal aid as well as long-standing shortcomings of the free legal aid system that prevent it from functioning effectively.

Procedural Rights of Suspects and Defendants in Criminal and Misdemeanour Proceedings

76. The Criminal Procedure Act⁵⁶ was amended in mid-2022. The amendments expanded the possibilities of using information and communication technologies in criminal proceedings by introducing e-communication, mandatory audio recording of hearings and the possibility of participating in sessions of the indictment council and in preparatory hearings via an audio-video link.

77. One of the disputable provisions related to electronic delivery stipulates that the decision or letter will be deemed to have been delivered at the end of the eighth day from the day it was received in the recipient's secure electronic mailbox.⁵⁷ This is particularly problematic when the deadline is prescribed in days, as are those related to appeals against decisions on deprivation of liberty, because the defendant will be in pre-trial detention for that entire time. Closely related to deadlines is the issue of ensuring access

56 Act on Amendments to the Criminal Procedure Act (OG 80/2022), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2022_07_80_1169.html

57 Z. Burić, "Ninth amendment to the Criminal Procedure Act – Modern judiciary ready for future challenges?", *Croatian Annual of Criminal Sciences and Practice*, vol. 29, no. 2, p. 311-342, 2022, available at: <https://hrcak.srce.hr/clanak/417743>

to the case file. For example, it cannot be reasonably expected of a defence counsel who is not in Zagreb due to other proceedings to file an appeal against the decision on pre-trial detention within the legal term of three days because they must have access to the case file in order to file such an appeal.⁵⁸

78. The strongest reaction among the professional public was caused by the provisions related to the prohibition of a double vacation of a first-instance judgment in the same case, i.e., that the first-instance judgment can be vacated on appeal and the case returned to the first-instance court for retrial no more than once. If the second-instance court determines that the first-instance judgment should be vacated a second time, it will itself conduct a hearing and render a judgment. There is concern that such a solution limits the rights of the defendant to expediate the proceedings, which could potentially violate their fundamental constitutional rights.⁵⁹

79. The amendment in question does not ensure free legal aid in the earliest stages of criminal proceedings to some citizens. Namely, there have been no legal changes that would enable access to free legal aid to persons who have not been arrested, against whom criminal proceedings are being conducted for criminal offenses punishable by a prison sentence of up to 5 years, and who cannot afford to pay for a lawyer. There is also a significant gap in the quality of legal aid provided, depending on whether the defendant is paying for the lawyer themselves or the lawyer is assigned to them by the state, meaning that the defendant's economic situation is still a factor that significantly affects the quality of received legal aid and their representation in criminal proceedings.

⁵⁸ Ibid.

⁵⁹ N1info.hr, Supreme Court and the Government quarrel over Amendments to the Criminal Procedure Act, June 2022, available at: <https://n1info.hr/vijesti/zbog-zakona-o-kaznenom-postupku-suci-vrhovnog-suda-zestoko-prozvali-vladu/>

80. Furthermore, there is still no system in place that would enable the effective exercise of the right to a lawyer at the police station. A system of lawyer on duty has not been established, which would enable persons who are arrested and brought to the police station outside regular working hours to have effective access to the right to a lawyer.

Prisoner's Rights

81. The Ombudswoman reported that most complaints regarding the prison system in 2022 referred to health care and accommodation conditions, about which warnings and recommendations were sent after unannounced visits to criminal justice institutions.⁶⁰ Overcrowding in prisons has further increased in 2022. For example, the Prison in Osijek was overcrowded by as much as 205%, while the numbers in the Prison in Zagreb were the highest since 2015.
82. In the past 5 years, the European Court of Human Rights fined Croatia for poor prison conditions with almost EUR 70 thousand, and 8 more proceedings are ongoing.⁶¹ At the beginning of February, the European Court of Human Rights issued two judgments in which it found violations of human rights guaranteed by the European Convention on Human Rights in connection to the rights of prisoners to adequate prison conditions and the right to receive adequate compensation for being held in inadequate conditions.⁶²

60 Ombudswoman's Report for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6436a4b7c93c91681302711>

61 Danas.hr., We investigated the number of cases against Croatia in Strasbourg in the last five years due to poor prison conditions, March 2023, available at: <https://danas.hr/rtl-danas/istrazili-smo-koliko-smo-presuda-dobili-u-strasbourg-u-posljednjih-pet-godina-zbog-losih-uvjeta-u-zatvorima-b6306750-c1c4-11ed-a572-9e4ebb503d53>

62 Office of the Representative of the Republic of Croatia before the European Court of Human Rights, New judgments – Prpić v. Croatia and Balicki v. Croatia, February 2023, available at: <https://uredzastupnika.gov.hr/vijesti/nove-presude-prpic-protiv-hrvatske-i-balicki-protiv-hrvatske/1006>

83. In the Prpić case, the European Court found a violation of Art. 3 of the Convention due to the applicant being held in inadequate conditions in the prisons in Zagreb and Požega where personal space in the common rooms was less than three square meters. Although the applicant worked for four hours a day and was out of her cell during that time, this was not enough to compensate for the serious lack of space and other deficiencies in terms of hygienic conditions and other conditions of serving a prison sentence.
84. The applicant N. Balicki's right to a hearing within a reasonable time guaranteed by Art. 6 of the Convention was violated due to the excessive length of the proceeding for compensation for inadequate conditions. Considering that he obtained appropriate redress at the domestic level, the Court rejected his request for compensation because it considered that the applicant was no longer a victim of the violation of the European Convention of Human Rights. However, as the proceeding for compensation lasted more than nine years in total, the court considered that the applicant's right to a hearing within a reasonable time was violated.

Victims' Rights

85. Despite the positive changes that have been introduced into the criminal justice system in recent years with the aim of protecting victims of criminal offences, the results of research conducted by organisations concerned with the rights of victims and witnesses indicate that there are still problems in practice and that the treatment of victims of criminal offences and the exercise of their rights are not standardised.⁶³

63 Women's Room, Victims of criminal offenses in the Croatian criminal justice system – research results and experience from practice, 2023, available at: http://zenskasoba.hr/wp-content/uploads/2023/02/%C5%BDrtve-kaznenih-djela-u-hrvatskom-kaznenopravnom-sustavu-rezultati-istra%C5%BEivanja.pdf?fbclid=IwAR1GaiwgnzMKv65uuFkh_8YDsJbwGOqXdnsNfUsVqWlqy-5lRGa8MGISXd8

86. According to legal provisions, the court, the state attorney's office and the police are obliged to inform the victim of a criminal offense of their rights in criminal proceedings in a way the victim can understand. Civil society organisations warn that victims are not adequately informed about their rights – rights are not explained to them, victims do not know who they should contact to exercise their rights, are not familiar with the course of the proceedings, do not know what happens after they submit the criminal complaint, what happens to the perpetrator, etc., all of which leads to fear, insecurity and uncertainty in the victims and further traumatises them.
87. Victims of criminal offenses have the right to accessible, confidential and free access to support services, and institutions should inform them of this right. Although a high percentage of representatives of competent authorities state that they always refer victims to support services, research results⁶⁴ indicate a significantly lower level of referrals. The most worrying piece of information is that only 15% of the victims who took part in the survey stated that they were referred to support services by the court. In relation to the availability of a sufficient number of devices for examining victims through audio-video links, 88% of the court representatives who participated in the survey stated that their court does have technical equipment for examining victims of criminal offences through audio-video devices. Among them, 77% state that the equipment is adequate and functioning, and 68% state that they have one device each and that this is not sufficient.⁶⁵ It is extremely important for victims of criminal offenses not to encounter the defendant in the court corridor, yet this continues to happen as there are no special rooms or waiting rooms for adult victims of criminal offenses. Only 33% of the court representatives who participated in the survey stated that there are special waiting rooms/rooms for adult victims of criminal offenses at their court.⁶⁶

64 Ibid.

65 Ibid.

66 Ibid.

88. Organisations warn of the shortcomings of the Crime Victims Compensation Act, as well as the system in question. According to the data obtained from the Ministry of Justice and Public Administration, only 349 requests for compensation were submitted from 2013 to April 2022, only 77 were approved or partially approved, and victims of criminal offenses received an amount of HRK 529,457.⁶⁷
89. Victims should automatically – not on request – be informed of the suspension of pre-trial detention and the defendant’s escape or release from serving a prison sentence. The competent authorities should have the obligation to inform the victim in these events. Furthermore, the existing legal solution is flawed because it does not provide for the obligation of informing the victim in the earlier stages of the proceeding, for example, informing the victim immediately after the report is submitted on whether pre-trial detention or precautionary measures were proposed.
90. According to data obtained from civil society organisations, individual victim assessment prescribed by the Ordinance^{68c} continues to prove completely purposeless in practice as it is reduced to the formality of filling out a form by police officers, if carried out at all. Research showed that only 67% of the representatives of the state attorney’s office who participated in the survey and only 55% of court representatives stated that they always carry out an individual assessment of the victim.⁶⁹ An individual assessment is almost never carried out, especially in the later stages of the proceedings. When conducting the

67 Ibid.

68 Ordinance on the Method of Implementing Individual Victim Assessments (OG 106/2017), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_106_2426.html

69 Women’s Room, Victims of criminal offenses in the Croatian criminal justice system – research results and experience from practice, 2023, available at: http://zenskasoba.hr/wp-content/uploads/2023/02/%C5%BDrtve-kaznenih-djela-u-hrvatskom-kaznenopravnom-sustavu-rezultati-istra%C5%BEivanja.pdf?fbclid=IwAR1GaiwgnzMKv65uuFkh_8YDsJbwGOqXdnsNfUsVqWlqy-5IRGa8MGISXd8

assessment, police officers do not obtain information from social welfare centres or contact victim support departments and civil society organisations.

Free Legal Aid

91. Not enough work was again done in 2022 on systematically informing the public about the system of free legal aid and how to access it, especially considering that there are still rural areas that are not covered, where there are no state institutions or legal aid providers that have a legal obligation to inform citizens. The procedure for obtaining free legal aid needs to be significantly simplified in order to make free legal aid more accessible to citizens of poor financial status. Legal aid should be granted in all cases in which beneficiaries seek only legal advice, without conducting a complex procedure and determining the beneficiary's financial status. Primary legal aid should necessarily include access to justice for the widest range of legal problems, regardless of their nature.⁷⁰

92. The annual funding model for civil society organisations and legal clinics for primary legal aid is ineffective – tenders are announced in accordance with the Free Legal Aid Act⁷¹ in the year in which the project is approved, which is why there is no continuity of funding for providers throughout the year. Firstly, tenders are announced late and it can take several months until the procedure is completed. In this initial period, free legal aid providers do not have funds secured for the purpose of providing free legal aid, meaning that they have to work on a voluntary basis or redistribute funds as permitted.

⁷⁰ Victim and Witnesses Support Association, Analysis of the system of free primary legal aid from the perspective of the Victim and Witnesses Support Association 2015-2022, 2022, available at: <https://pzs.hr/wp-content/uploads/2022/12/Analiza-BPP-2022.pdf>

⁷¹ Free Legal Aid Act (OG 143/13, 98/19), available at: <https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i>

93. Additionally, the total amount that can be granted to an individual organisation for the implementation of this activity is not sufficient for the system to function smoothly. The salaries of authorised primary legal aid providers who are registered in the Register of Primary Legal Aid Providers are not fully financed from funds provided by the Ministry of Justice and Public Administration, resulting in primary legal aid providers spending only part of their working hours providing primary legal aid. On the other hand, according to the corresponding ministry's annual reports on exercising the right to free primary legal aid, organisations participated with a share of about 70%, which reveals a large imbalance in primary free legal aid funding. It also shows that the share of funding from public sources should increase significantly, as the current system is not sustainable in the long term. In recent years, about EUR 265,445 was allocated for primary legal aid, while, according to the projections given in the Sectoral Analysis of the Ministry of Justice and Public Administration,⁷² almost EUR 663,614 should be provided.
94. Although the Free Legal Aid Act entrusts the Legal Aid Commission with an important supervisory role, it has been completely neglected in recent years. Appointments of members are delayed and non-transparent. Sessions are not held or are held extremely rarely, which is why legal amendments should clarify its role and expand its competences as an expert and impartial body that supervises the functioning of the entire free legal aid system.

72 Ministry of Justice and Public Administration, Sector analysis for determining the priority areas of financing programmes and projects of interest for the common good implemented by associations and other civil society organisations from public sources in 2022, available at: <https://mpu.gov.hr/vijesti/25487>

Juvenile Justice Administration

95. Children's rights organisations point out that the Juvenile Courts Act⁷³ is not implemented in practice, meaning that children's rights are not protected in this area.
96. A minor who has committed a criminal offense between the ages of 14 and 18 may be sentenced to placement in a special educational institution for treatment, protection or training, but such an institution does not exist in the Republic of Croatia. Therefore, it is not possible to place minors with psychophysical impairments in a special educational institution where the child would be able to receive treatment and education instead of being sent to a correctional institution or facility. This measure should also be imposed instead of the security measure of mandatory psychiatric treatment if treatment of minors can be provided in a special educational institution, thereby achieving the purpose of this security measure.
97. Research by the Croatian Institute of Public Health shows that the number of children⁷⁴ with mental difficulties in Croatia is increasing. The problem of treatment of minors who are placed in institutions is closely related to the problem of treatment of children in children's psychiatric institutions, which are under-capacitated, without enough

73 Juvenile Courts Act (OG 84/11, 143/12, 148/13, 56/15, 126/19), available at: <https://www.zakon.hr/z/180/Zakon-o-sudovima-zamlade%C5%BE>

74 According to available data, the frequency of mental disorders in Croatia in the age group from 10 to 19 is 11.5%, i.e., it is estimated that about 49,272 girls and boys live with a mental disorder (Data from the report on mental health in children and youth – the State of the World's Children, available at: <https://www.unicef.org/croatia/mediji/izvjestaj-o-mentalnom-zdravlju-djece-i-mladih-u-svijetu-o>)

children's beds,⁷⁵ psychiatrists and psychologists. The competent ministries of health, social care, education and justice again showed no initiative in 2022 to establish an institution suitable for minors with health issues in which they could continue their education, which would also help to avoid the involvement of social services.

98. Although the Juvenile Courts Act⁷⁶ obliges the Ministry of Justice and Public Administration to enact an implementing regulation on the conditions for placement of minors in a closed correctional facility when there are conditions for pre-trial detention, as well as an implementing regulation on house rules in closed correctional institutions, no subordinate act has yet been adopted nor were closed correctional facilities for minors established. Thus, in 2022, juveniles sentenced to pre-trial detention were incarcerated in prisons for adults.
99. The Juvenile Courts Act obliges the Ministry of Justice and the Judicial Academy to provide conditions for professional development of persons working⁷⁷ in the field of youth delinquency and criminal protection of children. Unfortunately, apart from occasional workshops at the Judicial Academy, no efforts were again made in 2022 to establish systematic education and permanent training of judges and state attorneys in this area.

75 Novilist.hr, No beds and no doctors for depressed and suicidal children, their number in Croatia estimated at almost 100,000, May 2022, available at: <https://www.novilist.hr/novosti/hrvatska/nemani-kreveta-ni-lijecnika-za-depresivnu-i-sudicidalnu-djecu/>

76 Juvenile Courts Act (OG 84/11, 143/12, 148/13, 56/15, 126/19), Article 125, available at: <https://www.zakon.hr/z/180/Zakon-o-sudovima-za-mlade%C5%BE>

77 Juvenile Courts Act (OG 84/11, 143/12, 148/13, 56/15, 126/19), Article 126, available at: <https://www.zakon.hr/z/180/Zakon-o-sudovima-za-mlade%C5%BE>

Transitional justice and dealing with the past

- 100.** The report of the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence published in 2022 after a visit to Croatia⁷⁸ highlights shortcomings and problems in several areas, including those of full reparation owed to civilian victims, comprehensive memorialisation processes and truth-seeking mechanisms, promotion of cultural diversity and inter-ethnic mutual understanding, the effective combating of national and ethnic hatred and the rise in the glorification of war crimes and revisionism with regard to convictions by the International Tribunal for the former Yugoslavia. The Special Rapporteur further notes the impasse observed in the transitional justice agenda in the last nine years and the risk that the lack of progress poses to the sustainability of the transitional justice process, as well as to peace and reconciliation.
- 101.** The news of indictments against pilots of the Croatian Air Force for war crimes committed in Operation Storm against a column of Serbian refugees in the territory of Bosnia and Herzegovina captured the public's attention in 2022. Reactions from state officials were reduced to accusing the Republic of Serbia for politically motivated moves, questioning the principle of universal jurisdiction and defending the dignity of the Homeland War with an emphasis on its defensive nature.⁷⁹ Unfortunately, there

78 Report of the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, July 2022, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc5134add1-visit-croatia-report-special-rapporteur-promotion-truth>

79 Predsjednik.hr, President Milanović: National Security Council meeting because of indictments from Serbia, we must agree on Croatia's reaction, August 2022, available at: <https://www.predsjudnik.hr/vijesti/predsjudnik-milanovic-optuznice-iz-srbije-su-razlog-za-sastanak-vijeca-za-nacionalnu-sigurnost-moramo-se-usuglasiti-kako-ce-hrvatska-reagirati/>, Vlada.gov.hr., Press release of the Ministry

were no expressions of solidarity with the victims. As Documenta claims, the crime was undoubtedly committed, and there has been no indictment by the competent judicial institutions of the Republic of Croatia so far, which they have been warning about since 2012.⁸⁰

102. Croatia's response to the indictment illustrates the problems in regional cooperation pointed out by Serge Brammertz, Chief Prosecutor of the International Residual Mechanism for Criminal Tribunals, who told the United Nations Security Council that prosecutors in the region do not receive the necessary cooperation from Croatia in cases involving Croatian suspects.⁸¹
103. Throughout 2022, the provision of support to war crime defendants and convicts continued through restoring a mural of a convicted war criminal,⁸² awarding decorations to a war crime defendant,⁸³ and holding a meeting and accepting a plaque from representatives of units linked to

of Justice: Croatia will not act on the Serbian letter rogatory, September 2022, available at: <https://vlada.gov.hr/vijesti/priopcenje-ministarstva-pravosudja-hrvatska-nece-postupati-po-zaprimljenoj-srbijanskoj-zamolnici/36090>, N1info.hr, Discussion on indictments against pilots: "Vučić's timing is excellent", May 2022, available at: <https://n1info.hr/vijesti/u-tnt-u-rasprava-o-optuznicama-protiv-pilota-vucicev-tajming-je-odlican/?fbclid=IwAR3uQnfzvLvCktMeWoHMPHndoWcK-usozD21CiUkVNTjOrICVrZ-L5LX1ik>

80 Documenta.hr., Press release on the announcement of indictment for crimes in the villages of Bravsko and Svodna, June 2022, available at: <https://documenta.hr/novosti/priopcenje-povodom-najave-podizanja-optuznice-za-zlocin-u-selima-bravsko-i-svodna/>

81 International Residual Mechanism for Criminal Tribunals (IRMCT), Prosecutor Brammertz's address to the UN Security Council, December 2022, available at: <https://www.irmct.org/en/news/prosecutor-brammertzs-address-un-security-council-1>

82 Portalnovosti.com, Instead of removing a mural of a war criminal, they restored it, April 2022, available at: <https://www.portalnovosti.com/umjesto-da-uklone-mural-ratnom-zlocincu-oni-ga-obnovili>

83 Nacional.hr, Milanović presented honorary ranks and decorations; rank to war crime defendant as well, July 2022, available at: <https://www.nacional.hr/milanovic-urucio-odlikovanja-i-pocasne-cinove-pocasni-cin-i-optuzeniku-za-ratni-zlocin/>

crimes or commanded by convicted war criminals.⁸⁴ During 2022, President Zoran Milanović repeatedly commented on the genocide in Srebrenica, relativising the genocide and emphasising personal and political qualifications over legal ones.⁸⁵

104. The year was also marked by the implementation of the new Act on Civilian Victims of the Homeland War adopted in 2021. By the end of 2022, a total of 2,025 requests for recognition of victim status and related rights were submitted, of which 1,038 requests were resolved, 878 with a positive and 160 with a negative outcome. It is also indicated that some problems remain unresolved, that the evidentiary procedure for acquiring the status is demanding and long. According to data from County State Administration Offices, a large number of cases have been submitted to the committee that checks for the existence of obstacles as prescribed by Article 5 of the Act on Civilian Victims of the Homeland War.⁸⁶ This check slows down the process of determining victim status, which has a particularly negative effect on elderly applicants.

105. In practice, civilian victims being insufficiently informed about their rights and the possibilities of realising them has also proven to be a problem. The Act does not clearly define who is eligible to submit requests and exercise rights, and civilian victims are not equated with military

84 Branitelji.gov.hr, Plaque to Minister Medved on the 31st anniversary of the 72nd Military Police Battalion, December 2022, available at: <https://branitelji.gov.hr/vijesti/plaketa-ministru-medvedu-povodom-31-obljete-72-bojne-vp-a/4247>, Branitelji.gov.hr, Minister Medved congratulates members of the Lučko ATU, September 2022, available at: <https://branitelji.gov.hr/vijesti/cestitka-ministra-medveda-pripadnicima-atj-lucko/4172>

85 Jutarnji.hr, Mothers of Srebrenica respond to Milanović in a one-sentence letter sent to his office, November 2022, available at: <https://www.jutarnji.hr/vijesti/hrvatska/majke-srebrenice-odgovorile-milanovicu-u-njegov-ured-poslale-pismo-sa-samo-jednom-recenicom-15273250>

86 Report of the Ombudswoman for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6436a4b7c93c91681302711>

victims. For example, children of victims are not authorised to submit a request if they have a living parent. According to the experience of civil society organisations, most of the parties they cooperated with received negative decisions because they did not have sufficient documentation from the time of the victims' injury. Namely, the Act requires very precise information and material evidence about the manner, time, place and mechanism of injury, which makes it difficult to prove given that the events in question happened over 30 years ago – some witnesses have since passed away, some do not remember or face problems when trying to recognise the defendant.

106. In the domain of politics of memory, civil society organisations point to the continuous absence of high-ranking state officials from the majority population at commemorations of civilian war victims of Serbian nationality, as was noticed last year as well after a significant step forward had been made in 2020. Moreover, a deterioration was observed in the area of politics of memory when a part of the citizens gathered in Škabrnja during the commemoration of the Day of Remembrance for the Victims of Vukovar and Škabrnja turned their backs on the Deputy Prime Minister from the Independent Democratic Serb Party Anja Šimpraga, who participated in the commemoration in the company of Prime Minister Andrej Plenković.⁸⁷

107. Nevertheless, as in 2021, there was again progress in the area of politics of memory at the local level of the City of Zagreb. Mayor Tomislav Tomašević participated in the commemoration of the Zec family for the second year in a row and announced the installation of a memorial plaque on Sljeme.⁸⁸ Another positive step is marked by

⁸⁷ Portalnovosti.com, Anja Šimpraga: Tomorrow will bring a healthier future, November 2022, available at: <https://www.portalnovosti.com/anja-simpraga-sutra-ce-donijeti-zdraviju-buducnost>

the Zagreb Committee for Naming Streets, Neighbourhoods and Squares adopting the proposal of the Youth Initiative for Human Rights to include the Zec family name into the Fund of Names for public areas in the City of Zagreb.⁸⁹ The City of Zagreb installed an information board in Dotrščina,⁹⁰ the largest World War II execution site in the city, unveiled the Memorial to the Victims of the Holocaust and the Ustasha Regime, and supported the commemoration of the Anti-Fascist Resistance Day with a concert and gathering on the Square of the Victims of Fascism.

108. In the report on the monitoring of war crimes trials published in 2022, human rights organisations state that the trend of trials in absentia is still dominant in war crimes cases, and was recorded exclusively in criminal proceedings conducted against members of Serbian paramilitary units/the Yugoslav People's Army. Thus, in the monitored period, at the level of four competent courts, 41 out of 59 criminal proceedings were conducted against unavailable defendants.⁹¹ Witnesses who are also the victims/damaged parties expressed dissatisfaction with trials in which the defendant is absent and for which it is uncertain whether, if convicted, they will ever serve the sentence.

109. Prolonged criminal proceedings in which trials last for years or are repeatedly brought back before first-instance panels exhaust the judiciary's personal and financial re-

88 Jutarnji.hr, Tomašević: "Zagreb will place a memorial plaque for murdered Zec Family on Sljeme," December 2022, available at: <https://www.jutarnji.hr/vijesti/zagreb/tomasevic-zagreb-ce-podici-spomen-plocu-ubijenoj-obiteljji-zec-na-sljemenu-15283943>

89 Youth Initiative for Human Rights, Zec family name in Zagreb City Name Fund, February 2022, available at: <https://yihhr.hr/hr/ime-obiteljji-zec-u-fondu-imena-grada-zagreba>

90 Zagreb.info, DOTRŠČINA MEMORIAL PARK New info boards installed, reconstruction of Partisan Cemetery proposed, June 2022, available at: <https://www.zagreb.info/aktualno/zg-politika/spomen-podrcje-dotrscina-postavljene-nove-info-ploce-a-predlozena-je-i-obnova-partizanskog-groblja/432655/>

91 Documenta, War Crimes Trials Monitoring Report for 2020 and 2021, July 2022, available at: <https://documenta.hr/novosti/izvjestaj-opracenju-sudenja-za-ratne-zlocine-za-2020-i-2021-godinu/>

sources, systematically retraumatise victims and wear down witnesses with repeated testimonies in court. This *modus operandi* of the judicial authorities calls into question not only the cost-effectiveness of the proceedings, the rights of the defendant as well as the victims and their family members, but also raises the question of citizens' trust in the effectiveness of the rule of law and undermines their trust in the state.

- 110.** Ensuring the presence of the defendant during the judicial investigation and at the indictment stage remains problematic. As many as 76% of defendants investigated and indicted during 2020/2021 were not available to Croatian criminal prosecution authorities. Indictments issued against defendants unavailable to the Croatian judiciary in the nineties, and even in the following decade, are still the subject of a significant number of war crimes proceedings.
- 111.** There is still a lack of political will to prosecute crimes in the states where alleged perpetrators reside. The Government's nationalist policy and the partly justified perception of the questionable impartiality of the judiciary in the region continue to hinder cooperation. Serbia reluctantly initiates criminal proceedings against high-ranking members of the former Yugoslav People's Army (ЈНА) based on the so-called command responsibility.⁹² Additionally, a large number of defendants prosecuted in absentia in Croatia live in Serbia.

⁹² Ibid.

The right to an adequate standard of living

112. Croatia still has not signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, thereby denying citizens the possibility of submitting individual complaints to the UN Committee on Economic, Social and Cultural Rights.
113. Croatia has not published an officially translated version of the International Covenant on Economic, Social and Cultural Rights for more than 30 years, nor has it included the existing official text of the Covenant published in 1971 in the Official Gazette of the Socialist Federal Republic of Yugoslavia in the online database on the website of the Official Gazette of the Republic of Croatia, making the official version of the Covenant still unavailable to the general public.
114. Croatia is still not translating recommendations and opinions of the UN committees that monitor the implementation of the International Covenant on Economic, Social and Cultural Rights into Croatian, making them less accessible to experts and the general public.
115. Croatia again did not ratify the European Social Charter (Revised) in 2022, thereby missing the opportunity to adopt the highest international standards for the protection of social human rights.
116. The at-risk-of-poverty rate increased in 2022 by almost 1% compared to the previous two years, placing more than a fifth of citizens (20.9%) at risk of poverty. The highest at-risk-of-poverty rate was recorded in Pannonian Croatia, where more than a quarter (27%) of citizens are at risk of poverty. At a national level, 3.5% of Croatian citizens live in severe material and social deprivation.⁹³

117. The at-risk-of-poverty rate is still alarmingly high for some vulnerable groups and has slightly increased compared to previous years. Thus, more than half of persons over the age of 65 who live alone are at risk of poverty, as are 54.3% of women who live in single-person households. Roma are at an alarmingly high risk of poverty, especially children up to 15 years of age.⁹⁴
118. When it comes to families with dependent children, as many as 37.5% of single-parent families were at risk of poverty in 2021, which is 7% more than in 2020. In December 2022, as many as 245,319 children were covered by the right to child support,⁹⁵ which is still worrying. Adoption of the Child Guarantee National Action Plan is in progress – the plan is aimed at children at risk of poverty and addresses the issues of child poverty and social exclusion, aiming to prevent and eliminate numerous inequalities among children.⁹⁶
119. Positive progress in combating child poverty was achieved at the end of 2022, when the Government made a decision to finance one meal a day for all students in all primary schools,⁹⁷ which was proposed and advocated by the “Every child’s right to a school meal” initiative.

93 State Bureau of Statistics, Indicators of Poverty and Social Exclusion 2021, July 2022, available at: <https://podaci.dzs.hr/2022/hr/29178>

94 EU Agency for Fundamental Rights, Roma Survey 2021 – Main results, available at: http://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results2_en.pdf

95 Croatian Pension Insurance Institute, Statistical information of the Croatian Pension Insurance Institute, year XXI., number 1/2023, p. 171. available at: <https://www.mirovinsko.hr/UserDocsImages/statistika/statisticke-informacije/2023/1/Statisticke-informacije-HZMO-a-1-2023-veljaca-2023.pdf?vel=15042853>

96 UNICEF, EU Child Guarantee: Breaking the Cycle of Disadvantage for the Most Vulnerable Children, available at: <https://www.unicef.org/croatia/jamstvo-za-svako-dijete-prekidanje-kruga-nepovoljnog-polozaja>

97 Official Gazette, Decision on criteria and method of school meal financing, i.e. co-financing for elementary school students for the second semester of the 2022/2023 school year, December 2022, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/full/2022_12_156_2531.html

- 120.** Compared to other EU countries, Croatia records the biggest gap in the rate of participation of children in early formal childcare or early education of children who are at risk of poverty or social exclusion and those children who are not – in Croatia, formal childcare includes 61.1% of children who are not at risk of poverty and only 25.4% of children at risk of poverty.⁹⁸ The rate of participation of children in early education is low, especially for vulnerable groups, e.g., 24% for Roma children.⁹⁹
- 121.** The risk of poverty and social exclusion is deepened by large regional inequalities in the rates of unemployment and development of individual areas in Croatia,¹⁰⁰ with members of national minorities living in isolated areas being additionally exposed to the risk. Particularly concerning is the unequal availability of social services, which has a negative impact on the ability of vulnerable groups and individuals to exercise their rights.¹⁰¹
- 122.** Civil society organisations that provide social services continuously warn about the unsustainability of providing project-funded social services, such as personal assistance, teaching assistance and help at home. Namely, when the limited project funding expires, such services are suspended or cancelled, and users are left without a social service they need.

98 European Commission, Education and Training Monitor 2022 – Croatia, available at: <https://op.europa.eu/webpub/eac/education-and-training-monitor-2022/hr/country-reports/croatia.html>

99 EU Agency for Fundamental Rights, Roma Survey 2021 – Main results, available at: http://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results2_en.pdf

100 Ministry of Regional Development and EU Funds, Development Index, available at: <https://razvoj.gov.hr/o-ministarstvu/djelokrug-1939/regionalni-razvoj/indeks-razvijenosti/112>

101 RCT Zagreb and Faculty of Law, University of Zagreb, Availability of social services in the Republic of Croatia, authors: Dragana Knezić, Ana Opačić, 2021, available at: <https://rctzg.hr/-/wp-content/uploads/2021/10/Dostupnost-socijalnih-usluga.pdf>

123. The number of users of the guaranteed minimum benefit in Croatia has significantly decreased in recent years.¹⁰² The causes for decrease in the number of users of the guaranteed minimum benefit requires a more detailed analysis in order to reach accurate conclusions about the factors contributing to users leaving or dropping out, which is one of the recommendations of the Ombuds-woman. The Ministry of Labour, Pension System, Family and Social Policy did not implement the recommendation in 2021, and the same recommendation was repeated in 2022.¹⁰³
124. The amount of the guaranteed minimum benefit remains insufficient for the realisation of basic human rights and escaping material deprivation and poverty. There is a gap between the at-risk-of-poverty threshold (around HRK 3,000 or EUR 405 per month for single-member households)¹⁰⁴ and the basis for calculating the guaranteed minimum benefit (EUR 132.72 or HRK 1,000 per month),¹⁰⁵ meaning that the guaranteed minimum benefit for a single-member household is three times lower than the at-risk-of-poverty threshold for that same household.

102 Ministry of Labour, Pension System, Family and Social Policy, Annual statistical report on applied social welfare rights, legal protection of children, youth, marriage, family and persons deprived of the ability to work, and protection of physically or mentally impaired persons in the Republic of Croatia in 2021, available at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Odluke/Godisnje%20statističko%20izvješće%20za%202021.%20godinu.pdf>

103 Report of the Ombudswoman for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6435e14f27b241681252687>

104 State Bureau of Statistics, Indicators of Poverty and Social Exclusion 2021, July 2022, available at: <https://podaci.dzs.hr/2022/hr/29178>

105 Decision on the basis for calculating the amount of the guaranteed minimum benefit (OG 23/2022), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2022_02_23_283.html

125. According to data from the Ombudswoman's Report,¹⁰⁶ as many as 530 persons gave up their right to a guaranteed minimum benefit in 2022 due to the obligation of registering a claim on the first real estate, which was re-introduced by the new Social Welfare Act.¹⁰⁷ The registration of the claim on the only real estate that the potential user of the guaranteed minimum benefit owns and lives in has a chilling effect and is an additional burden on citizens living in poverty, as well as an unnecessary obstacle to realising their right to social protection.
126. The new Social Welfare Act¹⁰⁸ contains a provision on community service without compensation for able-bodied and partially able-bodied singles or household members who are users of the right to a guaranteed minimum benefit. Community service without compensation lasts from 60 to 90 hours per month, and implies termination or reduction of rights to the benefit in case of no-show, whereby local and regional self-government units, i.e., the City of Zagreb, are obliged to organise it. Obliging users of the guaranteed minimum benefit to unpaid part-time work is conditioning the right to social protection, which is contrary to social protection as a fundamental human right in a welfare state, which Croatia is according to the Constitution.

The Right to Housing

127. The trend of housing costs overburdening the population continued in 2022. According to the latest data,¹⁰⁹ the housing cost overburden rate remains higher among tenants compared to property owners, while the at-risk-

106 Report of the Ombudswoman for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6435e14f27b241681252687>

107 Social Welfare Act, OG 18/2022, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2022_02_18_181.html

108 Ibid.

109 Eurostat, Income living conditions, Housing cost overburden rate by tenure status – EU-SILC survey, available at: https://ec.europa.eu/eurostat/databrowser/view/ILC_LVHO07C__custom_5774702/default/table?lang=en

of-poverty rate is also higher for tenants than for property owners. According to the latest data, a third of tenants are at risk of poverty,¹¹⁰ which is an increase compared to 2020.¹¹¹

128. Croatia still lacks a comprehensive needs-based housing policy. The right to housing continues to be recognised in practice and in public discourse only in connection to ownership. The number of public housing units managed by cities or the state is continuously decreasing, while housing policy measures are almost exclusively oriented towards apartment buying assistance with credit borrowing.¹¹²
129. A one-time subsidy on housing loans is still the main housing policy measure,¹¹³ despite the fact that this measure affects the increase in prices on the housing market, is applicable only to citizens who are creditworthy and meet additional conditions, and encourages long-term borrowing.¹¹⁴
130. Prices and ways of resolving the housing issue are unsustainable, primarily for youth as the prices of long-term rentals are increasing at an annual rate of 11%, with a drastic reduction in the affordability of long-term rentals.

110 State Bureau of Statistics, Indicators of Poverty and Social Exclusion for the Republic of Croatia, September 2021, available at: <https://podaci.dzs.hr/2022/hr/29178>

111 State Bureau of Statistics, Indicators of Poverty and Social Exclusion for the Republic of Croatia, September 2020, available at: <https://podaci.dzs.hr/2021/hr/10019>

112 Right to the City Zagreb, Recommendations for housing policies based on research on the structure of housing status and housing needs, available at: <https://pravonagrad.org/novosti/preporuke-za-stambene-politike-na-temelju-istrazivanja-o-strukturi-stambenih-statusa-i-stambenim-potrebama/>

113 Agency for Legal Transactions and Real Estate Brokerage, Road to subsidised housing loans, available at: <https://apn.hr/subvencionirani-stambeni-kreditiput-do-kredita>

114 Croatian National Bank, Home Sweet Home: The effects of housing loan subsidies on the housing market in Croatia, authors: Davor Kunovac, Ivan Žilić, October 2020, available at: <https://www.hnb.hr/documents/20182/3596318/w-060.pdf/955d2e9e-76d7-8b3e-3c1a-8a8732ff326e>

The unaffordability of housing is one of the reasons why almost 65% of youth aged 25 to 34 still live with their parents.¹¹⁵

131. Groups that have been particularly neglected in existing housing policy measures include tenants, youth living in parental households, owners who paid for the residential space they own exclusively through a housing loan, and those who live in a residential space owned by their spouse and/or their parents (predominantly women).
132. In the academic year 2022/2023, the Central State Office for Demography and Youth subsidised the housing costs for full-time students living in private rentals who, despite meeting the criteria, remained on the waiting list for accommodation in student dormitories due to the lack of accommodation capacity.¹¹⁶ This one-time measure does not represent a long-term shift, considering that it comprises a small individual subsidy amount that can potentially have a negative effect on the already unfavourable rental market, while the issue of the lack of accommodation capacity in student dormitories remains unresolved.
133. There is still no progress in regulating the housing rental system, i.e., regulating tenant status. The Apartment Lease Act insufficiently defines the relations and rights of both tenants and landlords, creating uncertainty in the housing rental market. The regulation of tenant status is underdeveloped, poorly legally implemented and institutionally neglected, which puts tenants in an unstable, insecure and vulnerable position. There is a lack of regular assessment of housing needs and monitoring trends in

115 Right to the City Zagreb, Recommendations for housing policies based on research on the structure of housing status and housing needs, available at: <https://pravonagrad.org/novosti/preporuke-zastambene-politike-na-temelju-istrazivanja-o-strukturi-stambenih-statusa-i-stambenim-potrebama/>

116 Central State Office for Demography and Youth, Subsidizing housing costs for students in private rentals, available at: <https://demografija.mlad.gov.hr/vijesti-4693/subvencioniranje-troskova-stanovanja-studenata-kod-privatnih-stanodavaca-6696/6696>

the number of apartments on the rental market, as well as trends in rental prices on the market in relation to average household incomes.

134. Investment policies aimed at improving housing conditions are also missing. Citizens still face problems with the availability and affordability of adequate heating (almost 6% of households),¹¹⁷ as well as overcrowded living spaces with as many as over 34% of the population living in overcrowded homes.¹¹⁸ These data are of further concern given the slow recovery of the earthquake-affected areas.
135. The reconstruction of earthquake-affected buildings is extremely slow and ineffective. Even after over two years since the earthquakes, there are still 68 mobile housing units in the area affected by the Zagreb earthquake and as many as 2,351 housing containers in the area of the Petrinja earthquake, housing a total of 6,258 citizens¹¹⁹ who still live in inadequate living conditions. Numerous citizens living in the areas affected by the earthquakes continue to face a series of obstacles in exercising their rights to an adequate standard of living, which increases their distrust in the system and institutions.
136. Although more than seven years have passed since the European Court of Human Rights judgment in the case of *Statileo v. Croatia*,¹²⁰ the measures of execution of

117 State Bureau of Statistics, Indicators of Poverty and Social Exclusion for the Republic of Croatia, September 2021, available at: <https://podaci.dzs.hr/2022/hr/29178>

118 Eurostat, "Quality of housing", available at: <https://ec.europa.eu/eurostat/cache/digpub/housing/bloc-1c.html?lang=en>

119 Government of the Republic of Croatia, Government Session: The new act will speed up and simplify reconstruction; Accommodation programme for citizens in housing containers accepted, available at: <https://vlada.gov.hr/vijesti/sjednica-vlade-novi-zakon-ce-ubrztati-pojednostaviti-obnovu-prihvacen-program-zbrinjavanja-za-gradjane-u-kontejnerima/37772>

120 European Court of Human Rights, Case *Statileo v. Croatia* (Application No. 12027/10), available at: <https://uredzastupnika.gov.hr/User-DocsImages/dokumenti/Presude%20i%20odluke/STATILEO,%20prijevod%20presude.pdf>

judgments in this group of cases, related to the rights of owners and protected tenants in private apartments, are still under the supervision of the Committee of Ministers of the Council of Europe.¹²¹ Croatia again did not introduce changes to the Apartment Lease Act in 2022 that would address this issue even though the legislative procedure for amending the Apartment Lease Act was scheduled for the second quarter of 2022,¹²² as stated in communication with the Committee of Ministers of the Council of Europe. Thus, long-standing problems in exercising the rights of owners and protected tenants remain unresolved.

121 Croatia and the Council of Europe: Overview of main issues before the Committee of Ministers – Ongoing Supervision, available at: <https://rm.coe.int/mi-croatia-eng/1680a23c83>

122 Council of Europe, Committee of Ministers, 1419th meeting, 30 November – 2 December 2021, H46-11 Statileo group v. Croatia (Application No. 12027/10), available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a4ac31

Human rights and the environment

137. More than ten infringement procedures in the field of environmental protection were active at the end of 2022, initiated against Croatia by the European Commission¹²³ in the previous seven years after establishing a delay in transposing European legislation within the prescribed period and systematic non-compliance with regulations by Croatian institutions. Cases include infringements of EU waste legislation (Waste Framework Directive and Landfill Directive), non-compliance with the Habitats Directive when approving changes to offshore wind farm projects, and other cases concerning the legal regulation of environmental protection.
138. The Ministry of Spatial Planning, Construction and State Assets submitted the proposal of the Act on Amendments to the Spatial Planning Act for e-Consultation, which lasted only two weeks despite there being no justification for shortening its duration. The e-Consultation received a large number of comments from experts in the field of urban planning, architecture and environmental protection, who, among other things, warn of the fact that the proposal directly derogates from regulations in the field of environmental and nature protection, as well as spatial plans. The proposed provisions of the Act forcefully enable certain spatial interventions such as solar power plants, palliative care facilities, etc., to be built anywhere, even outside of construction areas, and even if these projects are not foreseen in the spatial plan. Such arrangements favour individual interests and enable unplanned devas-

123 European Commission, Decisions on infringements (Croatia, Environment), available at: https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/index.cfm?lang_code=EN&typeOfSearch=true&active_only=1&noncom=o&r_dossier=&decision_date_from=&decision_date_to=&EM=HR&DG=ENV&title=&submit=Search

tation of space and disruption of the ecosystem, which negatively affects the right to a healthy environment.¹²⁴

139. Croatian authorities continue to show a worrying lack of ambition for finding a long-term solution to the energy crisis by investing in renewable energy sources. In 2022, the Government made a decision to increase the capacity of the LNG terminal on the island of Krk and build a new gas pipeline. The decision was made ahead of its announcement of an aid package to mitigate the energy crisis and without conducting any environmental impact assessments. While public money is set to be spent on the expansion of the LNG terminal, no funds are allocated for solutions such as energy efficiency and solar energy for households.
140. Relations between the competent ministry and civil society organisations active in the field of environmental and nature protection continue to worsen in 2022, since the representatives of the competent institution no longer respond to invitations to discussions and other public advocacy activities organised by environmental organisations.
141. Although the vast majority of citizens have access to drinking water, access to water remains a problem for about 6% of Croatian citizens, predominantly in rural areas. Since the earthquake in Banija, part of the residents of the area do not have access to safe drinking water as the wells they had used were damaged, the water they contain became muddy, or the housing containers they have been placed in have not been connected to the water supply and drainage system. Problems with unavailable or outdated infrastructure are mostly present in smaller local self-government units and/or areas of special state

124 Jutarnji list, Letter to the Prime Minister: Amendments to the Spatial Planning Act are contrary to the principles of spatial planning, December 2022, available at: <https://www.jutarnji.hr/domidizajn/interijeri/pismo-premijeru-izmjene-zakona-o-prostornom-uredenju-suprotne-su-nacelima-prostornog-uredenja-15285037>

concern, while public water service providers lack the financial and human resources to offer solutions.¹²⁵

142. Preparations for the implementation of the construction project for the Kosiinj hydropower system continued in 2022. Fair compensation for the expropriation of land from the inhabitants of the area was determined on the basis of estimated appraisal reports. The compensation offered is extremely low and insufficient for alternative housing solutions or alternative economic activities for crop yields. Since this is a strategic project of the Republic of Croatia, the competent body for the expropriation procedure is the Ministry of Justice and Public Administration, which is not carrying out the expropriation on the basis of a special law as prescribed by the Act on Expropriation and Determination of Compensation, even though the expropriation will evict a large number of citizens. Instead, individual expropriations are carried out, which increases the risk of discriminatory treatment of individuals and/or groups, which could in turn result in a rise in the percentage of the population in the position of social exclusion and poverty.¹²⁶

143. Organisations for environmental protection state that administrative proceedings are the predominant way of resolving disputes in environmental cases. Conducting environmental proceedings before administrative courts remains problematic because the courts rely solely on the credibility of conducted studies, while the refusal of expert evaluations and the absence of evidentiary proceedings have become routine court practice. Moreover, administrative litigation is the last branch of the judiciary in which cases are assigned to judges by the decision of the court president (the so-called manual instead of computerised, randomised and anonymised allocation of cases), which

125 Ombudswoman, The right to water is important for health and quality of life, March 2021, available at: <https://www.ombudsman.hr/hr/pravo-na-vodu-vazno-je-za-zdravlje-kvalitetu-zivota/>

126 PortalNovosti.com, Inexorable accumulation, December 2021, available at: <https://www.portalnovosti.com/neumitna-akumulacija>

poses an extreme risk for corruption and undermines trust in the judiciary.

144. Environmental organisations cite aggravating factors regarding the implementation of public hearings in various environmental procedures, such as not being able to comment on spatial plans online. This further hinders citizen participation in making decisions of public interest, especially if it is taken into account that spatial plans represent the first stage in deciding on the possibility of building an infrastructure in the environment.
145. In 2022, the institution of the Ombudswoman noticed an increase in the number of environmental incidents in the marine environment, such as sea pollution near Brodosplit and Kostrena, the sinking of the gas platform Ivana D, and others, and therefore initiated new investigation procedures.¹²⁷ Effective measures to prevent damage to the environment and the health of the population, especially adequate measures to reduce pollution of the Adriatic Sea and air pollution, are yet to be taken. Due to the unsustainability of existing landfills, the danger they pose to the environment and the health of the local population, in addition to the fact that citizens are insufficiently informed about the practice and importance of waste separation, waste management is still a problem in Croatia. In addition to inadequate waste management systems, insufficient infrastructure for wastewater disposal and treatment remains a continuous problem.
146. Croatia did not sufficiently engage in cross-border cooperation with neighbouring countries for the purpose of environmental protection in 2022 either. Outdated thermal power plants in neighbouring countries are still operational, affecting the environment and the public health in Croatia and other EU countries.

127 Ombudswoman, Attitude towards maritime property is also a question of the human right to a healthy life and a healthy environment, December 2022, available at: <https://www.ombudsman.hr/hr/odnos-prema-pomorskom-dobru-pitanje-je-ljudskog-prava-na-zdrav-zivot-i-zdrav-okolis/>

The right to education

147. The quality of education in Croatia is negatively affected by several factors: insufficient number of school hours in primary and secondary schools, short duration of compulsory education of only eight years, schools' infrastructural deficiencies, a lack of equipment and a lack of teachers in certain subjects.
148. The number of school hours, and thus the quality of education, is also conditioned by school shifts: 831 schools in Croatia operate in two shifts, 10 of them in three shifts and 21 schools do not work in shifts but continuously throughout the day.¹²⁸ The unfavourable conditions resulting from schools working in shifts should be changed by the announced experimental four-year programme of full-day classes, which would involve 50 elementary schools starting in the school year 2023/2024.¹²⁹ The Lifelong Learning for All Network, which advocates a fair and inclusive education system in Croatia, warned that the very description of this experimental programme lacks emphasis on the principles of fairness and inclusivity and on special measures for disadvantaged groups. The Network concludes that the desired effect will not be achieved without a conscious emphasis on meeting the needs of disadvantaged groups and without a clear integration of equity into all dimensions of the programme, i.e., that improving the achievement of educational goals for students belonging to disadvantaged groups will not be achieved simply by spending more hours at school, but that it is necessary to plan targeted programme measures that will not only help them

128 Ministry of Science and Education, ŠeR – School e-Mine, available at: <https://mzo.gov.hr/ser-skolski-e-rudnik-3419/3419>

129 Government of the Republic of Croatia, Experimental full-day school programme starting next year in 50 schools, February 2023, available at: <https://vlada.gov.hr/vijesti/fuchs-eksperimentalni-program-cjelodnevne-nastave-od-iduce-godine-u-50-skola/37802>

achieve better, but also strengthen their psychological, emotional and social well-being.¹³⁰

149. The rate of early leavers from education and training in Croatia remains the lowest in the EU and is low overall, but is significantly higher among Roma.¹³¹ Civil society organisations that work with youth at risk warn that youth who drop out of school too early (before finishing high school or sometimes even primary school) are often vulnerable in multiple ways, are less visible to the system, and there are no adequate measures and mechanisms for their educational, economic nor social inclusion, leading to them facing an increased risk of long-term poverty and social exclusion.
150. As in previous years, the rate of participation in early and preschool education and the education of children from the age of four until the beginning of compulsory education in Croatia remains low and is significantly lower still for disadvantaged groups.¹³² The network of early and preschool education services is underdeveloped, there is a lack of spatial capacities and significant regional differences in the availability of early and preschool education institutions.
151. The Pre-School Education Act was amended in 2022, establishing a national network of institutions for early and preschool education and introducing an electronic system for enrolment in early and preschool education. These changes oblige municipalities to provide

130 Lifelong Learning for All Network, Press release: Review of the Experimental Full-Day School Programme, April 2023, available at: <https://www.obrazovanjezasve.hr/cjelodnevnna-skola/>

131 European Commission, Education and Training Monitor 2022 – Croatia, November 2022, available at: <https://op.europa.eu/webpub/eac/education-and-training-monitor-2022/hr/country-reports/croatia.html>

132 European Commission, Education and Training Monitor 2022 – Croatia, November 2022, available at: <https://op.europa.eu/webpub/eac/education-and-training-monitor-2022/hr/country-reports/croatia.html>

spots in early and preschool education institutions for children one year before their enrolment in school. A certificate of completion of one year of preschool education is mandatory for enrolment in elementary school.¹³³

152. The availability and quality of early and preschool education continued to be negatively affected by the lack of teachers in the system in 2022.¹³⁴ The main reasons cited for this shortage are low pay, the outflow of professional staff and low enrolment quotas at universities. Teachers protested in October 2022, demanding greater investments in staff and early and preschool education spaces.¹³⁵
153. Civil society organisations that protect and promote children’s rights continuously warn about the lack of teachers and professional associates in kindergartens, as well as the fact that persons working in kindergartens include persons not trained to work with preschool children and teachers who work a large number of overtime hours. Many kindergartens in Croatia do not employ a single professional associate or the associates have extremely short working hours (e.g., two hours a week). Furthermore, mandatory professional training is not satisfactorily provided.
154. Significant discrepancies in the availability and quality of early and preschool education additionally negatively affects children at risk – children of unemployed parents (especially single-parent families), children at risk of poverty, children belonging to the Roma national minority, children growing up in less developed

133 Ibid.

134 bid.

135 Jutarnji.hr, Educators protest at central square: “There is no kindergarten without us!”, October 2022, available at: <https://www.jutarnji.hr/vijesti/hrvatska/prosvjed-odgojitelja-na-trgu-bez-nas-nema-vrtica-hrabri-tata-vi-ste-za-mene-obitelj-ponos-hrvatske-15265396>

areas and children with developmental disabilities.¹³⁶ Although measures to increase quality and availability have been announced as part of the National Recovery and Resilience Plan for 2021-2026,¹³⁷ the implementation of these measures is not yet clearly visible.

155. There are still no available assessments of the inclusion of children with developmental disabilities in early and preschool education, nor is inclusiveness or the quality of services provided to them being monitored. There is also no systematic monitoring of data on the inclusion of children of the Roma national minority or children at risk of poverty in early and preschool education programmes.¹³⁸ Inequalities in early and preschool education are further deepened due to non-uniformity of enrolment criteria and of participation co-financing, as well as due to non-compliance with pedagogical standards.¹³⁹

156. At the end of 2022, the Government made a decision to finance one meal a day for all students in all primary schools,¹⁴⁰ which was proposed and advocated by the initiative “Every child’s right to a school meal”. This decision marks a positive step forward in achieving

136 European Commission, Education and Training Monitor 2022 – Croatia, November 2022, available at: <https://op.europa.eu/webpub/eac/education-and-training-monitor-2022/hr/country-reports/croatia.html>

137 Government of the Republic of Croatia, National Recovery and Resilience Plan 2021-2026, available at: <https://planoporavka.gov.hr/UserDocsImages/dokumenti/Plan%20oporavka%20i%20otpornosti%2C%20srpanj%202021..pdf?vel=13435491>

138 UNICEF, In-depth analysis of the situation and basis for the development of the European Child Guarantee National Action Plan in Croatia, January 2021, available at: <https://www.unicef.org/croatia/media/10146/file/Dubinska%20analiza%20stanja%20.pdf>

139 Lifelong Learning for All Network, Educational inequalities in Croatia: Challenges and needs from the perspective of education system stakeholders, 2022, available at: https://fso.hr/wp-content/uploads/2022/05/Obrazovne-nejednakosti_online.hr-F.pdf

140 Official Gazette, Decision on criteria and method of school meal financing, i.e. co-financing for elementary school students for the second semester of the 2022/2023 school year, December 2022, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/full/2022_12_156_2531.html

equality and access to education, especially for children and families of lower socioeconomic status.

157. Access to quality education in Croatia continues to be difficult for children who are beneficiaries of the guaranteed minimum benefit as they are unable to cover the “hidden” costs of education – due to the unavailability and unaffordability of the extended stay programme and the unavailability and unaffordability of transportation.¹⁴¹ Roma children face additional obstacles stemming from the unavailability of various forms of support and the still-present segregated classes.¹⁴² There is also a lack of support for refugee children,¹⁴³ and schools do not receive sufficient support from the system to create an intercultural environment.¹⁴⁴
158. Civic education is still implemented in primary and secondary schools only as one of the 6 cross-curricular topics. Only some schools teach it as an extra-curricular activity. This model of implementation of civic education does not provide for enough time and focus in the curriculum for the quality development of civic competence in students.
159. The number of cities and counties that introduced civic education as an extracurricular activity increased in the 2022/2023 school year in response to the shortcomings of the implementation of civic education only

141 UNICEF, Basis for the development of the European Child Guarantee National Action Plan in Croatia, Overview of key findings and recommendations, available at: <https://www.unicef.org/croatia/izvjesca/dubinska-analiza-za-eu-jamstvo-za-svako-dijete-hrvatska>

142 See chapter The Rights of National Minorities

143 See chapter The Rights of Refugees

144 UNICEF, Basis for the development of the European Child Guarantee National Action Plan in Croatia, Overview of key findings and recommendations, available at: <https://www.unicef.org/croatia/izvjesca/dubinska-analiza-za-eu-jamstvo-za-svako-dijete-hrvatska>

as a cross-curricular topic. Civic education was introduced by the cities of Zagreb, Pula and the Primorje-Gorski Kotar County.¹⁴⁵

160. Research conducted by the GOOD Initiative on the implementation of the cross-curricular topic of Civic Education in primary and secondary schools shows that the implementation, from the perspective of the implementer, is flawed and uncoordinated, and that there is a lack of a coordination system for the implementation of cross-curricular topics at the level of schools. Teachers also point out that their initial training was deficient both in terms of the methodology of implementing cross-curricular content, and in terms of the content of civic education. The research indicates that it is challenging to implement civic education due to the eclecticism that characterises its content and implementation. Although as such – conceived as a cross-curricular topic – it does have positive aspects, these are ultimately overshadowed by its shortcomings.¹⁴⁶

161. No systematic evaluation was carried out in 2022 that would produce conclusions about the effects of the implementation of civic education as a cross-curricular topic nor about possible needs for improving the implementation and the curriculum, which is also one of the recommendations¹⁴⁷ of the European Commission against Racism and Intolerance (ECRI) to the National Centre for External Evaluation of Education.

¹⁴⁵ European Commission, Education and Training Monitor 2022 – Croatia, November 2022, available at: <https://op.europa.eu/webpub/eac/education-and-training-monitor-2022/hr/country-reports/croatia.html>

¹⁴⁶ Goo.hr, Implementation of cross-curricular topic Civic Education in primary and secondary schools in Croatia – qualitative research results, 2023, available at: <https://goo.hr/preuzimanja/istrazivanja/>

¹⁴⁷ European Commission against Racism and Intolerance, ECRI conclusions on the implementation of the recommendations in respect of Croatia subject to interim follow-up, March 2021, available at: <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a277b2>

162. There is still a lack of systematic professional training of teachers for teaching civic education and education on human rights and democratisation. Croatia did not implement ECRI's recommendation¹⁴⁸ to provide educational workers with comprehensive and consistent, initial and continuous training for them to acquire the skills necessary for teaching human rights.
163. In 2022, the draft of the National Plan for the Development of the Education System was completed and submitted for public consultation along with the associated Action Plan for the implementation of the National Plan. This document determined the continuation of the educational reform and included a number of goals for improving the quality and accessibility of education.¹⁴⁹ Unfortunately, this document, crucial for the development of education, does not contribute to the development of social and civic competences in students and fails to recognise civic education as necessary for the development of active participants in modern society. The National Plan also does not foresee sufficient support for teachers in their training that would allow them to properly support the development of civic competences in students.
164. In 2022, no changes were made to the curriculum of the cross-curricular topic of Health for primary and secondary schools.¹⁵⁰ The curriculum approaches the topic of sexuality and reproductive health in an inadequate and outdated way, without mentioning gender stereotypes, gender equality, gender-based violence,

148 Ibid.

149 Tportal.hr, National Plan for the Development of the Education System until 2027 in public hearing, October 2022, available at: <https://www.tportal.hr/vijesti/clanak/nacionalni-plan-razvoja-sustava-obrazovanja-do-2027-u-javnoj-raspravi-20221021>

150 Ministry of Science and Education, Decision on adopting the curriculum for the cross-curricular topic Health for primary and secondary schools in the Republic of Croatia (OG 10/2019), January 2019, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_01_10_212.html

LGBTIQ persons and respect for diversity and tolerance towards different sexual/gender identities.¹⁵¹

165. The Ombudswoman for Children also continuously warns about the need to introduce mandatory health education in schools, stating in 2022 that reports of sexual harassment and inappropriate sexual behaviour, mostly by boys towards girls, are on the rise, which confirms the need for the introduction of mandatory health education in schools.¹⁵²
166. In 2022, the City of Rijeka continued with the plan to introduce health education as an extracurricular activity for students in grades 5-8 of primary school in order for students to systematically learn about all issues related to health, including sexual health, sexuality and gender equality. The need to introduce this subject as an extracurricular activity comes as a response to shortcomings in the implementation of the health curriculum as a cross-curricular topic.¹⁵³
167. The higher education attainment rate is low compared to the EU average, and there are both gender gaps and discrepancies between urban and rural areas. The employment rate of recent graduates is low, especially for women. The rate of participation in the adult education system remains below the EU average.¹⁵⁴

151 Voxfeminae.net, CESI: New Health Education curriculum reduces sexuality to reproduction, February 2019, available at: <https://voxfeminae.net/vijesti/cesi-novi-kurikulum-zdravstvenog-odgoja-svodiseksualnost-na-reprodukciju>

152 Ombudswoman for children, Report on the work of the Ombudsperson for Children for the year 2022, March 2023, available at: <https://dijete.hr/hr/izvjesca/izvjesca-o-radupravobranitelja-za-djecu/>

153 Novilist.hr, After Civic Education, Rijeka introduces Health Education in schools. Here are all the known details, October 2022, available at: <https://www.novilist.hr/rijeka-regija/rijeka/rijeka-nakon-gradanskog-uvodi-u-skole-i-zdravstveni-odgoj-evo-svih-dosad-poznatih-detolja/>

154 European Commission, Education and Training Monitor 2022 – Croatia, November 2022, available at: <https://op.europa.eu/webpub/eac/education-and-training-monitor-2022/hr/country-reports/croatia.html>

VULNERABLE GROUPS:

Women's rights

168. Although the problems present in previous years continued in 2022, the issues of femicide, inequality in the labour market, sexual harassment, sexism and discriminatory behaviour were the most represented topics on gender equality in public discourse, along with issues concerning the position and rights of migrant women, especially in light of the war in Ukraine.
169. According to EIGE's Gender Equality Index for 2022,¹⁵⁵ Croatia has made minor progress in the area of gender equality, but it still occupies the 19th place among EU countries with 60.7 points.¹⁵⁶ The most room for improvement of gender equality was found in the domain of knowledge (53.4 points), in which Croatia continuously ranks at the bottom of the EU – in the 25th place among all member states.
170. The current state of women's participation in political decision-making bodies in the Republic of Croatia is still far from the desired goal of relative gender balance. At the end of 2022, there were 32% of women in the Croatian Parliament, 24% in the Government and 33% of women among Croatian representatives in the European Parliament.¹⁵⁷ According to the results of the local elections in 2021, there are 27% of women in all bodies of local and

155 European Institute for Gender Equality, 2022 Gender Equality Index, available at: <https://eige.europa.eu/gender-equality-index/2022/country/HR>

156 Ibid.

157 Ombudswoman for Gender Equality, Report on the work of the Ombudswoman for Gender Equality for 2022, available at: https://www.prs.hr/application/uploads/Izveštaje_o_radu_PRS_u_2022_cjelo.pdf

regional self-government units at the level of local and regional self-government (representative bodies – 29% women, executive bodies – 11% women).

171. Despite the adoption of the National Plan for Gender Equality and the associated Action Plan in March 2023, women’s rights organisations emphasise that the long-awaited document did not deliver an adequate level of quality of the proposed measures that would ensure the implementation of gender-aware policy-making in the Republic of Croatia. The organisations’ most pressing complaint concerns the lack of relevant areas such as the current issue of green and sustainable policies, the area of gender equality in crisis and war situations, and the role of women in peace processes, one of the most important topics of the last two years, as well as a separate area of the protection of women’s reproductive rights, which are under threat due to the strengthening of conservative political parties and conservative movements that advocate the prohibition of abortion and restrict women’s freedom in public and private life.

Gender-Based Violence and Domestic Violence

172. In 2022, Croatia had the third highest rate of femicide per capita in the European Union, not including attempted murders of women, which points to a deterioration in terms of the prevalence of violence, its brutality, but also to the system being insufficiently responsive to protect victims and sanction perpetrators.¹⁵⁸ Despite these statistics, the Criminal Code still does not recognise femicide as a specific and separate criminal offence.
173. At the end of 2022, Croatia adopted the National Plan for the Suppression of Sexual Violence and Sexual Harass-

¹⁵⁸ Večernji.hr, Femicide not recognised by any law in the region: Croatia third in the EU in terms of the number of murders of women, January 2023, available at: <https://www.vecernji.hr/vijesti/femicidne-poznajje-niti-jedan-zakon-u-regiji-hrvatska-treca-u-eu-po-broj-ubojstava-zena-1650547>

ment for the period until 2027¹⁵⁹ and the Action Plan for the Suppression of Sexual Violence and Sexual Harassment for the period until 2024.¹⁶⁰ This is the first such document that exclusively concerns the issue of sexual violence, but the question of its implementation, and of the evaluation of its implementation, remains open. Women's rights organisations state that it is problematic that gender-based violence is addressed fragmentarily, through various insufficiently interconnected and coordinated strategic documents. Although sexual violence and harassment are undoubtedly forms of violence against women, it remains unclear why they had been segregated in a separate strategic document instead of creating a single comprehensive strategic document to combat all forms of violence against women.

174.

The amendment of the Protocol on Procedures in Cases of Sexual Violence is in process, as there have been significant changes in the legal provisions since the adoption of the Protocol, and the final results will be visible in 2023. In 2022, the Ministry of Justice and Public Administration established a working group with the aim of improving and amending the legislative framework on the issue of violence against women. The Working Group is working on amendments to several regulations, such as the Criminal Procedure Act, the Criminal Code, the Act on the Protection from Domestic Violence, the Courts Act, the

159 Ministry of Labour, Pension System, Family and Social Policy, National Plan for the Suppression of Sexual Violence and Sexual Harassment for the period until 2027, December 2022, available at: https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/NACIONALNI%20PLAN%20ZA%20SUZBIJANJE%20SEKSUALNOG%20NASILJA%20I%20SEKSUALNOG%20UZNEMIRAVANJA%20do%202027.g_final.pdf

160 Ministry of Labour, Pension System, Family and Social Policy, December 2022, Action Plan for the Suppression of Sexual Violence and Sexual Harassment for the period until 2024, available at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/AKCIJSKI%20PLAN%20ZA%20SUZBIJANJE%20SEKSUALNOG%20NASILJA%20I%20SEKSUALNOG%20UZNEMIRAVANJA%20DO%202024.%20g.pdf>

Ordinance on the Method of Implementing Precautionary Measures and the Ordinance on the Method of Implementing Individual Victim Assessment.

175. In terms of public policies, one of the fundamental issues is that policies remain gender-neutral despite violence not being gender-neutral but gender-based, as women's human rights organisations have been reporting to the GREVIO committee¹⁶¹ in 2022. The adoption of public policies is often delayed. For example, the National Strategy for the Protection from Domestic Violence for 2017-2022 expired with the end of 2022, and there was a seven-year wait on the new gender equality policy.
176. Although there is both a national team and county teams for the prevention and fight against violence against women and domestic violence, it is necessary to strengthen their involvement, especially in counties where teams are not active. The scope of their work should also include the authority to discuss each individual case in order to be able to coordinate a joint and timely response of all stakeholders within the system.
177. Issues that organisations continuously point out are related to cases of domestic violence and imposed victim protection measures, especially when families include underage children. Protection measures are often non-functional; even when they are imposed, they are rarely controlled or monitored, and the measures themselves are not sufficient to protect the victims. Measures are often imposed in relation to mothers but do not include children, which opens up the possibility of intimidation and retaliation of victims through children or in cases of court ordered meetings between the child and an abusive father.

¹⁶¹ Civil society organisations, Joint shadow report on the implementation of the Istanbul Convention in Croatia, February 2022, available at: <https://rm.coe.int/joint-shadow-report-croatia-2022/1680a5b42d>

178. Women's rights organisations have observed, through the experiences of beneficiaries, that victims of violence which is not qualified as a criminal offense prosecuted *ex officio* or as a misdemeanour are in a particularly unfavourable position. In these cases, victims are instructed to file a private lawsuit against the perpetrator. In addition to financially exhausting the victims, this also represents a disproportionate psychological burden for them, which is why victims are not inclined to file private lawsuits, given that they would have to personally attend hearings and face the perpetrator directly.
179. Another problem emphasised by the organisations are the provisions on the confidentiality of locations of shelters for victims of violence – this information is specified in the case file or in the report written by the police, the centre for social welfare and additionally, during testimony, the court asks the victim about her location and records this information. Such reckless conduct and questions can lead to tragic outcomes. The legislator should announce special provisions for the purpose of respecting data confidentiality, especially the confidentiality of the locations of domestic violence shelters.
180. The latest amendments to the Criminal Procedure Act¹⁶² did not clarify the criteria or standardise the practice for determining pre-trial detention in cases of domestic violence, which leads to victims in comparable situations achieving different levels of legal protection. The Protocol on Procedures in Cases of Domestic Violence needs to be brought in line with the legal amendments to the Criminal Code and the Act on the Protection from Domestic Violence that have come into force in the meantime, namely with regard to the very definition of domestic violence, the circle of persons to whom the Act on the Protection from Domestic Violence applies, and the persons who are

¹⁶² Act on Amendments to the Criminal Procedure Act (OG 80/2022), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2022_07_80_1169.html

considered close persons and family members according to the Criminal Code.

181. The victim still needs to make a request in order to exercise her right to be informed, without undue delay, about the suspension of pre-trial detention, the defendant's escape or release from serving a prison sentence, as well as of measures taken for her protection and of every decision that legally terminates the criminal proceedings. This is problematic because victims are often not even aware that they need to make an explicit request to exercise the aforementioned rights.
182. As in previous years, centres for social welfare show a lack of understanding of the issue of gender-based violence, all the while having a very important role in divorce proceedings and proceedings in which parental care is determined. Also, Family Law does not prescribe a separate procedure for families in which domestic violence is present. Thus, the way in which mandatory counselling will be adapted/differently implemented with regard to domestic violence depends largely on the situation within the family, but also on the assessment of the centre's expert team.
183. In practice, violence that is not committed directly against the child but against the mother is often not recognised as a form of child abuse or as a criminal offense of violating the rights of the child. Consequently, there is an almost unreserved insistence on abusers maintaining contact with children, even when the child expressly objects to these meetings.

Reproductive Rights, Pregnancy and Motherhood

184. In 2022, civil society organisations concerned with women's reproductive rights once again recorded a significant number of complaints from women regarding their negative experiences in maternity hospitals, with emphasis on the health care provided during childbirth. In addition, the hindered availability of abortion services is a gaping

problem in the field of reproductive health and one that was further highlighted by two media-covered cases,¹⁶³ for which competent authorities are yet to produce final inspection results. Organisations warn that the Action Plan for women's reproductive health has not yet been adopted despite the accumulated systemic problems in public health. Such a document would ensure free and available sexual and reproductive health care for all women and persons – one that is age-appropriate, gender-aware, person-oriented and based on rights, ethical principles and evidence-based medicine.

185.

A qualitative study of guidelines for maternity care during physiological childbirth¹⁶⁴ conducted in 2022 showed that there is a complete lack of national clinical guidelines for the care of pregnant women and women in labour despite the existence of professional associations whose domain includes the development of guidelines for the diagnosis, treatment and prevention of clinical conditions that are of particular importance for the field of perinatology in order to improve the quality of health care for pregnant women, women in labour and children. The absence of such guidelines leaves too much room for practices not stemming from evidence-based medicine, resulting in suboptimal care for pregnant women and women in labour, and to practices varying significantly among health care facilities.

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- 163 The case of m.č. in KBC Zagreb, Index.hr, "My baby has a huge tumour, it will die or live like a plant. They won't let me have an abortion", May 2022, available at: <https://www.index.hr/vijesti/clanak/beba-mi-ima-golemi-tumor-umrijet-ce-ili-zivjeti-kao-biljka-ne-dajumi-da-pobacim/2361526.aspx>, The case of M.J. in KBC Osijek, 24sata.hr, No abortion performed on pregnant woman: Hospital removed document with fictional articles of the Constitution, June 2022, available at: <https://www.24sata.hr/news/trudnici-nisu-napravili-pobacajbolnica-uklonila-dokument-s-izmisljenim-clancima-ustava-839760>, both cases are also described in the Report on the work of the Ombudsperson for Gender Equality for 2022, available at: https://www.prs.hr/application/uploads/Izvješće_o_radu_PRS_u_2022_cjelo.pdf
- 164 Roda.hr, Qualitative survey of guidelines for maternity care during physiologic childbirth, November 2022, available at: <https://www.roda.hr/udruga/projekti/radar/kvalitativno-istrazivanje-smjernica-za-skrb-o-rodiljama-tijekom-fizioloskog-porodaja.html>

186. There are still obstacles to access to abortion. The problems include the large number of health workers who use conscientious objection, leading to some health institutions not having available workers who would perform the procedure, the extremely high prices of legally induced terminations of pregnancy as this medical procedure is not covered by health insurance, and the high risk of stigmatisation and consequent discrimination of patients who decide to terminate their pregnancy.
187. The year was marked by the media-covered case of M.Č. who was forced to seek help across the border in Slovenia after doctors informed her that she would not be able to terminate her pregnancy in Croatia.¹⁶⁵ In this case, in addition to the unavailability of health care in the case of abortion, the Ombudswoman found a series of failures to disclose relative information, from a failure to inform about the procedure for submitting a request for termination of pregnancy after 10 weeks from conception, about the institution where the procedure can be performed, and about the rights and procedures for exercising health insurance rights.¹⁶⁶
188. In the abovementioned case, the Special Procedures of the United Nations Human Rights Council sent a communication to the Government of the Republic of Croatia in November 2022, to which the Government replied, at the end of January of this year, that termination of pregnancy after the 22nd week is possible in Croatia and that there were 46 such cases in a three-year period.¹⁶⁶ Despite this,

165 Ombudswoman for Gender Equality, Report on the work of the Ombudsperson for Gender Equality for 2022, available at: https://www.prs.hr/application/uploads/Izvješće_o_radu_PRS_u_2022_cjelo.pdf

166 Ombudswoman Report for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6436a4b7c93c91681302711>

167 Novilist.hr, Here is how the Government responded to the UN on the case of Mirela Čavajda: "Why didn't Mirela have the right to the procedure then?", March 2023, available at: https://www.novilist.hr/novosti/hrvatska/evo-sto-je-vlada-odgovorila-un-u-o-slucaju-mirele-cavajde-zasto-onda-mirela-nije-imala-pravo-na-taj-postupak/?meta_refresh=true

it is not clear why m.č. did not exercise that right and why no steps were taken to enact a new law. Namely, back in 2017, the Constitutional Court of the Republic of Croatia ordered the Croatian Parliament, by Decision U-I-60/1991, to enact new legislation within the period of two years regulating a woman's right to freely decide on the birth of children and termination of pregnancy.¹⁶⁸

189. The problem of the unavailability of gynaecological care is still present due to the insufficient number of gynaecological practices that have a contract with the Croatian Health Insurance Fund compared to the number of users. Private practices are beyond the financial capacity of most citizens when it comes to regular annual check-ups, which endangers women's reproductive health. Some cities still have no gynaecological teams, completely cutting off access to gynaecological care for some citizens. Organisations point out that patients also frequent complain about the practice of primary gynaecologists illegally charging for gynaecological examinations through health insurance bonds. It is evident from the complaints that these charges refer to swabs, ultrasounds, examinations, opening pregnancy health records, etc.

190. Regarding medically assisted reproduction, organisations warn that there are still unresolved issues in access to procedures for citizens who do not have an infertility diagnosis, do not have a partner, nor to same-sex couples. Additionally, even though citizens and couples who need medically assisted reproduction procedures involving donated egg, sperm and embryos to treat infertility are entitled to this treatment – at the expense of the Croatian Health Insurance Fund, pursuant to the Medically Assisted Reproduction Act – such treatment is not available in Croatia because no gamete bank has been established for this type of treatment.

¹⁶⁸ Ombudswoman for Gender Equality, Report on the work of the Ombudsperson for Gender Equality for 2022, available at: https://www.prs.hr/application/uploads/Izvješće_o_radu_PRS_u_2022_cjelo.pdf

191. The first Review of case law and the mechanisms for the protection of women's reproductive rights in Croatia for the period from 2016 to 2020 was prepared in 2022, revealing the ineffectiveness of the legal protection of women's reproductive health. Proceedings were mainly initiated due to incorrect or inadequate treatment in the course of gynaecological procedures, most of which referred to childbirth, and only in cases of serious consequences such as death or disability of the child, death of the patient or serious injuries and health impairments. Although these are not the only rights in the field of reproductive rights, other types of violations (e.g., violations of the right to informed and free consent, the right to confidentiality or the right to choice, medically unjustified procedures, unprofessional conduct) have not been subject to judicial consideration.¹⁶⁹
192. Croatia is still among the EU member states where men (fathers) use paternity and parental benefits the least. According to the Ombudswoman, fathers do not exercise their right to paternity/parental leave to a sufficient extent, that is, they transfer a significant part of their right to mothers, meaning that the work-life balance remains a significant problem for many mothers who have an obligation to take care of their children, which has a negative effect on women's employment, and in some cases, results in their exclusion from the labour market.¹⁷⁰

Women in the Labour Market

193. Although a positive shift is visible in certain segments in the domain of work, the Gender Equality Index of the European Institute for Gender Equality, which measures

169 Roda.hr, Overview of case law and other mechanisms for the protection of women's reproductive rights in the Republic of Croatia, November 2022, available at: [poveznici:https://www.roda.hr/udruga/projekti/radar/izraden-prvi-pregled-sudske-prakse-i-mehanizama-zastite-reproduktivnih-prava-zena-u-rh.html](https://www.roda.hr/udruga/projekti/radar/izraden-prvi-pregled-sudske-prakse-i-mehanizama-zastite-reproduktivnih-prava-zena-u-rh.html)

170 Ombudsman for Gender Equality, Report on the work of the Ombudsman for Gender Equality for 2022, available at: https://www.prs.hr/application/uploads/Izvješće_o_radu_PRS_u_2022_cjelo.pdf

member states' progress in this domain, shows that Croatia did not make progress compared to 2021, when its index was 70.1., compared to 69.7 from 2022.¹⁷¹

194. Compared to 2021, there was an increase in the number of fixed-term employees, with women more exposed to uncertainty in the labour market. The position of pregnant women with a fixed-term employment contract is particularly problematic because it is very complicated for victims of discrimination to prove that their contract had not been renewed due to pregnancy. Additionally, pregnant women are often in a worse procedural position and do not have evidence to support their claims.¹⁷²
195. Significantly lower representation of women in decision-making positions has been continuously present for years, and Croatia still lacks appropriate measures and regulations that would effectively encourage the participation of women in economic decision-making positions. According to data from the Croatian Financial Services Supervisory Agency, the share of women in management boards of joint-stock companies whose shares were listed on the Zagreb Stock Exchange was 16.67%, while the share of women in supervisory boards of the aforementioned companies was 25.78%. Compared to data from 2021, the numbers have stagnated for management boards of joint-stock companies, and there has been an increase of around 2.8% in the share of women in the supervisory boards of the aforementioned companies.¹⁷³

171 European Institute for Gender Equality, 2022 Gender Equality Index, available at: <https://eige.europa.eu/gender-equality-index/2022/country/HR>

172 Ombudsman for Gender Equality, Report on the work of the Ombudsman for Gender Equality for 2022, available at: https://www.prs.hr/application/uploads/Izvješće_o_radu_PRS_u_2022_cjelo.pdf

173 Ibid.

196. The Gender Equality Ombudswoman states that, based on data from the Croatian Bureau of Statistics, the gender pay gap is 6.9%, and the gender pension gap is 20.4%, which supports the claim that the problem of pay and pension inequality is still present in Croatia.
197. There is still no adequate policy for employment of women victims of violence. Middle-aged women with underage children who often have not worked for many years or never (because the abuser did not allow them to do so or because of the psychosocial consequences of experienced violence and trauma) have a very difficult time integrating into the labour market. Although the Croatian Employment Service does offer certain incentive measures for the employment of women victims of violence, civil society organisations point out that they are not functional and are extremely underused in practice.

Children's rights

198. In the second half of 2022, Croatia adopted the National Plan for Children's Rights for 2022–2026,¹⁷⁴ as well as the associated Action Plan¹⁷⁵ for 2022–2024. However, civil society organisations that work on the protection and promotion of children's rights warn that the newly adopted policies produced no visible changes in the area of children's rights in 2022.
199. Civil society organisations that protect and promote children's rights state that there is a lack of data on the outcomes of implemented measures from the National Strategy for Children's Rights for 2014–2020. The implementation of national public policies for children's rights should be systematically monitored by the Council for Children. Although some progress has been made in terms of the frequency of meetings and discussions between Council members, children's rights organisations warn that the main task of this body – independent monitoring of the implementation of the Convention on the Rights of the Child in the Republic of Croatia – remains unfulfilled.¹⁷⁶

174 Ministry of Labour, Pension System, Family and Social Policy, National Plan for Children's Rights for 2022-2026, April 2022, available at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/Nacionalni%20plan%20za%20oprava%20djece%20u%20Republici%20Hrvatskoj%20za%20razdoblje%20od%202022.%20do%202026.%20godine.pdf>

175 Ministry of Labour, Pension System, Family and Social Policy, ACTION PLAN FOR CHILDREN'S RIGHTS IN THE REPUBLIC OF CROATIA FOR THE PERIOD FROM 2022 TO 2024, April 2022, available at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Dokumenti/Akcijски%20plan%20za%20oprava%20djece%20u%20RH%20za%20razdoblje%20od%202022.%20do%202024.%20godine.pdf>

176 Coordination of Associations for Children, Alternative Report on the implementation of the Convention on the Rights of the Child and the Recommendations of the UN Committee for the Rights of the Child in the Republic of Croatia 2014-2018 (2020), available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRC%2FC%2FHRV%2FQPR%2F5-6&Lang=en

- 200.** In June 2022, the UN Committee on the Rights of the Child issued new recommendations¹⁷⁷ for improving children’s rights in Croatia, expressing concern about discrimination against children belonging to minority groups and children with disabilities, migrant, refugee, asylum-seeking children and LGBTIQ children, especially in regard to education and health care. As additional areas of concern, the Committee highlighted the slow progress in deinstitutionalisation and transformation processes in the past 10 years, the protection from violence and abuse and victim support, especially support for victims of sexual violence, and child-friendly justice. The Committee also recommended to strengthen the care for children with developmental disabilities, and provide them with access to health services and inclusive education.
- 201.** Involvement in early and preschool education programmes remains too low, the capacities of kindergartens are still insufficient, both in terms of space and staff, and large regional inequalities remain an issue. There are still not enough spots in kindergartens for every child. Children’s participation in preschool education (from the age of 3 until the age of starting compulsory primary education) in Croatia is significantly lower than the EU average, especially for vulnerable groups.¹⁷⁸
- 202.** The fact that 18.6% of children and youth under the age of 18 in Croatia are at risk of poverty and social exclusion¹⁷⁹ is still a matter of particular concern. Almost 14 thousand children are beneficiaries of the guaranteed minimum benefit and as many as 245 thousand children

177 UN, Committee on the Rights of the Child Concluding observations on the combined fifth and sixth periodic reports of Croatia, available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsp7zGar7lDoFuXla4BExgU7RNjDXvowlo7%2F22sBKgyInpRWDYjeWoxLfc2evIWBQk6x%2FF4lWsrE5rMWPoRb%2BWR3QzTXc8uxKk5%2BBXYvfThpd>

178 See chapter The Right to Education

179 Eurostat, At risk of poverty or social exclusion in Croatia, 2021, available at: <https://ec.europa.eu/eurostat/web/income-and-living-conditions/visualisations>

use child support.¹⁸⁰ Children living in risk of poverty are significantly more deprived and in an unequal position in relation to numerous indicators of well-being.¹⁸¹

203. Civil society organisations that protect and promote children’s rights indicate the need for further investment of efforts in informing and sensitising the professional and general public about children’s rights and their protection, especially for children and youth growing up in unfavourable circumstances.
204. Inconstant and one-time project financing of services for children provided by civil society organisations negatively affects the availability and sustainability of these services, which are often lacking, especially in less developed, rural and poorly connected areas.
205. The Network of Children’s Rights Organisations warns that the state of rights of children with developmental risks and difficulties and their parents is still worrying. Croatia still does not have a high-quality early intervention system in place, there is no integrated approach and a unified point of access to services. The availability of early intervention services is insufficient, there is a lack of specialists and specialist training, and support for the child and their family is often neither timely nor comprehensive. This jeopardises the child’s right to realise their full potential.¹⁸² Most early intervention programmes are clustered in urban areas, that is, in the wider area of Zagreb and other large cities. The number of services available in rural, remote and island areas, as well as in minority communities, especially Roma communities, is insufficient.

180 See chapter The Right to an Adequate Standard of Living

181 Olja Družić Ljubotina, Tatjana Dragičević. “Child poverty – effects and protective factors.” *Pravnik* 56, no. 108 (2022): 102-140, available at: <https://hrcak.srce.hr/284143>

182 Conclusions of the Sixth Croatian Symposium on Early Intervention in Childhood “Understanding and Supporting the Family of a Child with Developmental Risks and Difficulties,” June 9 - 11, 2022, Zagreb

206. Civil society organisations that protect and promote children's rights warn that alternative care for children without adequate parental care is still unsatisfactory, and many children stay in institutional forms of accommodation too long, especially children from birth to three years of age.
207. According to the information available to the Network of Children's Rights Organisations, social welfare institutions in which children without adequate parental care are placed are at full capacity, and it is very difficult for experts to find suitable accommodation for children in the event of a need for urgent placement. This is inconsistent with the plans for transforming institutions and developing non-institutional forms of care for children and youth and goes against the aim of preventing institutionalisation.
208. The Ombudswoman for Children sent recommendations to institutions regarding changes to regulations and procedures for the protection of children in adoption procedures and children adopted in countries that are not signatories to the Hague Convention, which was prompted by the arrest of Croatian citizens in Zambia and connected to the international adoption of children from the DR Congo.¹⁸³ Posts published on social networks and comments made in public spaces exposed already adopted children and their families to negative reactions from their environment and possible traumatising.¹⁸⁴
209. The Network of Children's Rights Organisations warns that care for children without adequate parental care, i.e., the need for foster care, is increasing, while the number of foster parents is decreasing. In some parts of Croatia, the number of foster parents has halved, and foster parents state that they often lack quality and continuous support.

183 Press release of the Ombudswoman for Children regarding international adoptions, available at: <https://dijete.hr/hr/priopcenje-pravobraniteljice-za-djecu-vezano-uz-medudrzavna-posvojenja/>

184 Report on the work of the Ombudswoman for Children for 2022, March 2023, available at: <https://dijete.hr/docs/Izvješće%20o%20radu%20pravobraniteljice%20za%20djecu%20za%202022.%20godinu.pdf>

Still present is the issue of the age of fosters, who are mostly older.

- 210.** Care for children and youth with behavioural disorders is also insufficient. According to information from the Network of Children's Rights Organisations, a large number of children and youth with behavioural disorders who need alternative care are on waiting lists.
- 211.** The Network of Children's Rights Organisations warns that children and families facing malignant diseases are exposed to numerous difficulties. Financial difficulties present one of the main problems faced by children and families in this situation and one that can be a huge obstacle in accessing treatment for a child suffering from a malignant disease. There is a lack of organised high school education in hospitals, and palliative care services are almost non-existent. Additionally, late effects of medical treatment and treatment in childhood are insufficiently recognised and addressed. Furthermore, the implementation of public policies in this area is not clear, i.e., there is a lack of implementing documents, such as the Action Plan of the National Cancer Strategic Framework until 2030.
- 212.** Civil society organisations that promote and protect children's rights warn that the justice system is still not adapted to the needs of children. During 2022, family departments were established in municipal courts to provide a better-quality framework for more effective legal protection in family law cases and to create an environment suitable for children and make the experience less traumatic for them. However, based on feedback received from users in practice, civil society organisations have not yet noticed positive developments regarding the speed of resolving disputes in the field of family relations or other positive effects of the aforementioned steps on children and families who need family legal protection.
- 213.** The Ombudswoman for Children warns of the continuing problem of insufficient knowledge and understanding of

the child's right to participation. Although there has been some progress in raising the level of awareness of the need to include children in discussions on issues that concern them, the Ombudswoman states that adults are still not sufficiently educated to work with children on exercising their right to participation.¹⁸⁵

214. More children were killed in traffic in 2022 compared to the previous three years, which indicates the need for increasing the safety and protection of the lives of children in traffic, as well as that prevention and the protection of children in traffic should remain a national priority.¹⁸⁶

Mental Health of Children and Youth

215. The Network of Children's Rights Organisations warns that the mental health of children and youth remains under serious threat – more and more children and youth show symptoms of anxiety and depression, whereby the increase in self-harm and suicide attempts is particularly worrying. The above is largely a consequence of inadequate support for children after the earthquakes and during the pandemic, the socio-economic situation, as well as excessively high expectations for academic success that put more pressure on children and youth than they can cope with. Data from the Brave Phone association point to a serious threat to mental health, showing that in 2022 as many as 224 inquiries were received on the topic of suicidality, which is 53% more than in the previous year, and 184 inquiries on the topic of self-harm, which is more than 43% compared to the previous year.
216. Civil society organisations that work on the protection and promotion of children's rights warn of an insufficient number of child psychiatrists, as well as a lack of accommodation capacity for children who need inpatient treatment. The Psychiatric Hospital for Children and Youth in Zagreb is the only institution in Croatia where children

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

and youth who had attempted suicide are hospitalised. Due to the pressure, the institution is filled to maximum capacity and is unable to admit children and youth for other mental health difficulties.

217. The Network of Children's Rights Organisations warns of the lack of services for children and youth who need support due to mental health-related problems and problems in other areas – especially services provided free of charge – while service providers are under significant pressure. This prevents children, parents and families in unfavourable circumstances from receiving desperately needed support in a timely manner. Many children and youth in need of psychosocial support often do not have information about where they can seek professional help, while those children and youth, i.e., their parents, who do know and do seek help for their children or for themselves often cannot receive the necessary support services or have to wait a very long time.

Violence Against Children and its Prevention

218. Although statistical data from the Ministry of Labour, Pension System, Family and Social Policy on cases of violations of children's rights for 2022 have not yet been published, nor have statistical data from the Ministry of the Interior on the number of criminal offenses against children and families for 2022, the prevalence of violence and infringement of the rights and well-being of children remains high according to available information on the prevalence of violence and experiences on the number of referred users who are under the family legal protection of the Croatian Institute for Social Work or in the care of organisations.
219. The Ombudswoman for Children warns of an increase in violence against children in 2022, especially peer violence in educational institutions (100% more compared to the previous year). In addition to reports of verbal and physical peer violence, the number of reports of sexual

harassment and inappropriate behaviour, most often by boys towards girls, is on the rise.¹⁸⁷

- 220.** According to statistics from the Ministry of the Interior,¹⁸⁸ 9,045 criminal offenses against children and families were reported in 2021, which is 14.6% more than the previous year. There were 4,910 criminal offenses against marriage, family and children in 2021, which is an increase of 9.8% compared to year before. Violations of children's rights and domestic violence occupy the largest share of criminal offenses against marriage, family and children.
- 221.** According to the latest statistical data from the Ministry of Labour, Pension System, Family and Social Policy,¹⁸⁹ a total of 7,855 cases of violation of children's rights were recorded in 2021, of which 3,763 refer to physical or psychological violence, 227 to sexual abuse, 3,510 to neglect or negligent treatment, and 355 to child abuse or exploitation. This is a significant increase of no less than 19% compared to the previous year.
- 222.** The experience of civil society organisations shows that, in addition to corporal punishment which is still tolerated in society, there is also a large number of cases of emotional and physical abuse, neglect, domestic and peer violence, sexual abuse and violence in adolescent relationships, while electronic violence is becoming an increasingly widespread problem among children and youth. The above indicates that no significant progress has been made in the area of child protection.

187 Ombudswoman for Children, Report on the work of the Ombudswoman for Children for 2022, available at: <https://dijete.hr/hr/izvjescja/izvjescja-o-radu-pravobranitelja-za-djecu/>

188 Ministry of the Interior, Statistical overview of basic security indicators and work results for 2021, available at: https://mup.gov.hr/UserDocsImages/statistika/2022/Statisticki_pregled_2021_Web.pdf

189 Ministry of Labour, Pension System, Family and Social Policy, Annual statistical report on applied social welfare rights, legal protection of children, youth, marriage, family and persons deprived of the ability to work, and protection of physically or mentally impaired persons in the Republic of Croatia in 2021, available at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Socijalna%20politika/Odluke/Godisnje%20statisticko%20izvješće%20za%202021.%20godinu.pdf>

223. The Network of Children's Rights Organisations warns that suspected violence is rarely reported by experts in the education or health systems and that they only react when there is clear evidence, if they themselves witnessed the event or if a child confides in them.
224. The Ombudswoman for Children warned in 2022 that judicial reactions to reports of sexual offenses against children are often inadequate, resulting in lengthy proceedings, mild punishments for perpetrators, and failure to impose security measures.¹⁹⁰
225. According to the observations of civil society organisations, professional services in local communities for the provision of additional help and support to parents in developing parenting skills, as well as strengthening the family as a whole, were not sufficiently available in 2022.

¹⁹⁰ Ombudswoman for children, Report on the work of the Ombudswoman for Children for 2022, available at: <https://dijete.hr/hr/izvjesca/izvjesca-o-radu-pravobranitelja-za-djecu/>

Youth

226. The year 2022 was declared the European Year of Youth, offering youth opportunities to participate in determining the EU's key priorities for the future through a series of activities. In addition to the European Union, the UN has taken steps to strengthen the social position of youth and include youth in all areas of UN activity by establishing the United Nations Youth Office. These events convey the message that youth are important and that issues of importance to youth need to be solved.¹⁹¹
227. Although in the context of the pandemic, youth are not the social group most at risk, factors such as difficult access to education, to employment opportunities, participation and social interaction adversely affect the realisation of their rights in the future, especially socio-economic rights. Research results show that there was only a slight shift from a negative towards a neutral assessment of the impact of the pandemic and the earthquakes on the lives of children and youth, although 36% of third-grade high school students estimate that the pandemic and the earthquakes left negative consequences on their mental health.¹⁹²
228. A comprehensive policy for youth was again not adopted in 2022, i.e., there is no current National Youth Programme, while the previous National Youth Programme expired in 2017. Although the Working Group for the creation of the National Youth Programme started working at the end of 2021, the document was not submitted for public consultation in 2022.

191 Report of the Ombudswoman for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravora-niteljice-za-2022-godinu/?wpdmdl=15489&refresh=6436a4b7c93c91681302711>

192 Ibid.

229. The only act pertaining to youth is the Act on Youth Councils. Although the Act enables youth to be involved in decision-making at the local and regional levels, civil society organisations state that youth councils are not fulfilling their legal role. In 2022, steps were taken to amend that Act, but the document that was submitted for public consultation does not foresee structural changes that should respond to the challenges of implementing the Act on Youth Councils.
230. The position of youth in the labour market has not improved in 2022. The rate of youth aged 15 to 29 employed on a fixed-term basis is 25%, compared to the EU average of 12.2%, while the share of youth who are not employed nor in the system of regular or adult education (NEET group) is 14.9%, which is also above the EU average. Due to this insecurity and instability of employment, youth find it difficult to become independent, leave their parental households and face obstacles in planning their own future.¹⁹³
231. Youth work is still not sufficiently recognised and valued in Croatia. Croatia does not recognise youth work as a profession, and youth work lacks financial and institutional support to ensure quality and continuity.
232. Survey results indicate that the top priorities of youth are employment and housing, but also participation in social life and political decision-making. These needs are not systematically addressed, and 55.5% of survey respondents state that the state and local authorities do not respond to their needs. Youth state that they lack forms of support, such as counselling and direct assistance, but also informal forms of education.¹⁹⁴

193 Ibid.

194 Croatian Youth Network, Look what I can do – Youth decide, speak and influence, 2022, available at: https://www.mmh.hr/uploads/publication/pdf/113/GLE_ŠTO_MOGU_publikacija_s_nalazima.pdf

233. According to youth organisations, conditions for housing independence of youth further deteriorated in 2022 as a result of the earthquakes and rising prices in the housing market. The solution for youth housing, imposed by the Government's youth housing policy, is to subsidise the home loan of the Agency for Legal Transactions and Real Estate Brokerage (APN) intended for persons up to 45 years of age. This measure discriminates against all those who are not creditworthy, mostly youth up to 30 years of age – the group most likely to rent and the group least satisfied with their housing situation.¹⁹⁵
234. The decline in mental health among youth is a prevailing consequence of the earthquakes, anti-Covid-19 measures, the economic crisis, but also of the effect of the internet and social media. As many as 20% of children and youth suffer from impaired mental health. The percentage of youth seeking help due to impaired mental health is increasing, and the data on the increase in suicide attempts among children and youth is alarming.¹⁹⁶
235. Youth leaving alternative care who are not sufficiently informed about their rights are in a particularly disadvantaged position as they are faced with extensive procedures, frequent changes, but also insufficient income, due to which they cannot get supplementary health insurance, mental health protection services or other additional support services for this youth group.¹⁹⁷

¹⁹⁵ Pravonagrad.org, Recommendations for housing policies based on research on the structure of housing statuses and housing needs, December 2022, available at: <https://pravonagrad.org/novosti/preporuke-za-stambene-politike-na-temelju-istrazivanja-o-strukturi-stambenih-statusa-i-stambenim-potrebama/>

¹⁹⁶ Report of the Ombudswoman for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6436a4b7c93c91681302711>

¹⁹⁷ Ibid.

The rights of persons with disabilities

236.

Important strategic documents for the protection and promotion of the rights of persons with disabilities in Croatia were adopted at the end of 2021 – the National Plan for Equalisation of Opportunities for Persons with Disabilities for 2021–2027¹⁹⁸ and the associated Action Plan for 2021–2024¹⁹⁹ in addition to the National Plan for the Development of Social Services for 2021–2027²⁰⁰ and the associated Action Plan for 2021–2024.²⁰¹ Their implementation was initialised at the beginning of 2022, but it is still not known if any progress was made.

198 National Plan for Equalisation of Opportunities for Persons with Disabilities 2021-2027, November 2021, available at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Glavno%20tajni%C5%A1tvo/Godi%C5%A1nji%20planovi%20i%20strate%C5%A1ka%20izvje%C5%A1%C4%87a/Nacionalni%20plan%20izjedna%C4%8Davanja%20mogu%C4%87nosti%20za%20osobe%20s%20invaliditetom%20za%20razdoblje%20od%202021%20do%202027.%20godine.pdf>

199 Action Plan for Equalisation of Opportunities for Persons with Disabilities 2021-2024, November 2021, available at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Glavno%20tajni%C5%A1tvo/Godi%C5%A1nji%20planovi%20i%20strate%C5%A1ka%20izvje%C5%A1%C4%87a/Akcijски%20plan%20izjedna%C4%8Davanja%20mogu%C4%87nosti%20za%20osobe%20s%20invaliditetom%20za%20razdoblje%20od%202021.%20do%202024.%20godine.pdf>

200 Ministry of Labour, Pension System, Family and Social Policy, Proposal, National Plan for the Development of Social Services 2021-2027, December 2021, available at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Glavno%20tajni%C5%A1tvo/Godi%C5%A1nji%20planovi%20i%20strate%C5%A1ka%20izvje%C5%A1%C4%87a/Nacionalni%20plan%20razvoja%20socijalnih%20usluga%20za%20razdoblje%20od%202021.%20do%202027.%20godine.pdf>

201 Ministry of Labour, Pension System, Family and Social Policy, Proposal, Action Plan for the Development of Social Services 2021-2024, December 2021, available at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Glavno%20tajni%C5%A1tvo/Godi%C5%A1nji%20planovi%20i%20strate%C5%A1ka%20izvje%C5%A1%C4%87a/Akcijски%20plan%20razvoja%20socijalnih%20usluga%20za%20razdoblje%20od%202021.%20do%202024.%20godine.pdf>

237. Persons with disabilities who have to undergo expert evaluations due to the amendments to the Social Welfare Act, which abolished the income and means test, face long waiting times as there was a significant increase in the number of requests for expert evaluations due to acquiring rights.
238. The Social Welfare Act was amended in 2022, which abolished the income and means test. This improved the financial situation of persons with disabilities as the amendment opened up the possibility of receiving personal disability benefits regardless of employment status, pay or pension amount.
239. Insufficient information on and transparency of guaranteed rights due to the large number of regulations in this area continues to present obstacles to exercising the rights of persons with disabilities in Croatia. Persons with disabilities face obstacles stemming from ignorance of regulations, undeveloped awareness of the importance of respecting the rights of persons with disabilities, especially in health care institutions, limited material resources, but also a lack of health and professional staff.
240. Furthermore, there is a problematic inconsistency of data on persons with disabilities within the multiple systems in which they appear as users, as well as the lack of adequate information and knowledge exchange between sectors. According to data from the Register of Persons with Disabilities,²⁰² in September 2022 there were 624,019 persons with disabilities in Croatia, which is about 16% of the total population.
241. The high rate of inflation and the general increase in the prices of products and services hit people with disabilities and their families particularly hard due to the additional

202 Croatian Institute of Public Health, Report on persons with disabilities in the Republic of Croatia, September 2022, available at: https://www.hzjz.hr/wp-content/uploads/2022/10/Izvjesce_o_osobama_s_invaliditetom_2022.pdf

costs resulting from disability. Although the compensation awarded on the basis of disability was increased in 2022, the increase is not in line with the continuous growth of costs and does not provide persons with disabilities with an adequate standard of living.²⁰³

242. The daily functioning of persons with disabilities is also affected by the uncompetitive salaries of support service providers, as well as the lack of workforce in support services, including personal assistants, sighted companions, sign language translators or interpreters, and teaching assistants. In addition to support services, there is also a lack of home care providers, carers, nurses, doctors and other professionals, which can lead to persons with disabilities being forced to seek institutional care that separates them from their families and communities.
243. A draft proposal of the Personal Assistance Act was prepared in 2022. The Draft Act is the result of advocacy activities carried out by civil society organisations that have been waiting for this draft proposal for many years.²⁰⁴ It was announced that the adoption of this Act would enable personal assistants to increase their fee, but also enable an increase in the number of personal assistants as the draft foresees an increase in the number of work hours for personal assistance services, which would in turn increase the quality of life of persons with disabilities who use this service.²⁰⁵
244. Students with developmental disabilities are still in a disadvantaged position within the education system. Spatial

203 Summary of the Report on the work of the Ombudsman for Persons with Disabilities for 2022, March 2023, available at: <https://posi.hr/wp-content/uploads/2023/04/Izvjesce-o-radu-Pravobranitelja-za-osobe-s-invaliditetom-2022.pdf>

204 H-alter.org, Assistants matter, August 2022, available at: <https://h-alter.org/hrvatska/asistenti-su-vazni/>

205 Jutarnji.hr, Personal Assistance Act will increase the number of users, assistant salaries will increase by 50 percent, June 2022, available at: <https://www.jutarnji.hr/vijesti/hrvatska/zakon-o-osobnoj-asis-tenciji-povecat-ce-broj-korisnika-a-place-asistenata-rast-ce-50-pos-to-15214583>

and other conditions are not secured for children with health issues and developmental disabilities in kindergartens and elementary schools, and there is no focus on providing educational support. Secondary education is not aligned with work requirements, and the new Act on Higher Education did not regulate the issue of students with disabilities.²⁰⁶ Civil society organisations state that the ways in which children with disabilities are included depend on the will of individuals, their understanding of the needs and position of children with developmental disabilities and persons with disabilities.

245. In her report, the Ombudswoman for Persons with Disabilities states that received complaints most commonly refer to the employment of persons with disabilities in state and public services. Complaints point to the perception of persons with disabilities that the hiring process is non-transparent and that it favours candidates known in advance, preventing them from exercising their right to advantages in employment under equal conditions. Persons with disabilities cannot always exercise their right to reasonable adjustments of the workplace because they depend on the will of the employer to adjust the workplace to the needs of persons with disabilities.²⁰⁷
246. Civil society organisations recorded a positive shift in the number of self-employed persons with disabilities, as well as an increasing number of persons with disabilities who continue higher education.
247. Civil society organisations continued to serve as an intermediary between persons with disabilities and the systems, as well as the communities to which they belong. In

206 Summary of the Report on the work of the Ombudsman for Persons with Disabilities for 2022, March 2023, available at: <https://posi.hr/wp-content/uploads/2023/04/Izvjesce-o-radu-Pravobraniteljja-za-osobe-s-invaliditetom-2022.pdf>

207 Summary of the Report on the work of the Ombudswoman for Persons with Disabilities for 2022, March 2023, available at: <https://posi.hr/wp-content/uploads/2023/04/Izvjesce-o-radu-Pravobraniteljja-za-osobe-s-invaliditetom-2022.pdf>

some areas, civil society organisations are the only providers of services to persons with disabilities, but insufficient and non-continuous financial support hinders continuity in both the provision of services and the monitoring of their quality.²⁰⁸

248. In 2021, there were still significant discrepancies in the accessibility of services for persons with disabilities in urban and rural areas. Additionally, possibilities of exercising the rights of persons with disabilities and the quality of services depend on the cause of disability and the political will in regional and local self-governments for improving the quality of life of persons with disabilities.²⁰⁹ Systemic problems still include a lack of quality diagnostics and the unavailability of early intervention.
249. According to the Croatian Employment Service records, a total of 3,065 persons with disabilities were employed in 2022, which is 11.9% more than in 2021. Regardless of the increase in the number of employed persons with disabilities, 7,196 unemployed persons with disabilities were recorded in 2022, which is 6.1% of the total population of unemployed persons in the Croatian Employment Service records.²¹⁰
250. Although there are numerous obstacles in the employment of persons with disabilities, civil society organisations recorded progress in the field of employment on the account of quota employment, i.e., that paying compensation for non-compliance with quota employment has led to an increase in the number of employed persons with disabilities. Part of this success was attributed to the creation of the Guidelines on Reasonable Accommodation, which helped employers develop the prerequisites for a quality work environment. Positive trends in employment

208 Ibid.

209 Ibid.

210 Croatian Employment Service, Report on the activities of the Croatian Employment Service in the field of employment of persons with disabilities in the period from January 1 to December 31, 2022, January 2023, available at: <https://www.hzz.hr/app/uploads/2023/04/Izvjescje-o-aktivnostima-HZZ-a-u-radu-s-OSI-za-2022.pdf>

continue due to the incentives of the Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities which subsidises wages, health insurance and transportation costs for persons with disabilities, which encouraged employers to hire persons with disabilities.

251. Problems continued in 2022 when it comes to inadequate adaptation of public facilities, insufficient number of parking spaces for persons with disabilities, inaccessibility of public areas, public transport and tourist attractions. The inaccessibility of facilities to persons with disabilities is most evident in the lack of accessible apartments throughout the country, whereby the insufficient number of accommodation facilities is also a consequence of the growing number of tourist accommodation facilities.
252. The inadequate accessibility of facilities is also reflected in the inadequacy of the health care system, especially in terms of health institution spaces and diagnostic test devices, but also in the communicational and orientational inadequacy of the institutions. Part of the problem of the health care system not being adjusted to the needs of disabled persons is evident in the underdeveloped system of mobile services in health care, leading to personal assistants taking over a part of the care for persons with disabilities despite not having the required competencies.
253. Organisations that protect the rights of persons with disabilities warn of the need to establish an adequate legal and institutional framework for housing that would provide a sufficient number of affordable and accessible social housing units to meet the housing needs of persons with disabilities who cannot provide housing for themselves under market conditions. Social housing is still not regulated by documents such as strategic plans, while public policies do not address this issue that affects not only persons with disabilities but other vulnerable social groups as well.
254. By lowering the prices of orthopaedic aids, the Croatian Health Insurance Fund (CHIF) worsened the already poor

availability of disability aids. Due to the reduced prices, aids will not be available at the prices set by the CHIF, jeopardising their distribution.²¹¹ The existing aids on the list of orthopaedic and other aids of the CHIF are outdated, of poor quality and difficult to adapt to the needs of persons with disabilities. Some of the mechanical aids on the list were added over 20 years ago. It is necessary to add modern aids to the list in order to facilitate the long-term reduction of rehabilitation costs and lower the possibility of secondary injuries, thus improving the quality of life of persons with limb amputations.²¹² Civil society organisations emphasise that the surcharges for medically prescribed and individually adapted aids are enormously high, and that assistive technology is not included on the list.

The Rights of Persons with Sensory Impairments

255. Deafblind persons continue to face obstacles in communication with medical staff who are insufficiently informed about the role of sign language interpreters, who do not recognise the needs of deafblind persons and deny them the right to health services and the right to complete information about the state of their health.
256. Civil society organisations warn of the need to regulate treatment protocols in situations in which deafblind persons need emergency care. According to the current arrangement, a deafblind person in need of an ambulance calls the support service of the Association of Deafblind Persons, which contacts the interpreter on duty who goes out in the field and only then calls an ambulance. Such a procedure is too time-consuming in a situation that calls

211 In-portal.hr, Croatian Employers' Association, We are asking for higher prices of aids on CHIF list, there's already a problem, December 2022, available at: <https://www.in-portal.hr/in-portal-news/vijesti/26834/hrvatska-udruga-poslodavaca-trazimo-vece-cijene-pomagala-na-listi-hzzo-a-vec-sada-imamo-problem>

212 H-alter.org, At the very bottom of prosthesis supply, August 2022, available at: <https://h-alter.org/hrvatska/na-samom-dnu-opskrbe-protezama/>

for an urgent response, while the financial unsustainability of the Association's support service, which should be available 0-24, constitutes an additional difficulty. Even though there is a will to regulate this issue at the national level, there is still no concrete and feasible solution for deafblind persons.

257. Provisions on the protection of personal data and the sharing of personal information with services at the local level represent a major obstacle in emergency procedures. Civil society organisations point to the need to provide timely assistance through an individualised approach and specific support.
258. Deafblind persons' unequal access to health care is also reflected in the inaccessibility of aids and measuring devices, such as devices for measuring blood glucose levels, which have smaller screens or insufficient information, and can also be expensive. It is unacceptable that the Croatian Health Insurance Fund's list only exempts blind persons from paying for glucose monitors, which deafblind persons are overlooked.
259. Civil society organisations state that deafblind users remain unrecognised by the Croatian Health Insurance Fund as a user group, which results in the unavailability of aids that are specific to the needs of deafblind persons, and deafblind persons getting by on their own by using aid prescriptions to try to secure the necessary aid for themselves. The organisations state that the best example of this is the red and white cane for deafblind persons, which does not exist on the Croatian Health Insurance Fund's list. The provision of assistive technology must not depend solely on the user – physical impairments must be accurately defined by the document that prescribes the criteria for and method of exercising the right to orthopaedic and other aids in order for the Croatian Health Insurance Fund to enable this group to achieve a quality standard of living.
260. The list of Croatian Health Insurance Fund services does not include psychosocial rehabilitation for deafblind per-

sons due to psychosocial rehabilitation falling under social care as opposed to health care, and therefore not being covered by the CHIF. Psychosocial rehabilitation is important for obtaining specific knowledge and skills, such as orientation and navigation with the aid of a white cane or guide dog, as well as typhlotechnic training. On top of this obstacle, employed deafblind persons face the problem of having to use annual leave or sick leave to attend psychosocial rehabilitation.

261. Civil society organisations state that difficulties in exercising the rights of deaf, blind and deafblind persons are still manifested in the denial of reasonable adjustments, disrespect for deafblind persons' expertise, inability to participate in political and public life and insufficient number of interpreters in meetings, which puts these groups at a disadvantage.
262. Organisations protecting the rights of persons with sensory impairments note that, even in the post-pandemic period, there is a clear lack of understanding of the specifics of dual sensory impairment. The need to continue wearing masks in health care institutions still makes communication difficult for deafblind persons, especially when an official is not familiar with guidelines from the Croatian Institute of Public Health that exempt all persons from the obligation to wear a mask when communicating with deaf or deafblind users.
263. Organisations that protect the rights of persons with sensory impairments point out that persons with visual and/or hearing impairments have difficulties in finding employment. When they respond to a job posting for a position that they are qualified for, they are rejected due to their specific mode of communication and the need for an interpreter who needs to be compensated for their service.
264. Deafblind persons who are socially included and actively participate in political and public life and their interpret-

ers find it difficult to properly prepare for participation as invitations and materials arrive at the last minute, are not adjusted nor in the correct formats, while other participants in meetings do not consider the needs of deafblind persons – subtitles, recordings or transcripts are rarely available.

265. Organisations protecting the rights of persons with sensory impairments point to the lack of early intervention programmes essential for working with children with dual sensory impairments. Additionally, professionals working with these children rarely have additional knowledge on how to communicate with hearing-impaired and deafblind children since sign language is still not an integral part of the compulsory curriculum of the Faculty of Education and Rehabilitation Sciences or the Social Work Study Centre.
266. Organisations that protect the rights of persons with sensory impairments highlight the problem of deaf and deafblind persons of mature age generally being unable to live independently due to the lack of professional support in acquiring the skills needed for daily functioning, whereby the situation is further aggravated by their often poor financial situation which leads most of them to remain in the same household with their parents and depend on their help.
267. A growing number of deafblind persons belong to the group of elderly persons. The organisations point out problems such as the inability to organise adequate accommodation in nursing homes which are not adjusted to the specific needs of deafblind persons. They highlight the lack of space in nursing homes as an additional problem which sometimes leads to deafblind persons unjustifiably being placed in psychiatric institutions.
268. The problem of the lack of legislation that would regulate the status of interpreters for deafblind persons and sign language translators in educational institutions at the national level persisted in 2022. Organisations protecting the rights of persons with sensory impairments point out

that there is no uniformity in hiring interpreters, classifying their positions and aligning their salaries nor quality supervision and evaluation of their work. The organisations maintain that the issue should be regulated by the new Personal Assistance Act.

269. The Preschool Education Act does not recognise the possibility of hiring an interpreter in kindergartens. Whether a child is assigned an interpreter in kindergarten depends on the resources of the local self-government. There are also no certified or uniform programmes for the implementation of courses for sign language interpreters.
270. Services such as subtitling or typing are not sufficiently available because the civil society organisations that offer these services are overburdened, but also due to the financial burden on deaf and deafblind persons who are forced to pay for the service themselves.
271. Organisations protecting the rights of persons with sensory impairments report continual progress in the awareness of deafblindness and in educational institutions consulting civil society organisations that have the necessary expertise in order to accommodate deafblind persons' needs and educate children and employees on how to approach deafblind persons.
272. Another problem are continuous expert evaluations of deafblind persons in different systems, depending on the right they want to exercise. Organisations that protect the rights of persons with sensory impairments remind that deafblind persons must repeatedly undergo expert evaluations even though their condition can only worsen, not improve.

The Rights of Persons with Autism

273. An adequate legal framework that would regulate the minimum services necessary for the achievement of equal opportunities for all persons with autism is a continuous problem that is slowing down autistic persons' access to the health care system. Although there is an expert body for disability evaluations, determining the level of support needed by persons with autism remains a challenge.
274. Although autism is mentioned in several national strategies, primarily in the National Plan for Equalisation of Opportunities for Persons with Disabilities for 2021-2027,²¹³ organisations promoting the rights of persons with autism emphasise that the measures in question are largely taken from previous strategies and plans and do not represent a significant step forward in protecting the rights of persons with autism.
275. In 2022, the Centre for Autism in Zagreb was in the process of transformation aimed at providing better care for children, school-aged children and persons with autism after the age of 21. Although the transformation process has not yet finished, the City of Zagreb has shown initiative and made positive progress in transforming the Centre for Autism.
276. Organisations promoting the rights of persons with autism emphasise that they continue to face a lack of necessary services and significant differences in their availability. During 2022, there was no progress in terms of quality di-

213 National Plan for Equalisation of Opportunities for Persons with Disabilities 2021-2027, November 2021, available at: <https://mrosp.gov.hr/UserDocsImages/dokumenti/Glavno%20tajni%C5%A1tvo/Godi%C5%A1nji%20planovi%20i%20strate%C5%A1ka%20izvje%C5%A1C4%87a/Nacionalni%20plan%20izjedna%C4%8Davanja%20mogu%C4%87nosti%20za%20osobe%20s%20invaliditetom%20za%20razdoblje%20od%202021%20do%202027.%20godine.pdf>

agnostics, availability of early intervention and adjustments in the health care system made for persons with autism.

277. Organisations that have been working in the field of autism and developmental disabilities for many years manage to achieve financial stability, while organisations that do not have as much experience and are located in smaller centres find it difficult to obtain the financial support that would enable them to achieve stability and employ professional staff for working with and supporting persons with autism.
278. The screening and diagnostic system is deficient, marked by long waiting lists and focused around larger urban centres. Organisations working in the field state that early intervention for children with autism is drastically below the required level, which is why a large number of children still have no access to rehabilitation services recommended by experts.
279. Organisations working in the field of autism point out that care for persons with autism after the age of 21 is still not systematically addressed. In addition to the fact that this problem is not approached systematically, there is also a huge gap in the official statistics on persons with disabilities. The statistical difference is reflected in the number of persons with autism over the age of 21 and the number of housing services and organised housing for persons with autism. The large difference between the existing services, which are inadequate, and the actual needs of users speaks of the need for further research and determination of quality indicators of care for persons with autism.
280. When the Centre for Autism Osijek, the most modern autism institution in Croatia, was opening in 2019, there were plans to subsequently open a department for persons with autism after the age of 21. There was no progress regarding the opening of that department in 2022.
281. In 2022, adjustments for and the integration of persons with autism in educational institutions still to a large ex-

tent depended on individual efforts made by school principals and staff, indicating that there was no progress in addressing the lack of a standardised and uniform system.

282. The positive trend in the growth of the autistic self-advocacy movement continues in Croatia. Autistic self-advocates are persons with autism without intellectual disabilities who vocalise the problems they face from their own perspective and advocate for the protection of persons with autism from harmful, scientifically unfounded methods of rehabilitation. The health system, especially diagnostics and intervention, needs to attend to persons with autism in order to provide them with adequate support, especially persons diagnosed later in life.
283. There is a great need for support for persons with autism in crisis situations that require urgent, interdisciplinary, but primarily psychiatric support, especially in emergencies. There are no interdisciplinary health teams in emergency medical services that could carry out a quality observation, just as there is no established procedure for such emergency cases, leading to persons with autism often being prescribed inadequate medication therapy without receiving the necessary psychiatric support.

The rights of LGBTIQ+ persons

284. In 2022, civil society organisations observed an increase in homophobia and transphobia, violence and discrimination against LGBTIQ+ persons, as well as a hostile climate towards members of the LGBTIQ+ community. The Government and competent institutions have not addressed homophobia, biphobia and transphobia with any clear and proactive policies. The lack of systematic action from the state is particularly visible in impunity of hate crimes.
285. Hate speech aimed at LGBTIQ+ persons is on the rise. Of particular concern are homophobic graffiti,²¹⁴ online hate speech²¹⁵ and the burning of rainbow flags,²¹⁶ as well as other incidents and hate-motivated criminal offences and misdemeanours. Croatia has an adequate legal framework for punishing hate speech and hate crimes, but its implementation is ineffective and the court practice of punishing hate speech inconsistent.²¹⁷
286. Additionally concerning are statements by public figures, especially certain politicians and other influential figures from public life, who politicise the protection of transgender persons' human rights, presenting it as a threat to families, children and youth. Instead of dialogue and

214 Lori.hr, LORI files criminal complaint over "Death to fags" on the Korzo: "Hate speech must be clearly condemned," available at: <http://www.lori.hr/hr/vodic/novosti/1032-udruga-lori-podize-kaznenu-prijavu-zbog-grafita-ubi-pedera-na-korzu-govor-mrznje-mora-se-jasno-osuditi>

215 ILGA (International Lesbian, Gay, Bisexual, Trans and Intersex Association), Chapter for Croatia, available at: <https://rainbow-europe.org/#8627/0/0>

216 Lori.hr, We demand zero tolerance for violence and hate crimes!, May 2021, available at: <http://www.lori.hr/hr/vodic/najave/1068-zlocin-iz-mrznje-u-rijeci>

217 ZagrebPride.hr, Pink Megaphone - Zagreb Pride's Report on Human Rights of LGBTIQ persons in Croatia 2018-2022, February 2023, available at: https://zagreb-pride.net/wp-content/uploads/2023/02/Rozi_megafon3_2018-2022_final.pdf

expert discussing on human rights and equality, we are witnessing attempts to manipulate data and a sensation-
alist approach to this topic, even in the Parliament.²¹⁸

287. Civil society organisations point out that the increase in hate crimes and violence against LGBTIQ+ persons has increased the need for psychological support. Also, LGBTIQ+ persons face problems in accessing adequate psychological support due to the lack of professional staff who are informed about the specifics of working with LGBTIQ+ persons.
288. As in previous years, civil society organisations have observed that LGBTIQ+ persons often do not report discrimination and/or violence based on sexual orientation, gender identity or gender expression due to fear of repeated stigmatisation and marginalisation, or out of fear of forced outing (disclosure of a person's sexual and/or gender identity), as well as out of distrust in institutions.
289. Civil society organisations state that the discrimination against LGBTIQ+ persons remains a problem in the workplace and in the hiring process, which often remains unrecognised by employers.
290. In 2022, the education system did not address homophobia, biphobia and transphobia in schools, despite the adopted Action Plan for the Prevention of Violence in Schools for 2020-2024, which recognises the importance of including the prevention of homophobic, transphobic and gender-based violence in school programmes. LGBTIQ+ youth often do not have information on who to turn to in schools in case of peer violence based on sexual orientation, gender identity and/or expression, and very rarely report violence. The problem is all the greater because

218 kolekTIRV, THEMATIC SESSION ON TRANS CHILDREN INTERRUPTED DUE TO UNBASED CLAIMS We want scientific and expert – not ideological – discussions concerning trans children and youth, February 2023, available at: <https://kolektirv.hr/prekinuta-tematska-sjednica-o-trans-djeci-zbog-neutemeljenih-tvrdnji/>

they often cannot confide in their parents, as many also hold homophobic or transphobic attitudes.²¹⁹

291. LGBTIQ+ youth point to the lack of and need for sex education and training that would include LGBTIQ+ topics, as well as the lack of psychological counselling and group support in educational institutions, also stating that legal counselling is relatively unavailable to them as well.²²⁰ The UN Committee on the Rights of the Child also mentions the need for introducing sex education, calling on Croatia to systematically raise awareness and educate about the issues of discrimination, intolerance and hate speech towards vulnerable groups of children, including LGBTIQ+.²²¹
292. In October 2022, the Supreme Court reversed the judgment of the County Court in Zagreb, which rejected the lawsuit filed by kolekTIRV against the GROZD association for discrimination and harassment. The October ruling means the original case will be sent back for a new trial.²²²
293. In May 2022, the High Administrative Court issued a judgment confirming that same-sex couples can jointly approach the assessment for adoptive parents and must not be discriminated against based on their sexual orientation. This confirmed the judgment of the Administrative Court from 2021 and rejected the appeal of the Ministry of Labour, Pension System, Family and Social Policy, which argued that adoption by same-sex couples goes against the best interests of the child. This judgment is exceptionally significant because it equalises the rights of life partners with those exercised by spouses.²²³

219 Lori.hr, Experiences and needs of LGBTIQ youth in Croatia, Report on research results, 2022, available at: https://www.lori.hr/za_skinuti/Iskustva_i_potrebe_mladih_LGBTIQ_osoba_u_Hrvatskoj.pdf

220 Ibid.

221 Dijete.hr, Conclusions and recommendations of the UN Committee on the Rights of the Child to Croatia in 2022, available at: <https://dijete.hr/hr/izvjesca/odbor-za-prava-djeteta-un-a/>

222 ILGA (International Lesbian, Gay, Bisexual, Trans and Intersex Association), Chapter for Croatia, available at: <https://rainbow-europe.org/#8627/o/o>

223 Voxfeminae.net, High Administrative Court: Same-sex couples can access the assessment for adoptive parents, May 2022, available at: <https://voxfeminae.net/vijesti/visoki-upravni-sud-istospolni-parovomogu-pristupiti-procjeni-za-posvojitelje/>

294. Civil society organisations point out that there was no progress in resolving administrative obstacles faced by same-sex partners with children. Their names cannot be entered in the child's birth certificate because birth certificates in Croatia only recognise a mother and a father. Because of this, children with the right to Croatian citizenship cannot exercise it because they cannot obtain a birth certificate. This practice also creates other administrative problems for parents in exercising their rights.
295. The Supreme Court ruled against the petition called "Stop homo-propaganda on public television. Let's stop fake rainbows, protect children and families" initiated by the non-governmental organisation Vigilare, thereby accepting the appeal from Rainbow Families against the judgment of the county court. This judgment confirmed that Vigilare "encouraged discrimination and harassment of LGBTIQ+ persons and their families."²²⁴
296. Transgender persons remain without adequate access to health services. Gender affirming procedures are based on medical pathology (a so-called lifelong diagnosis) and are not covered by health insurance, and neither is hormone therapy. The Ombudswoman for Gender Equality warned against unacceptable stigmatisation and discrimination of transgender persons when it comes to the right to access health services.²²⁵
297. Apart from Zagreb, there is still no medical team in Croatia that would perform phalloplasty and vaginoplasty. The lack of medical professionals who can provide adequate health services to transgender persons worsens

224 Index.hr, Supreme Court: Vigilare guilty of discrimination and harassment of LGBTIQ persons and families, May 2022, available at: <https://www.index.hr/vijesti/clanak/vrhovni-sud-vigilare-kriv-za-diskriminaciju-i-uznemiravanje-lgbtq-osoba-i-obitelji/2366994.aspx>

225 Ombudswoman for Gender Equality, Report on the work of the Ombudswoman for 2022, available at: https://www.prs.hr/application/uploads/Izvješće_o_radu_PRS_u_2022_cjelo.pdf

226 kolektiv.hr, Trans health, available at: <https://kolektiv.hr/trans-zdravlje/>

the position of transgender persons with limited financial resources from other parts of Croatia. Additionally, as medical transitioning remains impossible, transgender persons have to perform medical procedures in neighbouring countries with exceptionally high costs.²²⁶

298. Transgender persons face the problem of legal gender recognition, which is a lengthy process. The public administration is unable to quickly and transparently carry out the process of changing the gender marker, which affects the realisation of transgender persons' human rights and perpetuates the administrative burden they face.²²⁷
299. The rights of intersex persons have not improved in 2022. Intersex persons are not legally recognised because the legislative framework does not recognise sex characteristics, which are also not mentioned as such in existing public policies, national strategies and programmes, especially health programmes.²²⁸

227 ZagrebPride.hr, Pink Megaphone – Zagreb Pride's Report on Human Rights of LGBTIQ persons in Croatia 2018-2022, February 2023, available at: https://zagreb-pride.net/wp-content/uploads/2023/02/Rozi_megafon3_2018-2022_final.pdf

228 ZagrebPride.hr, Pink Megaphone – Zagreb Pride's Report on Human Rights of LGBTIQ persons in Croatia 2018-2022, available at: https://zagreb-pride.net/wp-content/uploads/2023/02/Rozi_megafon3_2018-2022_final.pdf

The rights of homeless persons

300. Croatia still lacks integrated statistics on homeless persons, which are crucial for the creation of adequate care measures and policies. According to the actual situation on the ground, the estimated number of homeless persons surpasses 2,000,²²⁹ while official data cites the number of homeless persons in 2022 at 380.²³⁰
301. There are 14 homeless shelters in Croatia, all of them in larger cities with a total accommodation capacity of up to 450 users,²³¹ while the actual needs are multiple times greater. Soup kitchens and social self-service stores are still most often the results of the initiative of civil society, humanitarian and religious organisations rather than structural national policies.
302. Despite large cities and county seats having a legal obligation to provide funds in their budgets for meals in soup kitchens and accommodation services in homeless shelters, a large number of cities in Croatia still do not have established programmes for the care of homeless persons.
303. Croatia still does not have a strategy for preventing and combating homelessness nor a strategy for social housing. The lack of a national homelessness strategy and of a protocol on the treatment of homeless persons affects the quality of services of all providers and the cooperation on homelessness with competent authorities.
304. Civil society organisations providing social services continue to warn about continuous problems of unsustainability, organisation and provision of project-funded social

229 Croatian Homeless Network, available at: <https://beskucnici.info>

230 Ombudswoman's Report for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6436a4b7c93c91681302711>

231 Croatian Homeless Network, available at: <https://beskucnici.info>

protection services. In 2022, organisations that organise and manage residential communities for homeless persons and youth that have left the system of alternative care warned of the delay in tenders by the Ministry of Labour, Family and Social Policy, resulting in an inability to plan ahead, pressure of having to close the residential community, and uncertain continuity of providing the necessary support.

305. The exercise of the right of a place of residence remains a continuing problem for homeless persons, preventing many of them to exercise their right to an identity card and thus remaining without the opportunity to exercise their rights to social assistance, health care, as well as the right to vote.

The rights of refugees

306. Croatia still does not have a valid migration nor integration policy in place.
307. The Action Plan for the integration of persons granted international protection for 2020-2022 was again not adopted in 2022, meaning that Croatia has not had active measures to manage the integration process for three years. After the last Action Plan expired in 2019, a new working group for integration was established and started working on the new Action Plan, but the document has not yet been adopted.
308. In 2022, refugee rights organisations continued to point out numerous deficiencies of the Foreigners Act²³² that opened the door to discriminatory practices, with its main shortcomings referring to it being non-compliant with the Schengen Borders Code, preventing appeals against the decisions of the Ministry of the Interior which further burdens the judicial system, allowing for arbitrariness in conducting security checks and making it difficult to grant temporary residence on humanitarian grounds.
309. Still problematic is the provision of the Ordinance on Stay in the Reception Centre for Foreigners and the method of calculating the costs of forced removal²³³ foreseeing, in Article 19, the obligation to announce visits from authorised legal aid providers for the purpose of protecting the rights of third-country nationals placed in the centre. A period of two days is not adequate in many situations that require urgent legal support, and therefore, due to such limitations, persons within the centre may be left

232 Foreigners Act (OG 133/20), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html

233 Ordinance on stay in the Reception Centre for Foreigners and the method of calculating the costs of forced removal (OG 145/21), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2021_12_145_2502.html

without the necessary support and advice, which may consequently jeopardise the realisation of their rights guaranteed by law and the Constitution.

- 310.** The proposal of the Act on Amendments to the Act on International and Temporary Protection,²³⁴ which was in parliamentary procedure during 2022, foresees that asylum seekers will be obliged to undergo new identity verification methods consisting of language and dialect analysis with the possibility of using software technologies. In case of inability of establishing identity or country of origin, asylum seekers will be subjected to a search that may include a search of belongings and data carriers such as computers and other electronic and mobile devices, while withholding consent to search will be considered an active refusal to cooperate with the Ministry of the Interior. Refugee rights organisations state that these technologies can encroach on the right to privacy as well as other human rights belonging to asylum seekers, as well as lead to unjustified denial of requests for international protection due to such technologies being inadequate or improperly used.
- 311.** Although last year, the Government Office for Human Rights and the Rights of National Minorities established an Advisory Group of Third Country Citizens and Persons of Migrant Origin,²³⁵ which should contribute to the empowerment of third country citizens and the improvement of integration policies, refugee rights organisations state that the decision-makers' readiness to hear the perspectives and proposals of those directly affected by integration policies is questionable. Additionally, they state that the actual role of the Advisory Group in the co-creation of the integration policy is debatable in practice, especially if it

234 Proposal of the Act on Amendments to the Act on International and Temporary Protection, P.Z.E. 313, July 2022, available at: https://www.sabor.hr/sites/default/files/uploads/sabor/2022-07-21/164702/PZE_313.pdf

235 Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, Newly established Advisory Group of Third Country Citizens and Persons of Migrant Origin holds first meeting, June 2021, available at: <https://pravamanjina.gov.hr/vijesti/odrzan-prvi-sastanak-novoosnovane-savjetodavne-skupine-drzavljana-trecih-zemalja-i-osoba-migrantskog-porijekla/1020>

is taken into account that the Group had been founded as an activity for a project with an end date at the beginning of 2023. It is questionable whether the activity will continue and if the Government would have the initiative to set it up as a permanent practice.

312. The implementation of the Action Plan of the City of Zagreb for the integration of asylum seekers and beneficiaries of international protection for the year 2022²³⁶ started later than planned, while the end of December 2022 deadline left insufficient time for all activities to be properly implemented. The organisations involved in its implementation point out that there was a lack of coordination and networking between the organisations that participated in the implementation of the Action Plan.

Access to the Right to International Protection

313. From the end of 2021 and during 2022, refugee rights organisations have recorded an increase in the number of legal, although not always humane, practices that have led to an increase in the number of asylum seekers, as well as persons transiting through Croatia.
314. In 2022, refugee rights organisations noticed a new trend of mass issuance of decisions on leaving the European Economic Area (EEA), ordering persons found in Croatia to leave its territory, i.e., the territory of the EEA, within seven days. The organisations report that several individuals complained that the police did not allow them the possibility of seeking asylum, and in some cases openly ignored their expressed intention to seek asylum. The fact that this document actually meant expulsion from the EEA was not explained to them, so a large number of

²³⁶ City of Zagreb, Action Plan for the Integration of Applicants for International Protections and Persons Granted International Protection for 2022, January 2022, available at: <https://www.zagreb.hr/en/donesen-akcijski-plan-grad-a-zagreba-za-integraciju/176980>

the persons in question were under the impression that the documents in fact served as a seven-day residence permit for Croatia, unaware of future consequences.

315. Since the spring of 2022, refugee rights organisations have reported on a large number of persons staying in public areas and spending nights in unsafe buildings in the absence of a humanitarian response from the competent institutions. Most of them were persons to whom the police issued return orders with the obligation to leave the territory of Croatia and the EEA. After months of insistence from activists, local authorities set up tents in Zagreb and Rijeka that served only as a temporary solution for a hot meal, water, shower and a little heating before they returned to sleeping in insecurity and cold.
316. During 2022, refugee rights organisations recorded cases of persons who requested asylum, but were nevertheless served with a return decision imposing an obligation to leave the territory of Croatia and the EEA, as well as cases of persons who, with the decision served, were illegally pushed back to the territory of Bosnia and Herzegovina.
317. As in previous years, the negative trend of a very low number of granted requests for international protection continued in 2022. The number of applicants for international protection in 2022 was 12,872, which is the highest number to date, while international protection was granted to only 21 persons²³⁷ in 2022 – the lowest number since 2014. Such figures can partly be explained by refugees continuing on to other EU countries, but refugee rights organisations maintain that the reasons for such a large imbalance lie in the lack of competence among decision-makers in first-instance procedures, as well as the questionability of employing an individualised approach to each case, especially in the first instance when seekers of international

237 Ministry of the Interior, Statistical indicators of persons granted international protection in the Republic of Croatia until December 31, 2022, available at: <https://mup.gov.hr/UserDocsImages/OTVORENI%20PODACI/Tra%C5%BEitelji%20me%C4%91unarodne%20za%C5%A1tite/web%20statistike%202022%20Q4%20TMZ.pdf>

protection are not guaranteed systematic legal support. There are no independent studies that would provide a more detailed insight into the competencies and sensibilities of decision-makers in relation to issues concerning applicants for international protection.

318. After the outbreak of the war in Ukraine, on March 7, 2022, the Croatian Government adopted the Decision on the Introduction of Temporary Protection in the Republic of Croatia for Displaced Persons from Ukraine, based on the Act on International and Temporary Protection. Refugees from Ukraine were prevented from accessing the asylum system in the first half of the year due to the expected start of temporary protection, and persons who fled from Ukraine but are not Ukrainian citizens faced additional challenges in exercising their rights to temporary protection. For example, temporary protection does not include third-country nationals with short-term or temporary residence, nor persons seeking international protection in Ukraine.
319. Refugee rights organisations expressed their concern about the persons deprived of their liberty placed in the Reception Centre for Foreigners being unable to access asylum. The persons contacted them by phone on several occasions, and the refugee rights organisations in turn informed the Office of the Ombudswoman.
320. In connection with bilateral readmission agreements with third countries, refugee rights organisations state that it is not clear how compliance with the principle of non-refoulement is guaranteed in the procedures for the deportation of citizens of those countries from detention centres in the Republic of Croatia, i.e., in what way do state bodies determine that there is no probable danger of persecution based on race, religion or any other characteristic.
321. In the context of frequent and often repeated statements by state representatives that refugees can seek asylum at the official border crossing and that illegal entry into the territory of the Republic of Croatia in order to seek

asylum is an abuse of the system, refugee rights organisations emphasise the alarming statement from Minister Božinović, who characterised the arrival of a large group of Chechens at the border on December 28, 2022²³⁸ and their declaration of their intention to seek asylum as an abuse of the asylum system as well. Refugee rights organisations emphasise that the Ministry of the Interior jeopardises access to asylum for persons fleeing Russia in order not to participate in the war in Ukraine by ignoring the fact that persons with Russian passports do not have the opportunity to obtain visas for the EU and by manipulating publicly shared information.

322. Foreigners living in Croatia still face problems in accessing information and are often unable to obtain correct and complete information from the Zagreb Police Department, with the information often provided in Croatian rather than English. This makes it much more difficult to navigate and collect the necessary paperwork and fulfil similar obligations. Additionally, organisations providing legal aid to foreigners again cite cases of police officers providing information at police station counters only to give different (accurate) information in the presence of a lawyer.

323. According to civil society organisations that provide legal assistance to refugees, unaccompanied minors seeking international protection are still in a particularly vulnerable position in Croatia because the state has yet to properly restructure its reception system for this group. The main problems faced by unaccompanied minors are the lack of relevant information about their rights and obligations, the long period of time between the appointment of a temporary guardian and the guardian appointed after being placed in a care institution, as well as insufficient and

238 Index.hr, Who are the Chechens who want to go to Croatia? "We have escaped, 100 of us are in a hotel in Bosnia," December 2022, available at: <https://www.index.hr/vijesti/clanak/tko-su-ceceni-koji-zele-u-hrvatsku-pobjegli-smo-100-nas-je-u-hotelu-u-bih/2424716.aspx>

inadequate communication between guardians and unaccompanied children, primarily due to language barriers, but also to the guardians being insufficiently informed and experienced in assuming responsibility for this category of residents. As in previous years, there is still the problem of placing unaccompanied children in facilities for children with behavioural issues, which is considered by experts to be inadequate in relation to their position and needs.

Access to Croatian Territory and Illegal Pushbacks

324. Refugee rights organisations state that the Croatian authorities continued with systematic illegal practices in 2022, although they did so somewhat more cautiously after the footage of the expulsion of refugees was released last year,²³⁹²⁴⁰ after the ECtHR judgment against Croatia in the case of *Madina Hussiny*,²⁴¹ and the report of the Council of Europe’s Committee against Torture.²⁴²
325. After the media footage showing members of the special police unit carrying out violent and illegal pushbacks was released in 2021, in addition to testimonies of torture and inhumane treatment from the victims, the lack of a criminal investigation into the treatment of refugees is unacceptable. Instead, the Ministry of the Interior sanctioned

239 Spiegel.de, *Geflüchtete an EU-Außengrenze, ‘Wir sind für sie wie Tiere’*, June 2021, available at: https://www.spiegel.de/ausland/kroatien-videos-dokumentieren-systematische-pushbacks-a-4463a93d-0467-4960-814a-6d959e1df193?fbclid=IwAR2egKsFirPt_nTs4i_6A7B-xbwsfx3j-xiesUdhpXOH2kQ2FXjoXlh-3Yrw

240 Lupiga, *German media have the footage: Croatian police push back babies, pregnant women and children with disabilities*, June 2021, available at: <https://lupiga.com/vijesti/njemacki-mediji-imajunimke-hrvatska-policija-protjeruje-bebe-trudnice-i-djecu-s-invalitetom>

241 European Court of Human Rights, *M.H. and others v. Croatia* (Applications nos. 15670/18 and 43115/18), September 2021, available at: <https://hudoc.echr.coe.int/eng?i=001-213213>

242 Council of Europe, *Council of Europe anti-torture Committee publishes report on its 2020 ad hoc visit to Croatia*, March 2021, available at: <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-its-2020-ad-hoc-visit-to-croatia>

three members of the intervention police with conditional notices of termination of employment, and all of them returned to work in January 2022 after a three-month suspension.²⁴³

326. Problematic police conduct at the border and in the depths of Croatian territory, i.e., illegal and often collective push-backs and the practice of denying access to the asylum system, is not in accordance with the Foreigners Act nor with the Act on International and Temporary Protection and additionally violates the Constitution of the Republic of Croatia, the Schengen Borders Code and the EU and international (refugee) law in general. According to data from the Danish Refugee Council²⁴⁴ alone, 3,461 persons were pushed back from Croatia to Bosnia from January to December 2022, and there are recorded cases of physical violence, intimidation, inhumane treatment and theft of personal belongings

327. In 2022, the Border Violence Monitoring Network²⁴⁵ collected 123 testimonies from expelled groups of at least 1,100 refugees. According to the results, most of them (93.5%) were pushed back from Croatian territory to Bosnia. Among the interviewed groups that experienced pushback, at least 43.1% included minors, while at least 59.35% attempted to request asylum. The most common forms of violence recorded in the interviews included beatings, theft and destruction of personal belongings (money, mobile phones and portable batteries).

243 Jutarnji.hr, Police officers who beat migrants reinstated, their only sin – wearing the wrong uniform!?, January 2022, available at: <https://www.jutarnji.hr/vijesti/hrvatska/policijci-koji-su-tukli-migrante-vraceni-na-posao-jedini-grijeh-im-je-bio-krivo-nosenje-uniforme-15146204>

244 Danish Refugee Council, Border Monitoring Factsheet, available at: <https://pro.drc.ngo/resources/documents/border-monitoring-factsheet/>

245 Border Violence Monitoring Network, Testimonies, available at: <https://borderviolence.eu/testimonies/>

328. The Border Violence Monitoring Network also reported²⁴⁶ on cases of refugees being detained in police vans, which was confirmed by both victims and volunteers in Bosnia, citing information about the detainment of people, including small children, in police vans for 6-8 hours without water, food and the possibility of using the toilet, while the temperature in the vehicles was aggressively reduced for the time that refugees were locked inside.²⁴⁷
329. Cases of persons who were victims of pushbacks to Bosnia were also recorded after they were handed a return decision with the obligation to leave the EEA, and at the end of 2022, refugee rights organisations recorded cases of persons in Austria, Germany and Switzerland who were issued a decision on leaving the EEA on the territory of Croatia, but the countries that they later reached wanted to return them to Croatia based on the Dublin Regulation. Given that Croatia has never recognised these persons as asylum seekers, and that the seven-day deadline for them to leave the EEA has expired, such a situation opens up the possibility of violating the human rights of those persons who had found themselves on Croatian territory, including the risk of forced removal.
330. The independent mechanism for monitoring police conduct in the area of illegal migration and international protection, established the previous year at the initiative of the European Commission, operated in the first half of 2022 and published its first annual report²⁴⁸ in July. The report indicated a systematic lack of independence and efficiency in police supervision – the Independent Monitoring Mechanism did not have the possibility of unannounced access to the green borders where illegal pushbacks take place,

246 Border Violence Monitoring Network, available at: <https://www.borderviolence.eu/category/monthly-report/>

247 Centre for Peace Studies, Systematic human rights violations at Croatian borders, available at: https://www.cms.hr/system/publication/pdf/182/CommonReport_2022.pdf

248 Croatian Red Cross, Independent Monitoring Mechanism publishes first annual report, July 2022, available at: https://www.hck.hr/UserDocsImages/dokumenti/Dokumenti%20uz%20vijesti/Mehanizam/Godisnje%20izvjesce%20Nezavisnog%20mehanizma%20nadzora_1%20srpnja%202022a.pdf?vel=5786027

nor did it have access to the Ministry of the Interior's information system, while monitoring was carried out in the presence of police officers. Refugee rights organisations are of the opinion that the Independent Mechanism fails to reflect the actual situation on the ground and downplays its findings. The organisations consider the announced plans for the continuation of its activities insufficient for effectively identifying and addressing issues, among other reasons, because there was no public tender that would allow other organisations in the field of human rights protection to access the mechanism and participate in its work.

The Process and Aspects of Social Integration

331. Although persons with international protection in Croatia have a set of rights guaranteed under Croatian and international law, in practice they continue to face a number of institutional barriers and discrimination in their attempts to exercise these rights.
332. Access to the Reception Centre for asylum seekers was still not possible in 2022 for the majority of civil society organisations that carry out integration activities and provide legal assistance. Their request from July 2022 to hold two-day workshops for children within the premises of the Reception Centre was rejected with the explanation that activities for children are already being carried out as part of projects co-funded from the Asylum, Migration and Integration Fund. After the workshops were organised and conducted opposite the Reception Centre in the outdoor space on the property owned by HŽ Infrastruktura, workshop participants shared that there were no organised activities for children in the Reception Centre except for activities performed on computers.
333. Although the competent institutions claim that their services in terms of implementing and supporting integration activities are no longer needed, refugee rights organisations state that communication with asylum seekers reveals a great need for various services and support, pri-

marily legal assistance. For this reason, organisations conduct their activities outside of reception centres, mostly in their own spaces and the spaces of other associations.

334. Asylum seekers placed in the Porin Reception Centre in Zagreb often complain to civil society organisations about the inadequate distribution of essential hygiene products, the lack of capacity to provide basic medical services and treatment, the lack of adequate seasonal clothing, poor quality of food, the unavailability of supplementary foods for infants and activities for children and adults, and the absence of information regarding support provided by organisations that offer support for asylum seekers outside the reception centre. They also point out the lack of support for asylum-seeking children in learning the Croatian language and writing homework, as well as language learning support for adults. A weak internet connection also presents a significant problem, given that social networks are often the only channel that persons in the Reception Centre can use to communicate with friends and family. Of particular concern are asylum seekers' statements concerning violent behaviour exhibited by security guards in the Reception Centre and monthly room searches.

335. In terms of health care, refugee rights organisations continue to highlight unequal access to the health care system for refugees and other foreigners who do not have the means to pay for compulsory health insurance, which constitutes a high monthly expense considering their financial status. In practice, refugees are still denied their right to health services, whether family medicine or specialist services including gynaecological, dental care, etc., most often because health workers are not familiar with their legal rights, procedures for their registration in the Central Health Information System of the Republic of Croatia (and other related procedures such as issuing referrals, etc.) and payment for health services, in addition to the Ministry of Health's delays with the payment of health care institutions' bills. Refugee rights organisations also point out that pharmacies are not informed

about the procedure of issuing medicine to persons with international protection.

336. Although the Compulsory Health Insurance and Health Care Act regulates the right of foreigners, asylum seekers, foreigners under subsidiary protection, foreigners under temporary protection and their family members to the same level of health care as an insured person with compulsory health insurance, persons with international protection (and their family members) are still unable to achieve the status of an insured person with the CHIF, which excludes the possibility of exercising the right to supplementary health insurance, while access to primary, secondary and tertiary health care is often difficult in practice.
337. Additionally, the problem of the need for translation services during medical visits for refugees who do not speak Croatian well enough has not been systematically addressed in 2022, while refugee rights organisations recorded several cases of discriminatory behaviour by doctors and health workers who refused to examine and treat refugees due to unfounded fears that they would spread Covid-19 or another disease.
338. Croatian language courses for persons granted international are not continuously available but depend on long public procurement processes, are insufficiently adapted to the specific group they are intended for and their duration and scope are very limited. Therefore, the courses are insufficiently long for achieving a high enough level of proficiency for work requirements, routine social demands, etc. and only cover the beginner level of language learning, while some are not even certified. The Ministry of the Interior recognised the systematic problems and omissions in the implementation of Croatian language courses and subsequently terminated²⁴⁹ the contract with the Ministry

249 Ministry of the Interior, Decision on the annulment of the Decision on the allocation of financial resources for the implementation of the project "Integration of asylum seekers and foreigners with subsidiary protection into Croatian society, education and preparation for inclusion in the labour market" from September 12, 2022, Class: 018-08/18-03/6, available at: <https://eufondovi.mup.hr/UserDocsImages/dokumenti/Odluka%20o%20ukidanju%20Odluke%20i%20raskidu%20Sporazuma%2012.09.2022.pdf?vel=977621>

of Science and Education, which was supposed to organise the courses, due to it using funds from the EU's Asylum, Migration and Integration Fund contrary to the principles of good financial management and professional practice.

339. Although compulsory attendance at language courses for asylum seekers and persons with international protection is prescribed by law and funds are allocated for this purpose in the state budget, courses were not regularly held in 2022, and civil society organisations continued to organise courses with limited resources in accordance with their capabilities. Attendance is especially difficult for persons who live outside of Zagreb where there are no organisations carrying out these activities, forcing individuals to travel from other parts of the country in order to attend courses and enter the labour market as soon as possible.
340. Refugee rights organisations expect a significant deterioration of integration policies from January 1, 2023, when Croatia will stop organising Croatian language courses for persons with international protection and will no longer cover the costs of translating diplomas and certificates into Croatian for the purpose of recognising and assessing foreign educational qualification. It is still unknown who will take over the implementation of these activities after the termination of the contract with the Ministry of Science and Education which previously performed this role.
341. In the field of access to education, practice shows that the procedure for organising preparatory classes for refugee children is long, resulting in several months of waiting. According to the Ordinance,²⁵⁰ the school is obliged to or-

250 According to the Ordinance on the implementation of preparatory and supplementary classes for students who do not speak or do not speak the Croatian language well enough and classes on the language and culture of the student's country of origin, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2013_02_15_252.html

ganise preparatory classes for students who do not speak Croatian fluently enough, based on the opinion of the school committee and confirmation from the City Office for Education, Sports and Youth and with the approval of the Ministry of Science and Education, which is why the process is often extremely slow, and children sometimes spend months waiting for preparatory classes to begin.

342. Problems related to the implementation of preparatory classes are also manifested in the fact that children are often forced to take classes at another school and miss regular classes. The duration of preparatory classes is 70 hours, and students who do not meet the minimum requirements for participation in regular classes have to retake the course. In most cases, 140 hours of Croatian language classes are not enough for a child to independently achieve educational goals.
343. Refugee rights organisations commended the Decision of the Ministry of Science and Education on the implementation of preparatory classes for displaced students from Ukraine,²⁵¹ which foresees the implementation of preparatory classes from the day of enrolment, i.e., from the date of submitting the application to the Ministry of Science and Education according to a schedule that allows students to finish the preparatory classes within 7 weeks. However, the described facilitation and acceleration of inclusion in preparatory classes by removing certain formalities applies only to students from Ukraine and excludes children of asylum seekers and persons with international protection, which makes it difficult for them to access education and puts them in an unequal position. Besides a longer wait on the confirmation from the state administration office in counties and the approval of the Ministry of Science and Education, there are still cases of preparatory

251 Ministry of Science and Education, Decision on conducting preparatory Croatian language courses for displaced persons from Ukraine, March 2022, available at: <https://mzo.gov.hr/UserDocsImages/dokumenti/Izbjeglice/Odluka-o-provodenju-pripreme-nastave-za-raseljene-ucenike-iz-Ukrajine-1-travnja-2022.PDF>

classes being held once a week for 1 to 2 hours, which significantly reduces the quality of learning, and at the same time prolongs primary and secondary education.

344. Preparatory and supplementary classes in the duration of 140 hours are often insufficient and take place in parallel with regular classes, meaning that students attend classes without understanding what is being taught. Schools' unpreparedness, insufficient number of teaching assistants and the schools' ignorance of the rights of persons with international protection are still evident in practice. It was also revealed that children who speak foreign languages are not enrolled in the regular school programme, but schools treat them as "guest students" even though the law no longer recognises this category.
345. As in previous years, due to children not knowing the language and the lack of standardisation of tests for school entry, most children are placed in classes with children below their age group, i.e., below their developmental level, leading to difficulties in socialising with other students. This practice also makes it impossible for them to exercise certain rights; for example, if a child is over 15 years old and attends primary school, it is not possible to exercise the right to child support.
346. In addition to difficulties at the level of primary and secondary school education, persons with international protection also face difficulties in higher education, especially in enrolment and evaluation of foreign qualifications. For example, refugees have the same right to higher education as Croatian citizens, while universities do not have a specific category for the enrolment of persons with international protection, whereby refugees are enrolled either as all other foreigners – subject to tuition fees, or as Croatian citizens – on the basis of the results of the State Matura exam which they have to take. Additionally, the latter case also requires them to obtain Croatian citizenship, or the system can only admit them as foreigners.

347. Foreign educational qualifications are still not recognised, and the costs of taking additional courses to meet the requirements for recognition in Croatia are extremely high for persons with international protection who are not provided with it free of charge. Because regulations do not recognise the specifics of their situation, refugees also face problems in realising most of the rights that regular students have, such as the right to subsidised accommodation and meals, as well as eligibility for scholarships. As a positive development, refugee rights organisations cite the changes in the regulations of the Ministry of Education regarding the allocation of state scholarships, which is a result of advocacy efforts from a student with international protection who, through commitment and perseverance, brought about changes in the system.²⁵²
348. In terms of employment, the same problems prevail when it comes to the recognition of qualifications and degree nostrification in cases when persons do possess documents proving their professional qualifications. There are no adapted procedures for the recognition of qualifications in absence of such documents, given the specific circumstances refugees often find themselves in. Organisations also cite the unavailability of retraining and additional training programmes, which is closely linked to the (lack of) knowledge of the Croatian language and the associated (lack of) ability to participate.
349. Refugee rights organisations strongly emphasise the problem of persons seeking international protection not being able to obtain a personal identification number (OIB), which makes it impossible for them to exercise other rights. While providing support to international protection seekers, organisations observed that banks refuse to open bank accounts for international protection seekers without valid passports and a personal identification number.

²⁵² H-Alter, Lost in the system, July 2022, available at: <https://h-alter.org/ljudska-prava/izgubljeni-u-sustavu/>

350. In 2022, refugee rights organisations observed that banks continued to use discriminatory practices towards refugees on the basis of their national origin, which is reflected in the fact that persons with international protection are not recognised as persons with refugee protection when carrying out various types of banking operations (opening a bank account, withdrawals, etc.) but as third-country citizens. As a result, persons with international protection often find it difficult or impossible to open a bank account, leading to obstacles in exercising their right to work and their right to social protection.
351. Refugee rights organisations point out that the issue of housing needs to be seen in the broader picture of the general rise in housing prices and the consequences of the Zagreb earthquake on the refugees and other foreigners who suffered damages, together with the fact that refugees looking for apartments continue to face prejudice, racism and intolerance from potential landlords. Supporting refugees by providing accommodation for a period of two years is not sufficient due to the inadequacy of other integration measures which should include quality, accessible and comprehensive language and culture courses, as well as facilitated recognition of existing qualifications and access to retraining, additional training and employment.
352. Refugee rights organisations highlight the continuing problems of prejudice, fear, racism and xenophobia towards refugees and other migrants, especially those of a visibly different skin colour or with clearly visible religious features, such as hijabs. The organisations emphasise the problem that institutional racism presents for accessing rights or public services, which is evident in the fact that refugees and other migrants often encounter a lack of understanding, open intolerance, discrimination, verbal violence, etc. in contact with institutions. All of these problems pose a significant obstacle to achieving quality integration and creating an intercultural and interconnected society.

The rights of national minorities

353. Organisations that promote the rights of national minorities state that no significant progress was made in 2022 in the implementation of the Constitutional Act on the Rights of National Minorities. The lack of implementation of the Constitutional Act is particularly evident in the area of the right to priority employment of members of national minorities in public institutions. Implementation is hampered mainly by the lack of appropriate sanctions for non-compliance with the provisions of the Act.
354. In May 2022, the Office for Human Rights and the Rights of National Minorities met with representatives of the Advisory Committee on the Framework Convention for the Protection of National Minorities. The findings from the Fifth Opinion on Croatia²⁵³ were discussed in this last part of the cycle of monitoring the application of the Framework Convention. The Fifth Opinion on Croatia's implementation of the Framework Convention of the Council of Europe for the Protection of National Minorities²⁵⁴ states that the system of representation of national minorities relies on the results of the population census, but trust in census results is not unanimous given that some members of national minorities do not declare their ethnicity. The Council of Europe emphasises that Croatia lacks equality data disaggregated by ethnicity. The Fifth Opinion also reads that the existing thresholds for access to some minority rights are too high and to the disadvantage of numerically smaller national minorities.

253 Portalnovosti.com, Negativities in the Council of Europe report, May 2022, available at: <https://www.portalnovosti.com/negativnosti-izvjestaju-vijecu-europe>

254 Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), June 2021, available at: <https://rm.coe.int/5th-op-croatia-hr/1680a2cb50>

355. The Opinion²⁵⁵ also states that the public debate on national minorities is dominated by anti-minority rhetoric and prejudice, affecting persons belonging to the Serb and the Roma national minorities the most. Historical revisionism is also present and affects the Serb, the Roma, but also the Jewish national minority.
356. The representation of national minorities in national radio and television broadcasts is insufficient, and public media lack human and financial resources to ensure quantitative and qualitative media production for persons belonging to national minorities.²⁵⁶
357. The Government did not draft and send the amended Act on the Use of Languages and Scripts of National Minorities into parliamentary procedure. This directly violates the decision of the Constitutional Court²⁵⁷ and prevents national minorities from realising their right to official and equal use of their languages and scripts in the area of Vukovar, which is also noted in the opinion on Croatia.²⁵⁸
358. According to statistical data from the Ministry of the Interior, the number of criminal offences committed out of hatred is in decline compared to 2021. According to the available statistical data, the Ministry of the Interior acted on 51 hate-motivated criminal offenses (including the criminal offense of hate speech), which indicates a decrease compared to the 101 such criminal offenses recorded in 2021.²⁵⁹

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ Decision of the Constitutional Court of the Republic of Croatia No.: U-VIIR-4640/2014 of August 12, 2014 (OG 104/14), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2014_08_104_2021.html

²⁵⁸ Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), June 2021, available at: <https://rm.coe.int/5th-op-croatia-hr/1680a2cb50>

²⁵⁹ Ministry of the Interior, Statistical overview of basic security indicators and work results in 2022, February 2023, available at: https://mup.gov.hr/UserDocsImages/statistika/2023/Statisticki_pregled_2022_web%20prelim.pdf

Roma National Minority

359. The National Plan for Roma Inclusion for 2021-2027,²⁶⁰ as well as the Action Plan for 2021-2022,²⁶¹ is implemented in a limited way. The adoption of these strategic documents represents a step forward in relation to the former state for the Roma national minority, but it is still too early in the implementation process to evaluate their application.
360. Members of the Roma national minority most often face direct discrimination in the hiring process and in the workplace. Organisations providing free legal aid report that members of the Roma national minority contact them about cases of applying for a job that they met the requirements for but were not invited for an interview. They believe that employers decide not to invite the candidate for an interview once they see their name and address. In cases when they were invited for an interview, members of the Roma national minority state that they were not offered a job when the employer worked out their ethnic origin. Members of the Roma national minority also face direct discrimination when they are denied entry to certain hospitality facilities.
361. Organisations that promote the rights of the Roma national minority emphasise that the segregation of the Roma population in separate settlements negatively impacts numerous aspects of their lives. Life in Roma settlements is characterised by poverty, difficult access to utilities and low availability of social services. Segregation is further

260 Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia, National Plan for Roma Inclusion for 2021-2027, June 2021, available at: <https://pravamanjina.gov.hr/UserDocsImages/NPUR%202021-2027/Nacionalni%20plan%20za%20uklju%C4%8Divanje%20Roma%202021-2027.pdf>

261 Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia, Action Plan for the Implementation of the National Plan for Roma Inclusion for 2021-2027, for 2021-2022, June 2021, available at: <https://pravamanjina.gov.hr/UserDocsImages/NPUR%202021-2027/Akcijski%20plan%20za%20provedbu%20NPUR-a%20za%202021.%20i%202022..pdf>

deepened by the policy of legalising and constructing Roma settlements, which is approved by the inhabitants of the settlements themselves. These conditions support the formation of generations of Roma dependent on the system. Frequent discrimination and violence against women within Roma settlements, cases of which most often remain unreported, is highly problematic as well.

362. Civil society organisations point out that members of the Roma national minority in the municipality of Orehovica in Međimurje face difficulties in realising the right to equal official use of their language and script guaranteed by the Constitutional Act on the Rights of National Minorities when the national minority members constitute at least one third of the overall population on the territory of the local self-government unit in question.
363. Civil society organisations state that examples of segregation are still evident and present in many schools in Međimurje County. In addition to schools, segregation is also present in kindergartens as Roma parents were not allowed to submit kindergarten applications for kindergartens not attended by Roma children.
364. Organisations protecting the rights of the Roma national minority noticed an increase in hate speech aimed at members of the Roma national minority, especially online on social networks. Of additional concern is the sensationalist and stereotypical reporting on Roma in certain media outlets, which fosters prejudice and strengthens the image of Roma as a social issue.
365. Civil society organisations also state that members of the Roma national minority continue to face numerous obstacles in exercising their rights, especially in employment and access to services. Members of the Roma national minority also face police abuse, false theft reports, and inability to exercise their rights in the social welfare, health care and education systems.

366. According to organisations that protect the rights of the Roma national minority, Roma civil society is underdeveloped, especially when it comes to organisations aimed at improving the position of youth, women and other vulnerable groups within the Roma community. There is no targeted funding, nor is there systematic support for Roma civil society organisations, meaning that civil society organisations depend on Roma and other political structures and fails to empower youth, women and other vulnerable groups within the Roma community.
367. Civil society organisations also emphasise the lack of progress in the post-earthquake reconstruction of Banija, which continued to make life difficult for members of the Roma community in 2022 as a significant part of Roma community members live in the area. Several Roma families lost their homes or their houses were significantly damaged.

Serb National Minority

368. The Vukovar City Council again decided in 2022 that it would not extend the rights of members of the Serb national minority to the use of the Serbian language and the Cyrillic script in Vukovar.²⁶² The full application of this right is conditioned by the City Statute, i.e., annual assessments by the city authorities, depending on the achieved degree of understanding, solidarity, tolerance and dialogue.
369. Organisations promoting the rights of the Serb minority point out that many Serb returnees live in underdeveloped rural areas, cut off from transport infrastructure, isolated and in poor living conditions, still unable to exercise their property rights, which leaves their property exposed to usurpation and devastation. Moreover, the earthquake

²⁶² Večernji.hr, Vukovar City Council: Conditions for extending the scope of individual rights of Serbs in Vukovar have not been met, October 2022, available at: <https://www.vecernji.hr/vijesti/gradsko-vijece-vukovara-nisu-stvoreni-preduvjeti-za-prosirenje-individualnih-prava-pripadnika-srpske-nacionalne-manjine-1627818>

further aggravated the already difficult socio-economic situation faced by all residents of Banija, one of the poorest parts of the country where a significant number of members of the Serb national minority live. The reconstruction after the earthquake was described as non-transparent and slow, making it impossible for residents to get information about the state of their property.

370. Physical attacks, verbal threats and harassment, destruction of property and preventing members of the Serb minority from using their own property continued,²⁶³ and so did provocations of extremist nationalist individuals and organisations aimed at the Serb National Council. One of the recorded incidents included pasting a sticker that read “Milorad Pupovac – Dirty” over the Serb National Council sign at the entrance of the building that hosts its offices.²⁶⁴

371. Hate speech, extremist messages and historical revisionism are still present in a number of marginal media outlets, reader comments on news portals and posts on social networks, as well as in the form of graffiti. The ubiquity of Ustasha symbols in public as the most prominent example of historical revisionism continues to be a cause for concern, while hate speech in public spaces and in the context of sporting events is closely linked to Ustasha symbols and salutes.²⁶⁵

372. According to the results of the Ombudswoman’s survey on the attitudes and the level of awareness of discrimination and forms of discrimination, 38.4% of the respondents claim that nationality or origin is the most common basis for discrimination. Members of the Serb national minority

263 Serb National Council, snv Bulletin #22: Historical revisionism, hate speech and violence against Serbs in 2021, March 2022, available at: https://snv.hr/wp-content/uploads/2022/04/SNV_bulletin_22_ONLINE.pdf

264 snv, available at: <https://www.portalnovosti.com/pupovac-opet-nameti-ekstremista>

265 Ibid. https://snv.hr/wp-content/uploads/2022/04/SNV_bulletin_22_ONLINE.pdf

are one of the three groups that are most often discriminated against on the basis of racial or ethnic origin in the Republic of Croatia.²⁶⁶

373. According to the latest population census, 123,892 citizens identified as Serbs, which is 3.2% of the total population and represents a significant decrease in the number of members of the Serb national minority. The fact that certain media reports presented this news as a positive phenomenon points to the existence of prejudice against Serbs.²⁶⁷
374. Intolerance towards the Serb national minority is also present among youth, among which 55% would legally ban the Cyrillic script in Vukovar, while the prevalence of hate speech against the Serb national minority on social networks is increasing. Hate speech and discrimination continued in 2022, with one of the incidents including a job advertisement in which the business owner stated that he would not hire "Pakistanis, Bangladeshis and Chetniks from Niš."²⁶⁸
375. In 2022, the process of rehabilitating the electrical network continued in the areas inhabited by the Serb returnee population that was left without electricity during the Homeland War. It is still necessary to restore connections in sparsely populated areas and re-electrify more than 1,000 households in areas affected by the war. Organisations that promote the rights of the Serb national minority state that although HEP, the national power company, has a current Rehabilitation and Reconstruction programme

266 Ombudswoman, Research on attitudes and level of awareness of discrimination and forms of discrimination in 2022, December 2022, available at: <https://www.ombudsman.hr/hr/download/ist-razivanje-o-stavovima-i-razini-svijesti-o-diskriminaciji-i-pojavnim-oblicima-diskriminacije-2022/?wpdmdl=15351&refresh=63e0c6603768c1675675232>

267 Report of the Ombudswoman for 2022, March 2023, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6436a4b7c93c91681302711>

268 Ibid.

that encompasses the re-electrification of returnee areas inhabited by Serbs, problems are present in practice with local HEP units failing to follow general guidelines. Thus, the returnees included in the Rehabilitation and Renewal programme are issued invoices for the execution of connection works, even though the electricity network should be renewed without their personal financial participation.

376. Still present is the problem of providing housing to former occupancy rights holders (persons who exercised the rights of occupancy over socially owned apartments until 1991 and left during the war) outside of areas of special state concern due to the length of the procedures for realising the right to the allocation of a substitute apartment. Although they can decide to buy the apartment or sign a permanent lease a year after having the apartment allocated to them, a permanent lease effectively remains the only option given the lessees' low financial status, which impedes the return of former occupancy rights holders and their families to Croatia after the death of the lessee. Rare cases of purchase of newly allocated apartments are characterised by a markedly slow process of finalising and implementing applications for apartment purchases.
377. Organisations that protect the rights of the Serb national minority state that in 2022 certain tax administrations acted illegally when obliging former holders of occupancy rights to pay the real estate transfer tax when buying the apartment they were housed in.
378. Although amendments to the Croatian Citizenship Act that entered into force at the beginning of 2020 opened up the possibility of acquiring Croatian citizenship by descent for persons over 21 years of age who were born abroad to at least one parent who was a Croatian citizen at the time of their birth, organisations promoting the rights of the Serb national minority note that it is difficult to implement such a procedure for acquiring citizenship in practice for citizens of the former Yugoslav republics. According to organisations that protect the rights of the Serb national minority, the Ministry of the Interior contin-

ues to reject request for acquiring Croatian citizenship by descent if the applicant was born before October 8, 1991, citing continuity of citizenship as the reason for rejecting the application and therefore equating birth and descent, which are separate legal grounds for acquiring Croatian citizenship.

