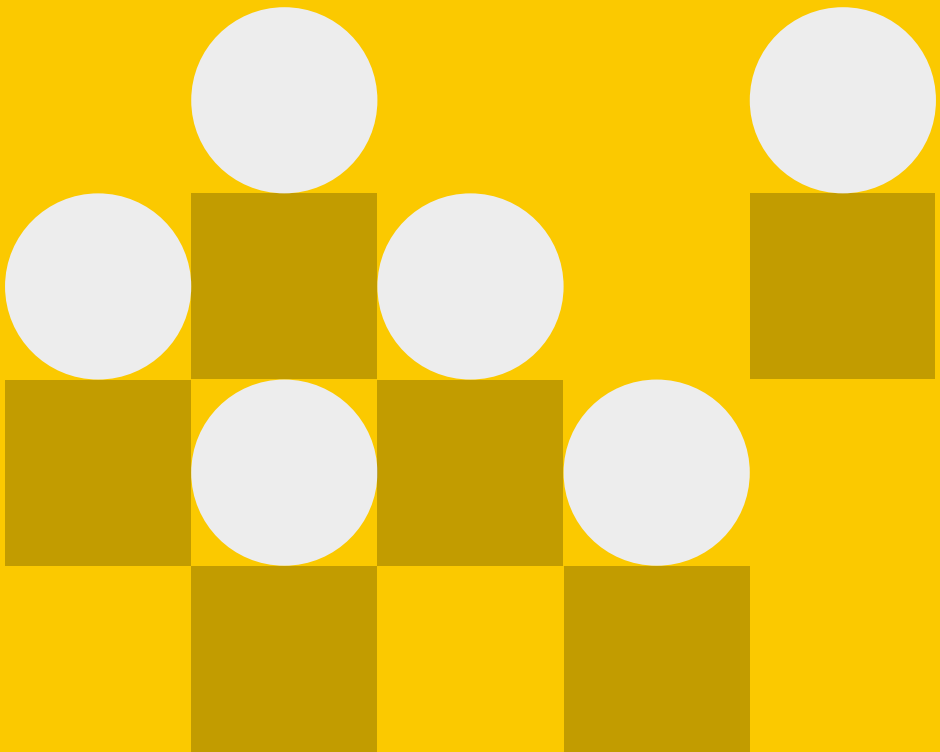


Human Rights in Croatia: Overview of 2018



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The 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. The HRH's vision is to build a democratic, pluralist and inclusive society founded upon the values of human rights, the rule of law, social justice and solidarity. The HRH contributes to the protection, promotion, developing and advancing human rights and fundamental freedoms through research, monitoring, public advocacy and education. By publishing annual human rights reviews, thematic reports and petitions, we help to create better laws and public policies.



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List of Abbreviations

ETTA (AZOO) – Education and Teacher Training Agency
ECHR – European Court of Human Rights
EU - European Union
FINA - Financial Agency
CHIF (HZZO) – Croatian Health Insurance Fund
MDRC (MORH) – Ministry of Defence of the Republic of Croatia
MOI (MUP) - Ministry of Interior
MSE (MZO) – Ministry of Science and Education
RC (RH) - Republic of Croatia
SIA (SOA) - Security-Intelligence Agency
VTW (SOR) - Vocational training of workers
UN – United Nations
CARM (UZOPNM) – Constitutional Act on the Rights of National Minorities
CPA (ZKP) – Criminal Procedure Act

Introduction

1.

Human Rights in Croatia: Overview for 2018 is the annual report of the Human Rights House Zagreb and civil society organisations dedicated to protecting and promoting human rights in various spheres of social life. This extensive and systematic annual overview aims to provide an insight into the violations, problems, challenges and controversies in the field of protecting and promoting human rights in 2018.

2.

The report is the result of systematic yearlong monitoring and information gathering by relevant stakeholders from the civil society and the academic community engaged in human rights issues. Although comprehensive, the report does not cover all the violations of, and problems regarding human rights in 2018.

3.

Whether using the masculine or feminine gender form, expressions used in this report pertain equally to all people, excepting the segments of the report dealing with the violations of, and problems with the human rights of women.

4.

We would hereby like to specially thank the civil society organisations and individuals who helped us to draft this report: Are You Syrious?, B.a.B.e., BLOK, OWID – Organization for Workers’ Initiative and Democratization, the Zagreb Buddhist centre, the Centre for Peace Studies, the Centre for Civil Initiatives Poreč, the Centre for Women War Victims – ROSA, CESI – Centre for Education, Counselling and Research, Children First, Documenta – Centre for Dealing with the Past, Rainbow Families, Eco Zadar, Forum for Freedom in Education, GONG, Greenpeace Croatia, H-Alter – Association for Independent Media Culture, Brave Telephone, the Croatian Law Centre, the Croatian Association of Deafblind Persons – Dodir (Touch), Croatian Mountain Rescue Service, the Croatian Bar Association, the Croatian Journalists’ Association, the Youth Initiative for Human Rights, the Institute for Social Research, the Institute for the Development of Education, the Coalition of Associations in Health Care, Krijesnica (Firefly), the Croatian Youth Network, the Right to the City, the Open Academy Step by Step, RODA – Parents in Action, the Roma National Council, the Clubture Network, the Croatian Union of Associations for Autism, the Trade Union of Croatian Journalists, Scribonauts, the SOS Children’s Village Croatia, SOS Rijeka – Center for Nonviolence and Human Rights, the Serb National Council, Trans Aid, In Good Faith, the Franak Association, the Flight Association, the LORI Association, the MoSt Association, the Association of Youth and Family Judges and Specialists, the Victim and Witness Support Service Croatia, the Association for Self-Advocacy, Zagreb Pride, the Green Action, the Women’s Room, and Diana Topčić-Rosenberg from Adopta, doc. dr. sc. Zoran Burić and dr. sc. Lana Peto Kujundžić.

Methodology

5. The methodology of the annual report on the state of human rights in Croatia is based on the United Nations' Universal Human Rights index. The index comprises all the relevant norms and standards of the global system of human rights protection, and is appropriate for research purposes in nearly all national contexts. The fields cited by the Universal Human Rights index that are represented in this report have been chosen in consideration of the specific Croatian context; that is, those spheres of social life were chosen that have been a matter of constant contestation as regards the exercise of human rights.

6. The research which provided the basis on which the findings covered in this report were shaped had two stages. The first stage concerns a yearlong monitoring of the media and systematising the insights thus gained, which in turn became the basis for the interviews conducted in the second stage of the research. In addition to monitoring the media, secondary data were also collected by monitoring state bodies' and ombudspersons offices' official announcements, statistics and reports, as well as by reviewing the reports and announcements issued by civil society organisations, as well as consulting the relevant legislative documents.

7. The second stage of the research concerns conducting semi-structured interviews with civil society organisations and scientists. The interviews were based on the systematised insights collected during the first stage. The interviewees reflected on the past year, singling out the most important problems they faced in their work, problems related to the possibilities of exercising human rights within specific spheres of social life.

8. In order to ensure that the research findings are correctly understood and interpreted, the conclusions were submitted to a verification process. In drafting the report, the Human Rights House Zagreb was 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 – the values shared and advocated by the Human Rights House – were represented in the research.

The Social, Economic and Political Context

9.

The trend towards strong polarisation between conservative and liberal values noted in 2017 has continued in 2018. Those opposing the ratifying of the Istanbul Convention have started a citizens' initiative for a referendum on "de-ratifying" the Convention. The public campaign that ensued distorted the Convention's real meaning and purpose misrepresenting it as a document by which Croatia would relinquish its sovereignty, and claiming that the Convention promotes so-called gender ideology.

10.

Another referendum initiative also contributed to social polarisation, this time to collect signatures for a referendum to deny national minorities' parliamentary representatives the same rights all the other members of the Croatian Parliament enjoy, for instance, excluding them from votes on motions of confidence to the Government and on the budget.

11.

The state of the media, with journalists under pressure due to legal actions, and the further decline in the public function of the HRT [Croatian Radiotelevision, the public broadcaster] has also strongly affected the polarisation of the society and the quality of democracy.

12.

Although a series of measures were adopted in 2018, aiming to improve the economic situation of both the citizens and the country, the socio-economic situation in Croatia was nevertheless negatively affected by the large inequali-

ties between urban and rural parts of the country, with the latter seeing higher rates of unemployment and poverty. Around 20 percent of citizens are at risk of poverty.

13.

The vulnerable and marginalised social groups are most strongly affected by the inequalities between urban and rural regions. Disabled people, women, children and youth find it more difficult to access social services, the labour market, healthcare and education.

14.

In 2018 too, poor socio-economic circumstances negatively impacted both the exercise and understanding of human rights. Poor socio-economic circumstances enable the growth of those social groups that systematically distort and abuse the language and standards of human rights in order to limit the rights of those who are different and call for a return to traditional values and the protection of sovereignty, thus relativising the universality of the international human rights protection standards. Thus, in 2018, the rights of marginalised social groups were also afflicted by these negative social tendencies, for instance, women's right to reproductive and sexual health, LGBTIQ people's rights and the rights of national minorities.

15.

Despite the adoption of the Whistleblower Protection Act, human rights were still not high among the priorities of the Government and the Croatian Parliament in 2018. After years-long delays, Croatia still has no fundamental public policies to protect and promote human rights, such as a National Plan for the Protection and Promotion of Human Rights, a National Gender Equality Policy and other public policies. Croatia has also failed to ratify significant international conventions such as the European Social Charter (revised) and the UN Convention against Enforced Disappearance.

16.

Due to the low level of political motivation and civic competences, as well as the presence of social delegitimation and relativisation of human rights, the aforementioned socio-economic and political tendencies have in 2018 continued to represent a challenge to sustainable democratic

development of the Croatian society based on respect for, protection and promotion of human rights.

International Instruments, Laws, Public Policies and Institutions

17.

In 2018, the Government still has not taken the necessary steps to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the European Social Charter (revised). Citizens still cannot contact the UN's Committee on the Elimination of Racial Discrimination due to the lack of interest on the part of the Government to accept art. 14 of the International Convention on the Elimination of all Forms of Racial Discrimination.

18.

The inactivity was continued in the process of accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which despite its stated intention, the Government still has not ratified by 2018.

19.

Although the draft Combined Periodic Report on the Implementation of the International Convention on the Elimination of all Forms of Racial Discrimination was presented at the 8th session of the Council for Civil Society Development, the Government did not adopt it and submit it to the UN. In addition, the practice has continued of years-long delays in meeting the commitments to implement the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

20.

Although the Government is obliged to make the international conventions and the accompanying documents available to the expert and general public, in 2018 there has still been no progress in translating the recommendations and opinions of UN's human rights committees into Croatian and disseminating them to the relevant institutions.

21.

Croatia ended 2018 with no basic policy for the protection and promotion of human rights. Although a working group to evaluate the National Human Rights Protection and Promotion Programme, which ceased to apply in 2016, has been formed, there has still been no significant progress in the process of drafting a new programme, or a time frame for its adoption.

22.

For the third year in a row, Croatia has had no national gender equality policy. Although last year an open call to appoint members of the working group to draft the new policy was announced it is unknown whether it has begun to function and who the appointed members are. The Government and the Croatian Parliament have ignored the national gender equality policies, thus additionally contributing to the creation of an unfavourable social climate for women in the Croatian society.

23.

With the end of 2018, Croatia has entered the last year of its three-year term on the UN's Human Rights Council. Croatia has not shown initiative and taken a more decisive stand in promoting in this intergovernmental body those human rights that are of its strategic interest. There has still been no involvement of Croatian human rights organisations in the overall process of membership, while the Council itself and Croatia's role in it have remained invisible to the Croatian public.

24.

In 2018, Croatia presided over the Committee of Ministers of the Council of Europe, an important institution for the protection and promotion of human rights in Europe. Similar to its term on the UN Council, here too Croatia has shown a lack of ideas, initiative or engagement on the protection and promotion of human rights. Its presidency of

the Committee was invisible to the local public, and there has been no involvement of human rights organisations in the process of preparing the programme of the presidency and its realisation.

The Right to Participation, Human Rights Defenders and the Civil Society

THE RIGHT TO VOTE

25.

Although 2018 was not an electoral year, in the context of the right to vote, popular referendum initiatives have showcased all the deficiencies of the Referendums Act – the possibility that the democratic instrument of a referendum might be abused to encroach upon the human rights of minority and socially vulnerable groups. Moreover, the protracted process of verifying the number and validity of voters' signatures as well as the legality of the process of gathering signatures to initiate a state referendum, had a negative impact on the right to vote, and cumulatively destimulates future citizens' initiatives.

26.

The procedure of verifying the collected signatures has further impinged on citizens' legal safety as it does not allow access to signatory lists whose authenticity had been challenged. The sole reason for the problematic signatory lists not to have been made available for inspection was the protection of private data, thus precluding comprehensive insight into the reasons for challenging individual signatures.

FREEDOM OF EXPRESSION, FREEDOM OF ASSEMBLY AND THE RIGHT TO PEACEFUL PROTEST

27.

Organisers of public assemblies do not find it easy to access all information that would provide clear and simple guidelines as to the overall procedure of organising, reporting and realising public gatherings. The procedure of reporting assemblies to the competent authorities and obtaining permissions to use public space requires that the organiser appears in person, without the possibility of applying online or by other means.

28.

It is concerning that attempts were observed to compel the organisers to pay additional fees for public authorities' services related to managing and regulating assemblies due to, for instance, an increased need for police engagement or extended traffic stoppages. The criteria to calculate the fees are not clearly defined, neither are the circumstances in which fees might be levied. Such obstacles are contrary to the right to the freedom of public assembly, which should be subject to minimal, necessary limitations.

29.

In 2018 too, the ability to exercise the right to freedom of assembly has been negatively affected by the pronounced commercialisation of public spaces, as well as by attempts to have public assemblies reported as commercial events.

30.

Due to a lack of easy-to-access information on the role of local public bodies in enabling the exercise of freedom of assembly, as well as the existence of numerous formal rules and particularities, when organising gatherings, one encounters a series of difficulties that can discourage and deter from embarking on organising them, especially in the case of large assemblies organised in a relatively short period of time.

31.

The conduct of the police during the protest against the unveiling of the monument to Franjo Tuđman in December

2018 was especially worrying, when it failed to protect the right of Zoran Erceg to peaceful protest and expression of opinion. Of additional concern was the police requesting that criminal charges be brought against Mr Erceg for disturbing public order and peace, demanding that Mr Erceg be banned from accessing the monument, which would prevent him from exercising his democratic right to protest in a public place he considers the most appropriate to express his criticism and political views.

32.

The occurrence of hate speech in public discourse has negatively impacted the freedom of expression in Croatia in 2018, especially racist hate speech directed against the Serbs, LGBT persons and the Roma, to which the European Commission against Racism and Intolerance drew attention in its report on Croatia published in May¹.

33.

In the context of the right to freedom of artistic creation and expression, especially worrying are the cases of the removal of the director of the Museum of Fine Arts in Osijek, Jasminka Mesarić, because of a photographic exhibition under the title "Pičkin dim" [Cunt's smoke – a vulgar phrase meaning "nothing difficult"], the cancellation of a festival of Ojkače [a form of traditional singing] where 13 ensembles from Serbia and Bosnia and Herzegovina were supposed to perform, as well as the censure directed at theatre director Oliver Frljić for the subject matter of his work and accusations by then-director of the Zagreb City Office for Culture Ana Lederer that he hates "everything and everyone to do with Croatia as a state".

34.

The collapse of the system of public financing of culture has negatively affected the freedom of cultural creation and expression. Cultural workers are finding it increasingly difficult to produce free cultural programmes, leading to increasing commercialisation of culture, making it accessible only to those citizens who can afford it.

1 ECRI Report on Croatia (fifth monitoring cycle), 2018, dostupno na: <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

35.

There are attempts to replace the diminishing national funds for culture with cultural project and programme financing through the European Social Fund. Beyond the fact that all cultural associations and organisations lack the adequate administrative and other capacities to draw ESF funding, this is an unsustainable mode of financing as it takes too long for open calls to be announced and there is no timetable for their release, making it impossible to plan programmes and activities in a sustainable and long-term manner.

PARTICIPATION IN PUBLIC LIFE

36.

In 2018 the standard 30-day duration of e-consultation in the process of adopting laws, bylaws and other regulation has still not been reached. According to data from the e-consultations web platform, public consultations in 2017 lasted an average of 22 days, while in 2018, consultations on legal acts were even shorter, lasting 20 days on average. Progress can be seen in the increased number of public bodies submitting legislation for public consultations, that is, in the number of different public bodies submitting legislation for consultations in comparison to the total number of 39 such bodies that did so over 2017.

37.

Civil society organisations have warned of the difficulties communicating with public authorities by means of participation in working groups and public consultation processes regarding draft legislation and public policies, which hampers the full exercise of the right to civic participation. The collapse of intersectoral cooperation between organisations dealing with the rights of refugees and the relevant institutions is particularly concerning.

38.

Civic participation is insufficiently represented in decision-making regarding the spatial planning of the living community, while the possibility for citizens to participate in the work of municipal councils and influence issues of

interest to the local community has been insufficiently used. Public discussion announcements are often displayed in places that are insufficiently visible, which results in citizens frequently being unaware of their taking place, thus preventing them from reacting on time and participating in decision-making on issues that directly impact their quality of life, health, leisure, access to services.

39.

In practice, introducing new provisions to protect private data tends to have a negative effect on the exercise of the right to access information, where in certain cases such provisions are disproportionately used to prevent the exercise of this right. Moreover, cases have been recorded of unequal conduct among state bodies – bodies at the same level of authority have given different feedback to freedom of information requests, in the sense that one may deny a request as unfounded, while another complies with it.

40.

Many bodies still ignore the decisions adopted by the Information Commissioner and ignore the Act on the Right of Access to Information. Carrying out the penalties provided for by the law is inefficient, mostly due to procedural obstacles and the lengthy nature of the proceedings in misdemeanour courts. Over four years, misdemeanour courts have issued verdicts declaring the defendants guilty in just six of the 25 proceedings initiated for extreme breaches of the ARAI. The other proceedings have mainly reached the statute of limitation, or were dismissed over procedural issues. The Misdemeanour Act was amended in December 2018, but the approach to sanctioning public bodies that fail to comply with the regulations has not changed.

41.

In July 2018, the Government put forward an Open Data Policy, but there is still no Action Plan to implement it, even in draft form. At the same time, the Government has adopted a Regulation on the Costs of Reusing Information, while the draft Act amending the Court Register Act also involves levying fees for accessing data in a machine-readable format, which is contrary to the ARAI, which stipulates that every user has the right to reuse information, as well as to article 38 of the Constitution.

HUMAN RIGHTS DEFENDERS

42.

Last year has seen the continuation of the process of public delegitimation and discrediting of the work of human rights defenders and civil society organisations, especially by ultra-conservative and populist politicians and the media close to them.

43.

In 2018, human rights defenders were exposed to verbal threats and intimidation – especially organisations addressing the rights of refugees, which suffered attempts to intimidate them by destroying their property and workspace. The absence of public condemnation of such attempts to intimidate and violence is worrying.

44.

Especially worrying in the context of the work of human rights defenders dealing with refugees' rights are the attempts to criminalise it through broad interpretation of legal regulations, groundlessly linking them to people smuggling and other criminal offences. Such accusations are tendentiously reported in the media, harming the reputation of civil society organisations and demotivating citizens from volunteering on aiding refugees.

45.

Moreover, especially concerning are the hours-long unjustified questionings and holding human rights defenders in police stations when they accompany asylum seekers to the stations.

46.

An ongoing reason for concerns lies in the pressure from private investors and their legal actions against human rights defenders and organisations involved in environmental protection due to their activities to protect the public interest.

FREEDOM OF ASSOCIATION AND AN ENABLING ENVIRONMENT FOR THE DEVELOPMENT OF CIVIL SOCIETY

- 47.** Although drafting the new National Strategy for the Creation of an Enabling Environment for the Development of Civil Society began in 2016, and public consultations ended in September 2017, a new Strategy has still not been adopted in 2018.
- 48.** Problems in the system of financing civil society organisations from public sources have again been recorded in 2018. The observed deficiencies concern the delays in announcing calls for applications to use European funds, primarily the European Social Fund. The unsatisfactory level of coordination among the competent institutions has negatively affected the dynamics of using EU funds.
- 49.** Horizontal cooperation between CSOs and public bodies in the process of programming grants is unsatisfactory, resulting in a lack of coordination between financing programmes and real social needs.
- 50.** CSOs' functioning is burdened with growing administrative demands, depriving them of a large part of their human and financial resources at the expense of high-quality design and implementation of programme activities. Co-financing of European fund projects from national public sources has not been adequately programmed, which is a frequent reason why organisations fail to apply to the aforementioned calls.
- 51.** Short-term forms of financing for CSO projects negatively affect the work of human rights organisations engaged in long-term advocacy and watchdog activities.
- 52.** Organisations providing social services in the community encounter problems in securing the sustainability of the

provision of such services to their users due to the absence of systematic financing. Project financing and delays in calls for applications have had a direct effect on the turnover of professional staff, thus negatively impacting the sustainability of the support programmes.

53.

In 2018, no steps have still been made to create an enabling administrative and tax environment, nor were any public policies adopted to develop private and entrepreneurial philanthropy to support civil society organisations' programmes protecting and promoting human rights.

Religious Rights and Freedoms

54.

The unequal status of religious groups in Croatia is an ongoing problem, which has still not been solved in 2018. Minority religious communities that had not been established or registered prior to 2002 cannot be registered according to the Law on the Legal Position of Religious Communities unless they were registered as religious associations first and if they had not been active for a minimum of five years. This especially affects and discriminates minority religious communities, especially those that do not belong to the Judeo-Christian tradition.

55.

The Ministry of Science and Education has still not found a systematic alternative to religious education classes for pupils who do not attend them. Solutions differ from school to school, frequently resorting to the practice of "holes in the daily class schedules" of those children not attending religious education. The inexistence of an organised alternative to religious education in primary schools directly discriminates against children and parents who do not belong to the majority, Catholic religious community.

56.

No progress has been made in 2018 on the media deghettoisation of minority religious communities in HRT pro-

gramming. These religious minorities are represented only in two unattractive television slots, and unrepresented in other programmes, especially news programmes. The HRT has thus continued the practice that has directly violated the commitment to foster pluralism.

Media Freedoms

57.

In 2018, no media strategy has still been drafted, a process which has stagnated ever since late 2015. Despite the absence of clear goals to develop and democratise the media environment in Croatia, the Ministry of Culture has initiated the process of amending the Electronic Media Act. In such circumstances, the announced revision of the package of legislation on the media is concerning.

58.

Although it has found itself ranked 69th out of 180 on the Reporters without Borders' World Press Freedom Index,² five places better than in 2017, Croatia is still down on 2016, 2015, 2014 and 2013. The reasons for this can be found in the authorities' increasingly active interference in the functioning of the media, frequent prosecutions against the media for libel, causing offence and defamation, and assaults and intimidation against journalists, especially those investigating controversial issues such as war crimes, organised crime or corruption.

59.

In its January 2018 report on the state of press freedom,³ the Joint International Mission of organisations for the protection of media liberties has asserted that the HRT programming is exposed not only to political pressure, but also to direct influence by various interest groups. The politicisation of journalist and editorial work shows that

2 Reporters Without Borders, 2018 World Press Freedom Index, available at: <https://rsf.org/en/croatia>

3 Joint International Mission (JIM), Press freedom in Croatia: Hate speech and Hope for Change, 2018, available at: <http://seemo.org/assets/pdf/Croatia-Report-final%203152018.pdf>

there is a fundamental lack of understanding of the role of the HRT as a public media service in a pluralist democratic society. There remains the problem of the exposure of public service programmes to political influence due to the manner of selecting HRT directors, which is done by a simple parliamentary majority.

60.

In 2018, the safejournalists⁴ website has recorded seven reported assaults, threats, death threats and threats of grievous bodily harm made against journalists. Especially worrying is the falling trend of reporting assaults against journalists due to the inefficacy of police investigations and a lack of success in finding the perpetrators. Furthermore, online threats against journalists that, being sent from foreign servers often go uninvestigated by the police, are also concerning.

61.

Threats and intimidation against investigatory journalists by holders of public office are also a cause for concern. Especially worrying are the physical assaults on journalists Hrvoje Bajlo, who sustained serious physical injuries, and Vojislav Mazzocco, whose assault was witnessed by police officers, who nevertheless undertook no necessary steps to protect him.

62.

In 2018, lawsuits for causing offence, libel and public defamation had an extremely negative effect on freedom of speech and the media. Case law confirms that such suits are frequently abused as an instrument to eliminate critique and intimidate journalists, which results in censorship, self-censorship and threatening media freedom. The numbers are astounding: at least 1163 legal proceedings are currently being pursued against 90 Croatian media organisations and their journalists.

63.

In November 2018, the European Court of Human Rights, in the case of Narodni List v. Croatia, determined that the oversized and disproportionate damages awarded for causing offence, libel and defamation have a negative impact on public debate on matters of social interest. In this case, Croatia violated the right to freedom of expression

⁴ <http://safejournalists.net/hr/homepage/>

contained in article 10 of the European Convention for the Protection of Human Rights.

64.

Especially concerning are legal actions initiated by the HRT against journalists, media organisations and former employees for injuries to honour and reputation, where it has demanded large sums in damages, up to as much as 250,000 HRK. The HRT initiated 36 lawsuits against its own and other journalists, media organisations and the Croatian Journalists' Association over writing critical of its work, with the total claims for damages amounting to more than two million HRK.

65.

Additionally worrying are the HRT's lawsuits against its own journalists who are also CJA officials – Hrvoje Zovko, and president of the journalists' association's public radio-television branch, Sanja Mikleušević Pavić. In the lawsuits, the HRT has demanded a total of 500,000 HRK in damages for their public appearances and critiques against the HRT's functioning, thus also putting pressure on journalists' freedom of association and their professional association.

66.

The suits and verdicts where media organisations and journalists are sued for disseminating information that are in the public's interest – such as politicians', officials' and public figures' statements – are especially worrying. Also concerning is the fact that senior state officials, members of parliament and their family members, judges and institutions initiate legal actions against journalists and media organisations, thus putting additional pressure on critical and investigative journalism.

67.

Moreover, to the series of worrying trends should be added the non-final judgement against the satirical TV edition of the NewsBar, whereby the court determined restrictively that satire implies making fun of specific and existing social anomalies, thus limiting satirical expression to humorous commenting.

68.

The work of nonprofit media is made difficult, and their existence threatened due to the inertia of the Ministry of Culture, which in 2018 has still not announced an open

call to use the fund for community media as part of the European Social Fund. This has put nonprofit media in an unenviable financial position, forcing them to reduce the scope of their work, or even shut down.

69.

The problem of media regulation has still not been tackled. There is still no press regulator. The Council for Electronic Media should be modernised, as the current regulation has shown itself to be inefficient, and the CEM's current competences boil down to temporary removal of broadcasting rights. The strengthening of the role of the regulator is especially important in combating hate speech and discriminatory speech. Thus, over the past year, the CEM considered 36 cases of violations of article 12, paragraph 2 of the Electronic Media Act, of which it only pursued one. After the decision to ban six local television stations which carried the contentious programme, "Bujica", from broadcasting for hate speech directed against migrants, CEM members received letters containing death threats.

Security and Human Rights

70.

Although during 2018 the Croatian Parliament appointed the members of the Council for Civilian Oversight of Security and Intelligence Agencies, the system of civic oversight of the security and repressive apparatus in Croatia is still incomplete, as for the third year in a row, neither the Council for Civilian Oversight over the Use of Specific Police Authorities, nor the Commission for Complaints of Illegal Police Conduct have been constituted.

71.

Three years after a request has been filed to establish the constitutionality of the Law on Defence, which allowed the military to assist the police in protecting RC borders, the Constitutional Court has still not issued its assessment.

72.

The year 2018 was marked by the reform of the civil defence system, where the National Protection and Rescue Directorate [NPRD] was integrated with the MoI, with uncertain consequences. There are misgivings that further centralisation will jeopardise the responsiveness of the civil defence system, as a pyramidally organised civil defence system frequently leads to situations where the burden of protection falls on the armed forces, that is, to active military engagement on the ground. Additional challenges lie in insufficient networking in the system, as well as in operations-related problems, such as a large volume of bureaucratic tasks demanding the use of significant financial and time resources, even in volunteer-based organisations such as the Croatian Mountain Rescue Service [CMRS], which legal obligations have burdened with disproportionate bureaucratic demands.

73.

The problem of the inexistence of a Search and Rescue and emergency medical helicopter services has still not been solved in 2018. The CMRS relies on the support of the Croatian Air Force for its operation, while the Emergency Medicine Institute, that is, the Ministry of Health, is supported by the MoI and the MoDRC. Due to the limited availability of helicopters and crews, reaction is sometimes delayed, which can lead to severe injuries, or even death.

74.

In 2018, there has been some progress in the coordination of the fire service, with the establishment of the central command in Divulje, and conducting exercises. Although lack of resources and equipment is often cited as the main problem in the system of fighting wildfires, non-clearing of paths, non-clearing the undergrowth in forests and lack of maintaining abandoned tracts of land that cause larger fires or make it difficult to control areas impacted by wildfires represent a systemic problem.

75.

There are still 351 square kilometres of areas suspected of containing landmines in Croatia, across eight counties and 54 local self-government units. Although there has been progress in the process of mine clearance in 2018, 31 thousand mines remain a serious safety issue.

The Judiciary and Human Rights

76.

No steps in reforming the process of selecting judges and state attorneys have been taken in 2018. The National Judicial Council and the State Attorneys' Council, both of whose memberships comprised, among others, of Members of the Croatian Parliament, are in charge of the reform, which means that the legislative branch of government has direct influence on the appointment of judges and state attorneys.

77.

Violations of the right to a fair trial constitute the majority of the rulings issued against Croatia for breaches of the European Convention on Human Rights, including the right to trial within a reasonable time, as much as 52 percent. In 2018, the ECtHR issued 24 rulings, four of which established that the state had violated the right to a fair trial, as many that the right to private and family life had been violated, two that the right to freedom of expression had been violated, and one that the right to effective investigation and the prohibition of forced labour had been violated.

PROCEDURAL RIGHTS OF SUSPECTS AND THE ACCUSED

78.

During 2018, the Croatian criminal justice system underwent the process of adaptation to EU criminal law standards, by transposing the directives introducing the rights of defence in criminal litigation into the national legal system. At the normative level, this has improved the rights of suspects and the accused, primarily because police questioning was given standing as evidence. In order for police questioning to be used as evidence in a criminal procedure, it must be conducted in a legal manner, respecting all the suspects' procedural rights. Practical experiences from 2018 have shown that the police have conducted such questionings in a legal manner.

79.

Suspects and arrestees who do not have sufficient means to settle the costs of defence in cases where defence is not legally mandated are unable to exercise their right to defence at the state's expense during police questioning. This is so because in the current legal setting, an attorney can be assigned to such a suspect only after a decision to conduct an investigation has been made, or after charges have been brought. In other words, an attorney cannot be assigned him/her during police questioning because the criminal procedure has not yet formally begun. Although a suspect has the right to a defence lawyer in the earliest stages of the proceedings, in reality, this option exists only for privileged suspects with the financial means to pay for one. Such a legal framework leads to discrimination against poorer citizens and inequality of citizens before the law, which consequentially leads to violations of the right of access to a court.

80.

2018 saw no significant changes in the application of the principle of proportionality in determining pre-trial detention. Judges still do not sufficiently question whether imposing the extreme measure of pre-trial detention is justified when the accused's presence can be guaranteed using other, gentler means.

81.

Although in recent years the situation in the penal system has improved on the whole, which is the result among other things of the substantial reduction in the size of the prison population (both owing to the changes to the Criminal Code stipulating that short-term prison sentences should be issued only exceptionally, as well as to the changes to the Criminal Procedure Code stipulating reduced length of pre-trial detention, extended use of bail, setting up a probation system etc.), the lack of capacities to accommodate inmates in certain prison facilities still represents a problem.

82.

Furthermore, prisoners' access to primary healthcare is still inadequate and inexpedient. Most prisons do not employ enough medical professionals, while the Mandatory Health Insurance Act does not allow penal system institutions to enter into medical service provision contracts with GP practices.

THE RIGHTS OF VICTIMS OF CRIMINAL OFFENCES

83.

Although the 2017 amendments to the CPC declaratively and normatively expanded victims' rights, a number of rights were observed that a victim can exercise only on request. Moreover, it is not specified where to file such a request, within what time limit and in what form. In addition, no sanctions have been prescribed against the judicial authorities that reject such requests without justification; likewise, the victims have no recourse to any kind of legal remedy in case their requests are denied.

84.

The largest change to happen to the criminal procedure rules in 2018 was the enactment of the Ordinance on the Mode of Conducting Individual Victim Assessments. Introducing individual assessments has expanded the already recognised vulnerable categories of victims, such as children, victims of criminal offences against sexual liberty and victims of human trafficking, to include victims for whom special protection measures have been determined. Special protection measures are determined with respect to the real needs of a victim, such as special methods of questioning; using telecommunication technologies in order to avoid visual contact with the perpetrator; excluding the public from the court hearings; being questioned by a person of the same sex, and, if possible, having the same person conduct any requestioning; accompaniment by a trusted person; protection of the secrecy of private data.

85.

Although the introduction of individual assessment represents a significant shift in the protection of the rights of victims, primarily in accessing and testifying in court, it is important to note that the Ordinance does not stipulate that the bodies conducting individual assessments (the police, the state attorney's office and courts) are bound to carry out special educations to increase their levels of specialisation and sensitisation in the correct way to approach victims.

86.

In practice, the bodies in charge (state attorney's offices, as well as certain courts) do not recognise the victim's right to accompaniment by a trusted person. When a victim wishes to exercise this right, it often happens that the state attorney's office refuses to allow accompaniment due to insufficient room, or a lack of understanding of the importance of a trusted person.

87.

Likewise, practical problems emerge due to insufficient monitoring of any changes of the circumstances that had been established in the original assessment, that is, whether the protection and support adequate to the current needs of the victims had been provided, especially in long-running proceedings.

88.

Experiences in certain courts have shown that the relevant bodies have either failed to recognise the victim's need to avoid visual contact with the perpetrator, or failed to adequately inform the victims about the existence of such a right, due to which victims never submitted such requests, with the result that the victims in certain cases of criminal offences against sexual liberty and human trafficking were not questioned using an audio-visual device.

89.

Due to the looseness of the legal text, in practice there are still ambiguities as regards professional competences and role of counsellors for victims of criminal offences for which the mandated sentence is five or more years in prison, provided they have suffered the more severe consequences of the criminal offence, and for victims of criminal offences against sexual liberties for which special protection measures have been determined. In view of the fact that the aforementioned victims have the right to a representative who is an attorney at the state's expense, while in practice, attorneys are also most frequently appointed counsellors, the question legitimately rises as to what is the point of counsellors and what are the services they can provide the victim.

90.

The police inform victims of their rights both in writing and orally, but due to the amount of information it carries

and the unsuitable language, such notifications frequently remain incomprehensible and unclear. While along with the notification on victims' rights, the police also provide information about institutional and non-institutional forms of victim support, practice has shown that the state attorney's office has provided far more limited information to the victims, merely directing them to court departments for victim support, but not to the available forms of support provided by civil society organisations.

91.

The insufficiency of support and aid for victims and witnesses remains an issue. The system of support for victims of criminal offences and misdemeanours is provided by court departments in seven county courts; the Victim and Witness Support Service of the Ministry of Justice; and civil society organisations providing aid and support in locations where such court departments have not been set up. In addition, certain courts do not have their own expert associates, but use other courts' associates, resulting in it being impossible to provide support when hearings at different courts take place at the same time.

92.

Aid and support for victims and witnesses are provided before and over the course of a court proceeding, while the need for support provided after the court proceeding is concluded is still unrecognised.

93.

Although aid and support have been envisaged for victims of criminal offences and misdemeanours, no single misdemeanour court has its own department for providing aid and support to victims of misdemeanours.

94.

In 2018, a new Act on the Protection against Domestic Violence, which transposed the Directive 2012/29/EU, entered into force. In principle, the standards on the protection of the rights and interests of victims guaranteed by the Directive in criminal proceedings apply as much to criminal as to misdemeanour proceedings. However, victims in misdemeanour proceedings do not get to exercise the same rights afforded them in criminal proceedings. Bearing in mind that in the Croatian legal system most violence within

intimate relationships is prosecuted under the category of misdemeanour proceedings, not recognising the needs of victims in misdemeanour proceedings leads to discrimination against them and their secondary victimisation.

95.

Individual victim assessments in misdemeanour proceedings for domestic violence are barely ever conducted, and victims are often questioned in the presence of the perpetrator. Moreover, victims are insufficiently informed as to their rights during the proceeding, especially the right to request being questioned by means of an audio-visual device. Verdicts are still frequently not sent to the victims, nor are victims informed about the progress of the proceeding as part of a written invitation.

96.

In practice, the problem of realising claims to damages in criminal proceedings is still pervasive. Since one of the conditions for deciding on claims for damages is that it does not lead to the criminal procedure becoming overly protracted, courts frequently use the excuse of delays to direct the injured parties to enter litigation. In such cases, victims are expected to initiate a civil action, leading to their revictimisation and retraumatisation, as well as suffering additional financial expenses. It is well known that in civil proceedings, victims do not have the rights they enjoy in criminal proceedings, which allows the possibility that after retraumatisation in criminal proceedings has been prevented, a victim might then be retraumatised in civil proceedings.

97.

The procedures for realising pecuniary damages for harm suffered by victims of criminal offences are extremely complicated and expensive, which hinders efficient exercise of the right to pecuniary damages. Numerous defects are also present in the functioning of the Committee for pecuniary damages for victims of criminal offences, whose work is not regulated by distinct rules of procedure and/or ordinance. This problem becomes especially salient in cross-border cases of pecuniary damages.

98.

Due to the impreciseness of the legal text as regards the right to compensation for the costs of medical care, the Committee for pecuniary damages for victims of criminal offences only recognises forms of compensation covered by mandatory health insurance. A great majority of victims need to request supplementary or additional insurance because of operations and/or extended stays in hospital due to the injuries caused by the criminal offence, for which they cannot get compensation due to the extremely restrictive interpretation of the legal provision.

99.

A large number of requests for pecuniary damages for victims of criminal offences frequently get dismissed due to incomplete documentation, and the victims are hence advised to initiate an administrative proceeding. Instead of simplifying the procedure, victims are required to initiate new proceedings, leading to revictimisation and additional financial burdens.

100.

Free primary legal aid remains burdened with numerous problems stemming from inconsistent application of the Free Legal Aid Act. In 2018, free legal aid has remained territorially uneven, as organisations certified to provide FLA only exist in eight regional self-government units, while in the other 13 there are either no such organisations, or they operate there only sporadically.

101.

One of the causes of the uneven territorial FLA coverage lies in the lack of finances. Although in 2018 the available funds were increased by roughly 200,000.00 HRK, they are still insufficient to engage highly qualified legal experts and establish even territorial coverage. The aforementioned threatens socially vulnerable citizens' right to access to justice.

JUVENILE JUSTICE ADMINISTRATION

102.

The lengthy nature of juvenile court processes is worrying, as it threatens the priority status of juvenile cases and achieving legally mandated urgency in handling such cases.

103.

In addition to a deficit of juvenile judges, the manner of their selection also presents a large problem. Although the Juvenile Courts Act clearly stipulates that juvenile judges must have a certain “affinity for the youth’s education, needs and benefits, and to have mastered the basic knowledge in the fields of criminology, social pedagogy, youth psychology and social work for young people”, in practice such criteria are not verified. Moreover, once appointed, juvenile judges are not obliged to undergo additional training for working with children.

104.

With the exception of the Youth department of the Municipal Criminal Court in Zagreb, in the remaining parts of Croatia, municipal and county courts have no specialised youth departments.

105.

The questioning of children in criminal proceedings is sometimes conducted by persons who are insufficiently educated to conduct a forensic interview of a child, especially in rural areas. In addition, there is still too little space for questioning children that is appropriate to the specificities of children’s development (child-friendly spaces).

106.

Although the law provides that a child victim has the right to a representative at the state’s expense, in certain cases, that provision is not observed. In practice, there are still recorded cases of not recognising the rights of a child victim of a criminal offence, as well as the right to be accompanied by a trusted person.

107.

In Croatia it used to be common practice to conduct individual assessments of juveniles with the aim of establishing the child’s special needs and the appropriateness of

a specific sanction or educational measure. Such practice was unjustifiably abandoned.

108.

Cases were observed of inappropriate ways of carrying out sanctions for children and young people, which are insufficiently individualised and adapted to each child's needs. This can potentially hinder the children's socialisation and social integration. Insufficient effort is invested in using non-institutional measures for minors.

109.

Although the use of diversion as an alternative measure to abandon, or not to initiate, a process against minors has been observed in early stages of criminal proceedings, in misdemeanour proceedings such use is practically inexistent. Practice has shown that misdemeanour judges most often issue sanctions for minors in the form of cautions or fines, since they do not gather the data on the minor's personal and family circumstances.

110.

There are still no special educational institutions for children with certain psychological or psychiatric problems. A sufficient number of child psychiatrists, child psychologists and other health workers is a key prerequisite for guaranteeing appropriate educational and health measures. Practice has shown that the legislator still does not recognise this category of minors, since they are automatically placed in the correctional institution for minors in Turopolje.

111.

The measure of pre-trial detention is still not implemented in line with the provisions in the Juvenile Courts Act and with international standards. Instead of the envisaged closed prison facilities for minors, whose establishment was foreseen in the Juvenile Courts Act, minors serve pre-trial detention at the nearest prison, under the same conditions as those stipulated for adult people, where no educational activities, psycho-social support and more frequent contacts with their families are organised.

Transitional Justice and Dealing with the Past

112.

In Croatia, dealing with the past is still burdened by the relativisation of the crimes committed by members of Croatian military and police forces, as well as the revisionist tendencies related to Ustasha crimes committed during World War II. The trend is continued of senior state officials' public appearances and statements denying and ignoring facts established in international and local courts, while on the other hand extolling the wartime endeavours of persons convicted of war crimes without appeal. The absence of a public condemnation of such crimes favours the development of a negative public discourse dismissing the pain and suffering of all victims.

113.

The trend of stagnating intensity of war crimes prosecutions ever since Croatia's accession to the EU has continued. The Croatian judiciary has prosecuted a small number of war crimes cases where members of the Croatian military and police units are suspects. Moreover, the trend of discriminatory practices in sentencing in cases of war crimes trials has also continued. Members of Serb units and the YPA are frequently more severely punished for equivalent criminal offences than are members of Croat units.

114.

2018 still has not seen the adoption of the Law on the Rights of Civilian Victims of War, which would regulate the exercise of the right to reparations and to essential support. War crimes victims face many problems, primarily in accessing the right to material reparations conditional upon the existence of final guilty verdicts in criminal cases – verdicts that do not exist owing to the difficulties prosecuting war crimes.

115.

Although the Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War represents a positive step forward in recognising the rights of, and reparations for, civilian war victims, its restrictive application means certain victims' status is not recognised. The reason for not recognising

their status lies in the supposed impossibility to directly link sexual violence to war operations, which, contrary to international accords, seeks to limit its reach and disregards a victim-focused approach.

116.

In addition, the restrictiveness of the provisions of the aforementioned Law can be seen in the segment demanding that sexual acts must be committed “without the victim’s consent or by use of force or threat”. This legal provision excludes all situations of absence of consent when it comes to other means of coercion characteristic of states of war, such as fear for one’s own and/or one’s loved ones’ lives, fear of captivity, abuse of position and power etc.

117.

Identifying missing persons is still taking too long. According to the Ministry of Croatian Veterans, 82 percent of missing persons cases were solved, while there are still active searches for 1,491 persons, and the burial sites of the remains of 412 persons killed. Although the Directorate for Detainees and Missing Persons has had its budget increased, and the number of identifications from the aftermath of World War II has increased, the process of identification still cannot be considered satisfactory, especially due to the exceptionally poor cooperation between the relevant Croatian and Serbian state authorities.

118.

In cases of identification of persons whose family members reside in Serbia, the practice of the Detainees and Missing Persons Directorate shows that there is no information sharing either with associations of families or the Missing Persons Commission of the Government of Serbia. There was a shift in 2018 in that the Croatian and Serbian presidents’ respective commissioners for the issues of missing persons were appointed, while during 2018, preparations began to adopt the Law on Persons Gone Missing during the Homeland War.

119.

Convicted war criminals still hold the highest state decorations of the Republic of Croatia, which contributes to the discourse of denying the crimes committed and to disregarding the final verdicts of the International Criminal Tribunal for the Former Yugoslavia.

The Right to an Adequate Standard of Living

120.

In 2018, the inequalities between urban and rural parts of Croatia had a negative impact on the exercise of the right to an adequate living standard. Rural regions have higher levels of poverty, unemployment and long-term unemployment, as well as a larger number of young people not in employment, education or training.

121.

According to Croatian Bureau of Statistics data,⁵ some 20 percent of the citizens of Croatia live at risk of poverty, and with income equal to or less than an annual income of 28,070 HRK for a single member household, or 53,731 HRK for a household with two adult members and two children. The most vulnerable social groups are the under-18s and over-65s.

122.

It is concerning that 7,4 percent⁶ of citizens cannot afford adequate heating in the coldest months, with people living on their own and those over 65 in single-member households especially affected.

123.

It is also concerning that one in ten citizens⁷ do not have the financial ability to afford adequate nourishment, including meat or fish, or a vegetarian meal containing proteins every other day. It is especially worrying that this problem is more pronounced in women.

5 Croatian Bureau of Statistics, Indicators of Poverty and Social Exclusion, T14.1.1., available at: https://www.dzs.hr/Hrv_Eng/Pokazatelj/MSI%20POKAZATELJI%20SIROMA%C5%A0TVA%20I%20SOCIJALNE%20ISKLJU%C4%8CENOSTI.XLSX

6 Ibid., T14.1.7.

7 Ibid.

RIGHT TO HOUSING

124.

In 2018 steps have still not been taken to design a housing development policy that would include the regulation of short- and long-term rental market, stimulating public investment in models of affordable housing, which entails various kinds of financing and subsidies by the state and by regional and local self-government units. There are no statistical data on housing needs, which is why even when subsidy policies are adopted, this is done offhand and without analyses. The state insists on implementing a “home=property” policy and one-off measures to subsidise mortgage loans. In addition to private borrowing, this measure also negatively affects the growth of prices in the real estate market.

125.

The Eurostat statistical data, according to which Croatia is one of 10 EU countries where a third of the population lives in rented accommodation and spends more than 40 percent of their total earnings on rent,⁸ is concerning. According to the EU classification, citizens belonging to this category are potentially at risk of poverty.

126.

Up to two percent of accommodation units in Croatia are publicly managed, that is, managed by the state or a local self-government unit. This is not sufficient to have an impact on the market in the direction of responsiveness to the population’s real needs for the resolution of the housing issue. The pool of publicly owned accommodation does not prevent market price fluctuations, which should be one of its main objectives.

127.

There is no organised system of renting in Croatia, while prices and ways of acquiring one’s own real estate are highly unfavourable. This is one of the main reasons why, according to Eurostat statistics, as many as 78 percent of young people aged 18-34 still live with their parents.

8 Eurostat. Housing affordability. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Housing_statistics#Housing_affordability

In this aspect, Croatia is in last place in the EU. Eurostat data⁹ according to which 41 percent of people in the RC live in overcrowded accommodation – households whose size is too small for the number of members living in them – is of additional concern.

128.

Due to increasing tourist activity and a lack of clear provisions regulating short-term renting, the long-term rental market has shrunk, which has had an impact on the inability to solve accommodation issues through long-term renting/tenancy. In addition, the 1996 Law on Leasing Apartments is outdated, and is unfavourable for tenants as it fails to sufficiently protect their rights.

129.

There is an increasing trend of depopulation and gentrification of the city centres of Split, Zadar, Dubrovnik and Zagreb, as well as those of other tourist cities. Due to the poor living conditions caused by noise, accommodation prices and overcrowding during the tourist season, there has been a trend of the native population emigrating.

130.

The large differences between urban and rural parts have also affected the right to a home and an adequate standard of living, which has repercussions on the society as a whole, especially vulnerable social groups such as persons with disabilities, single parents, young people, persons under subsidiary protection and others.

RIGHT TO PROTECTION OF PROPERTY

131.

With the amendments to the Law on Debt Enforcement on Cash Assets that took effect in 2018, the Croatian Financial Agency [FINA] has unblocked the accounts of citizens who had been under a debt-enforcement regime for longer than three years, and had had no transactions on their accounts

⁹ Eurostat. Housing statistics. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Housing_statistics

for more than six months. Persons who have more than one debt being enforced have had enforcement procedures for secondary, tertiary and quaternary creditors discontinued, while primary debt continues to be enforced.

132.

Debts increasing with additional costs remains a large problem for citizens whose accounts are blocked. The “blocked” citizens’ debt principal is additionally increased by the costs of the enforcement carried out by FINA, solicitors and public notaries, who are first in line to collect their debts. This increases the level of citizens’ insolvency, which can last for a lifetime and carry over to the new generation, a violation of the right of citizens to human dignity and enjoyment of their possessions. In addition, 2018 has seen cases of irregular delivery of decisions to institute enforcement proceedings to enforce claims against citizens’ financial assets, violating the right of access to a court.

133.

In 2018, the Law on the Write-off of Debts of Natural Persons was adopted, allowing local self-government units to autonomously define measures to write off and erase debts in their territories. It also introduced the relative statute of limitations, which was not available before. It also introduced the option of simple bankruptcy, whose aim is to “deblock” a portion of the citizens whose accounts have been blocked for a long time over small debts.

134.

In spite of the legal changes, in late 2018, there were still 264,751 persons in the group of citizens with outstanding liabilities, whose total debt amounted to 17.62 billion HRK¹⁰.

10 FINA, Overview of situation concerning blocked accounts of citizens by city and county – 31 December 2018, available at: <https://www.fina.hr/-/pregled-stanja-blokade-gra-ana-po-gradovima-i-zupanijama-31-12-2018->

FINANCIAL LENDING

135

In 2018, the High Commercial Court issued a ruling which established that provisions on the CHF currency clause and on changing interest rates in converted CHF loans are unfair and void, and that thereby eight banks in Croatia violated consumers' rights. The Supreme Court has still not ruled on the impact of conversion on the nullity of the currency clause, and the statute of limitations expires in June 2019, which is the final deadline by which users of CHF loans need to submit their requests for restitution in terms of overpaid interest.

136.

Banks still do not harmonise their contracting of new interest rates with the Supreme Court's 2014 ruling in the Franak Case. Unfair interest rates are employed, which can lead to increasing future interest rates for users of loans in HRK and EUR.

137.

Changes to the Law on Enforcement led to changes in the requirements for lending, which have been tightened up compared to the previous rules. However, the risk of contracting unfavourable loans still represents a threat due to the low level of financial literacy, and the hard currency loans approved in fast-track procedures and far riskier to repay.

138.

The business activities of credit institutions have also contributed to unfavourable lending. Although they are entitled to do business throughout the single market, credit institutions from other EU countries are not under the control of the Croatian National Bank. Users do not have more detailed information on foreign credit institutions, that is, information that banks can compel them to pay much higher fees in case the deadline to pay back the loan is extended.

WORKERS' RIGHTS

139.

In Croatia in 2018, there was an observable trend of incidence of precarious work, marked by low security of income, unfavourable working conditions, minimal access to occupational training. Short-term, insecure forms of employment due to pronounced seasonality of the labour market are especially prevalent in the service, tourism and agriculture sectors.

140.

The right to strike, already narrowly defined, was further limited in 2018 by its retrospective interpretation in a court decision prohibiting a strike by Croatia Airlines employees and the 2017 decision declaring illegal the strike by Croatian Studies professors.

141.

The year 2018 was marked by two serious accidents at work that resulted in death, which called into question the effectiveness of the institution of occupational health and safety. In addition, assaults on workers in their workplaces are also concerning, as are instances of threats and physical violence, especially in the health, education and public transport sectors.

142.

A list of employers¹¹ who, according to available data, failed to pay out wages in 2018, shows that in 2018, as many as 11,944 workers did not receive wages, and 2,950 employers did not pay out wages, which calls into question the adequacy of the existing mechanisms of compensation for workers' earned wages.

143.

The lack of capacities and poor organisation of labour inspection in 2018 led to difficulties carrying out monitoring related to inadequate workplace health and safety, non-payment of wages and other violations of workers' rights, such as unregistered or unpaid overtime, workplace mobbing etc.

11 The Tax Administration, Statistical overview of taxpayers/employers who according to available data do not pay out wages, available at:

<https://www.porezna-uprava.hr/Dokumenti%20razno/Statisti%c4%8d-ki%20prikaz%20poslodavaca%20koji%20ne%20ispla%c4%87uju%20pla%c4%87e.pdf>

144.

The pension reform has increased the retirement age to 67. The extension is problematic as regards the human rights of workers in work-intensive industries such as construction and textile, and especially for workers in the service industry and commerce, who are more exposed to the risk of health impairment.

YOUTH IN THE LABOUR MARKET

145.

In early 2018, a reduction in the use of the measure of occupational training without commencing employment [SOR] was announced, as well as promoting apprenticeship as a measure of active youth employment. However, in practice, SOR is used three times as much as apprenticeship.

146.

Although remuneration for SOR has been increased and brought in line with the increase to the minimum wage, it is still inadequate for an independent life, which makes it impossible for young people to achieve economic independence. In addition, young people do not enter employment through SOR, which means they have no right to paid sick leave, the right to protection at work, or the right to unionize. As an active employment measure for young people, SOR does not foresee legal protection in the workplace, but requires that the majority of the worker's duties towards the employer are fulfilled.

147.

In November 2018, the Law on Performing Student Jobs, regulating the institution of student work, entered into force. The Law has introduced positive changes in the context of the conditions of students' work, prescribing shorter periods for paying out remuneration and harsher penalties for non-payment or delayed payment. However, one reason for concern lies in the possibility of employing irregular students through Student Centres, which opens the possibility of abuses by means of recruitment through student work contracts instead of entering employment through an employment contract.

Human Rights and the Environment

148.

In line with public administration reforms, the amendments to the Environmental Protection Act of 2018 brought the Croatian Agency for Environment and Nature under the Environmental Protection and Energy Ministry, which is a backwards step considering the fact that the Agency issued opinions as an independent public institution in the process of adopting environmental impact studies. The amendments elaborated in more detail and made more stringent the professional requirements for experts tasked with conducting environmental impact assessments and studies, which can broadly be considered to represent progress.

149.

Economic reasons remain the dominant criterion for selecting investors' project. There has been no improvement in the quality of environmental impact studies, which are mostly based on old data and adopted without field assessments. Legal proceedings rely on the adequacy of the studies, and in certain cases forensic expertise is not authorised or carried out.

150.

It is worrying that the Environmental Protection Ministry lacks interest in participating in cross-border public consultations concerning projects in neighbouring countries with cross-border environmental impacts, even though they are regulated by the UN Convention on Environmental Impact Assessment in a Transboundary Context (the ESPOO Convention).

151.

In spite of great resistance from the local community due to the possibility of incalculable damage to the environment and nature and the incompatibility of the construction of an LNG terminal on Krk island with the spatial plan, a specific law on the LNG terminal was adopted in 2018, marking the first time in Croatia that a special law on a specific investment prepared by the Environmental Protection and Energy Ministry itself was adopted.

152.

Waste management remains a large problem, harming the population's quality of life and health. The available EU funds have not been used to increase the quality of waste management, and the existing open-air disposal sites are unsustainable, are not in conformity with the regulations, and are at great risk of fires. Illegal landfills are the issue that is most frequently reported to the Green Phone, with illegal landfills on private land especially problematic, as they are particularly difficult to remediate if the waste there was not disposed of by the owner of the land. Not enough is invested in educating citizens on the issues of sorting waste, and fears of the number of illegal landfills increasing are growing.

153.

There is a lack of structural investment in the development of utilities and urban infrastructure in tourist hot-spots, while the existing infrastructure is not up to the task of the increased needs for building adaptations and construction in tourism, which, with the growth in tourist activities, adversely affects the environment and the local population's quality of life. Organisers of tourist events are insufficiently aware of the issues of waste management, especially marine pollution.

154.

Announcements by the Croatian Energy Company [HEP], which wants to extend the life span of the Plomin 1 coal-fired thermal power station by 15 to 20 years, are worrying. Instead of seeking to achieve the transition to a low-carbon energy system and renewable energy sources, modernising the Plomin TPP aims to continue producing electricity from fossil sources.

155.

The new EU directive on using renewable energy sources and increasing energy efficiency adopted in 2018 is a step towards the democratisation of the energy system. In December 2018, amendments to the Act on Renewable Energy Sources and Highly Efficient Cogeneration were a step towards reducing the administrative prerequisites for their use, but if incentives are not secured for households and small consumers, it will be difficult to achieve exploitation of the full potential of solar energy in Croatia.

156.

The presence of plastic waste in the sea has been a growing problem in 2018. Such waste decomposes slowly, creating tiny particles of microplastics, which may reach human food through the food chain. Adopting the Directive on the reduction of the impact of certain plastic products on the environment, which proposes a full prohibition of single-use plastic items, is a significant step forward, but there is concern as to the proper timing of its transposal into Croatian legislation.

157.

No systematic approach to the problem of access to high-quality drinking water in coastal areas, on the islands and in rural regions has been undertaken in 2018. High-quality drinking water supply is a problem both for the islands, and for large coastal cities.

Education and Human Rights

158.

In 2018, Croatia saw the continuation of the trend of social stratification of the education system, that is, very pronounced differences in approach, quality and costs of education, especially between developed urban and less developed rural areas. This has significant repercussions on individuals' educational opportunities down the line, and hence also on their success in the labour market.

159.

Pupils living in rural areas with poor transport connections, but also those vulnerable to social exclusion and poverty, find it difficult to access certain extracurricular activities. Such circumstances affect their school success and the vertical mobility between different educational milieus.

160.

Young teachers in schools are mostly employed in insecure forms of work, usually part-time and/or at several different schools and as substitutes. In addition to being precarious employment, such forms of work indirectly discriminate against them because as substitute employees, they do not have the

right to additional education for teachers. This in turn affects the quality of teaching, and hence the pupils themselves.

161.

In May 2018, the Science and Education Ministry sent an instruction to primary and secondary schools, notifying them that unemployed Croatian war veterans, as well as members of their families, should be the preferred candidates for employment. Professional bodies and associations believe that the aforementioned instruction is discriminatory, and that it further brings down the quality of the process of appointing directors, for which no criteria for selection, reselection and replacement have been specified anyway. After public pressure, the contentious instruction was changed.

PRESCHOOL, PRIMARY AND SECONDARY EDUCATION

162.

According to Eurostat data published in September 2018, Croatia significantly lags behind the European Union average when it comes to children's participation rates in pre-school education. Only 75.1 percent of children are in pre-school education in Croatia, in contrast to the EU average of 95.3 percent.¹² The situation is the worst in Brod-Posavina County, where a mere 22 percent of children are enrolled in pre-school and kindergarten.

163.

The level of children's involvement in pre-school education has been negatively affected by the Decision of the City of Zagreb on financial aid for parents raising their children at home. This pronatalist policy, which does not align with children's best interests, removes children from pre-school education, which had proven key to their further intellectual development and socialisation, especially for children who live in economically unfavourable conditions.

12 Eurostat, Early childhood and primary education statistics, available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Early_childhood_and_primary_education_statistics.

164.

Experimental implementation of dual education has been introduced into vocational schools, where pupils in four vocations (shop assistant, cosmetician, chimney sweep and glassworkers) are left with only 20 percent of general education subjects, while subjects such as history, biology and physics were removed from the programme.

165.

In 2018 the Comprehensive curricular reform was abandoned, having been a matter of contention through 2016 and 2017, and an experimental programme called "School for life" introduced into the education system instead. It is a partial intervention in the system, and there have been numerous problems around the introduction of the "School for life". In addition to the failure to adopt the Framework national curriculum, the School for life programme was introduced haphazardly, with insufficient time invested in preparations, while teaching materials and textbooks were unavailable not only before the school term began, but into the term as well. In addition to problems in procuring the materials and equipment, teachers have also warned of the absence of suitable preparation and education of teachers to implement the School for life.

166.

Bullying in schools is a serious and longstanding problem, whose causes can partly be found in the incoherent and flawed content of the civic education curriculum. Beside inadequate prevention, it is problematic that professional associate staff and employees in schools are overburdened, while in some schools, the expert teams tasked with addressing such problems are not even fully staffed. According to Ministry of Science and Education data, there are 378 psychologists working in primary schools in Croatia, which are attended by 316,565 pupils.

HIGHER EDUCATION

167.

Beside the already very modest range of academic subjects in the sphere of human rights, especially concerning in 2018 was the removal of the "Sex, gender and human rights" course from the Croatian Studies curriculum.

168.

A failed attempt to imperil academic liberties was recorded on the Faculty of Law in Zagreb, when the In the Name of the Family association requested that proceedings against Antonija Petričušić, Mateja Čehulić and Dario Čepo be brought before the Ethics Commission, for statements made in a scholarly article published in 2017 in the Political Thought [Politička misao] journal. Pressure was also put on the journal's editorial board. Although the Dean dismissed the request, the pressures on, and intimidation of, scientists for their work are worrying.

169.

Despite substantial investments in the reconstruction of the existing student accommodation infrastructure in Croatia, insufficient student accommodation capacities are still an issue, with negative repercussions on students' standards and their exercise of the right to education.

CIVIC AND HEALTH EDUCATION

170.

The draft Civic Education curriculum, published in late 2018, is conceptually deficient, undeveloped and inadequate for the development of pupils' civic competences. As before, it will be implemented on a cross-course basis, which in our educational system does not ensure quality, that is, achieving the outcome of learning for democratic citizenship and human rights. It will also deny young people key knowledge about human rights, and skills needed to function in today's society in an informed and responsible way.

171.

In addition, effective monitoring of the educational outcomes of Civic Education is still difficult. The content of CE itself is narrow and is not based on the concept of an active citizen, while the expected outcomes do not accord with the proposed content.

172.

A new Health Education curriculum was adopted as a cross-course subject, which has been substantively narrowed down, and does not sufficiently encompass psychological health, prevention of violence, or sexual education, which

has been entirely excluded. Health Education is still carried out in general class meetings, up to 12 hours a year. Its implementation is arbitrary and depends on the competences, as well as affinities and motivation of individual teachers. In consequence, pupils could be denied objective information on subject-matter that had previously been envisaged as part of health education, such as sexuality and reproductive rights.

Healthcare and Human Rights

ACCESS TO HEALTHCARE AND PRIMARY HEALTHCARE

173.

In 2018 as well, the greatest problem in exercising the right to health lay in the inaccessibility of the healthcare system. Citizens in rural areas have significantly less access to healthcare, while there are also visible differences in the quality of healthcare services among urban areas.

174.

The sustainability of the healthcare system is a concern, as it is burdened with heavy debts, with debt due at the end of 2018 amounting to around four billion HRK. In addition, the deficit of professional staff, that is, the lack of doctors and medical staff, is a systemic problem. Over the following years, primary healthcare is facing an increased rate of retirement among doctors, as well as departure to other EU member states due to poor working conditions, which has negatively affected the quality and availability of healthcare services.

175.

In 2018, no significant steps have still been taken to make information on the healthcare system in Croatia available to citizens in a way that is comprehensive and simple, including information on healthcare services. Citizens are consequently insufficiently informed as to how the healthcare

system is financed, which bears on their ability to critically consider information on spending and debt in healthcare.

176.

The problem of the low level of quality of communication between health professionals and patients is still noticeable. This leads to patients being insufficiently informed, and thus curtailed in their ability to actively participate in their own treatment.

177.

In late October 2018, the new Health Protection Act was adopted. The main change occurred in the primary healthcare system, doing away with the existing system of contracting and introducing a system of private medical practices. Reasons for concern were to be found in a provision in the law, according to which hospitals may practice medical tourism, which could have a negative impact on the quality of the healthcare system available to citizens.

178.

Waiting lists were still too long in 2018. Waiting times for some medical services are more than a year after referral, which for many conditions and illnesses represents too long a period to wait. Furthermore, the availability of medical rehabilitation has also significantly fallen over the past year.

179.

One of the biggest problems in exercising patients' rights is faced by elderly people in rural areas, especially where there is no public transport. The dislocation of healthcare facilities and a deficit in health visiting services makes it impossible for this group to exercise their right to healthcare.

180.

The year 2018 was marked by two deaths that brought into question the efficacy of the system of emergency healthcare. The systematic problem in approaching emergency healthcare lies in the understaffing of the service, which is reflected in the shortage of emergency healthcare teams. Their level of availability on the islands is a matter of further concern.

181.

2018 was also marked by the "D and C" incident. After a member of parliament spoke out and women went public with their experiences, the Ministry of Health carried out inspections in gynaecological departments and practices,

and established differences in the application of anaesthesia in various healthcare services that were not in line with medical indications.

TREATING MALIGNANT, RARE AND AUTOIMMUNE DISEASES

182.

In 2018, the implementation of the National Programme for Rare Diseases has been inefficient due to an absence of synergy between the systems of healthcare, social welfare and education, as well as the labour and pension systems. Although the availability of treatments, which mostly boil down to symptomatic treatment, is relatively good, in the absence of support from other systems, the development and quality of life of children and adults suffering from rare diseases are significantly reduced.

183.

The availability of oncological care, in the sense of prevention measures and programmes, timely and accurate diagnostics and timely and adequate treatment, is greatly affected by the patient's place of residence. Another issue is that of availability of psychological support for those affected by illness and their family members, as well as of palliative care.

184.

The beginning of 2018 was marked by a protest by parents of children suffering from spinal muscular atrophy (SMA), who demanded that the Spinraza treatment be made available through the Croatian Health Insurance Fund [CHIF] for children and patients older than 18 years. Following public pressure, therapy was approved for patients up to 18 years of age, while adults were left unable to access the drug. Despite announcements that a special fund for innovative drugs will be established, this has not come to pass.

185.

There has been no progress in 2018 in the process of decentralising the availability of healthcare services for treating people with HIV. Although treatment is free for those infected with HIV, it is centralised in Zagreb, and is not easily

accessible to citizens living in other parts of the country. Moreover, there is a pronounced deficit of institutionalised services of psycho-social support for affected persons..

186.

A problem involving children with malignant diseases that was noted in 2018 concerns long duration of the procedure of granting disability benefits. Such procedures last a minimum of two to three months, often longer. In case the child dies while the procedure is underway, and the parents had submitted the request at the start of the treatment, the centre will not want to recognise the parents right to the benefits for the duration of the child's life, and the procedure is instead abandoned.

MENTAL HEALTH

187.

Although in 2018 work began two years late on preparing a new National Mental Health Protection Strategy, its drafting has not been concluded by year's end.

188.

In the context of mental health, the most significant problem lies in the system of organising treatment and the connection between it and other sectors important to recovering from mental disorders. The system still relies on hospitalisation, due to the lack of developed outpatient services. This way the system of institutional care continues to be supported, while the system of mental health care in the community remains undeveloped. This suggests there is an urgent need to introduce new outpatient services, and especially a need for the availability of mobile teams in the community, psycho-social rehabilitation services, the availability of employment programmes, modern forms of accommodation and coordination between various sectors with a view to guaranteeing the best possible treatment, with an emphasis on outpatient treatment.

189.

In 2018 there has still been no progress in treating people with mental health issues by means of developing a model of recovery that relies on the goals of social inclusion. The

system still primarily relies on medication-based treatment, and less on using diverse psycho-social interventions in psychiatric hospitals. There are no individually tailored recovery plans. Not enough has been done to reduce the number of treatments in hospitals carried out due to a deficit of services for treatment in the community, which leads to many disturbances such as depression being treated clinically.

190.

The right to an optimal treatment is also negatively affected by GPs' lack of capacities to treat patients whose mental health is endangered, especially in less complex cases.

191.

The absence of a system of outpatient rehabilitation represents a significant problem for the successful treatment of mental health issues, contributing to the development of disabilities, loss of work capacity, isolation of people with mental health problems, and preventing their social integration.

VULNERABLE GROUPS

Women's Rights

192.

2018 was marked by public controversies around the ratification of the Istanbul Convention. The citizens' initiative that opposed the ratification of the Convention gathered signatures to call a national referendum for Croatia's withdrawal from the international document protecting women's human rights and against domestic violence. The overall campaign was characterised by ultra-conservative propaganda and the spreading of false news alleging that the Istanbul Convention promotes gender ideology.

193.

Although the Istanbul Convention has been ratified, the Government, under public pressure from conservative groups, included an interpretative declaration in the ratification document, stating that the RC believes that the Convention does not entail a commitment to introduce gender ideology into the legal and educational system, and does not require changing the constitutional definition of marriage.

REPRODUCTIVE RIGHTS, PREGNANCY AND MOTHERHOOD

194.

Although women's right to choose is regulated by the Act on Health Measures for Exercising the Right to Free Decision-Making on Childbirth, in practice there are multiple problems exercising the right. Abuse of the right to conscientious objection and the increasing frequency with which doctors invoke the right, as well as inadequate state regulation of medical procedures associated with induced termination of pregnancy and the price of such services limit women's access to abortion.

195.

In 5 out of 27 state-owned general hospitals and clinical centres all the gynaecologists working there refuse to perform terminations of pregnancy on request, that is, they use the right to conscientious objection. The hospitals in question are the Sveti Duh in Zagreb, as well as hospitals in Našice, Virovitica, Požega and Vinkovci. In the remaining institutions, some of the doctors use conscientious objection, that is, out of the total of 322 gynaecologists working in state hospitals, 186 of them do.

196.

In addition to the large number of doctors using conscientious objection and refusing to provide the service of termination of pregnancy, the high price of the procedure, determined by the hospitals themselves and representing an obstacle to less well-off women, also negatively affects the right to safe abortion.

197.

The incidence of pharmacists' invoking conscientious objection in the context of issuing contraceptives on prescription is also worrying, as it compromises the availability of contraception, and therefore threatens women's right to reproductive health, especially on the islands, where contraceptives are frequently inaccessible.

198.

Women not being given the option to have someone accompany them during childbirth was a noted problem in 2018. Practice differs between maternity wards and is

insufficiently regulated. Thus, some maternity wards require attending classes, which not all people in the country have equal access to, in order to be able to be present at childbirth, all the way to accompaniment at childbirth being conditional upon payment of a 300 to 450 HRK fee.

199.

In 2018, the Government did not set up a working group for drafting a new law on free termination of pregnancy, and has ignored the deadline set by the Constitutional Court in a 2017 ruling. Instead, a Committee to evaluate the legal criteria and experiences of EU member states relating to the right to terminate pregnancy has been set up in an untransparent way, and charged with examining legislation and practice across EU member states and laying the groundwork to draft the legislation. Experts who have opposed abortion were among those appointed to the Committee. No deadlines or criteria are known for setting up the working group to draft the new abortion law.

200.

No steps were taken in 2018 to guarantee single women access to medically supported fertilisation. The Medically Supported Fertilization Law discriminates against single women and lesbians in life partnerships.

201.

Likewise, no steps were taken last year to solve the problem of accessing gynaecological medical services in rural and isolated regions of Croatia. Gynaecological services are least accessible to women living on the islands and in mountainous and highland regions, and the situation is not assisted by the fact that Croatia has still not established mobile gynaecological teams and that substantial numbers of gynaecological and other health professionals are leaving the country for better-paid positions in other EU member states.

202.

Although the problem of inhumane treatment in providing medical services in the field of sexual and reproductive health has been present for years in Croatia, it was only after member of parliament Ivana Ninčević Lesandrić's public comments that it became the focus of public interest. Lacking information on the right, or possibility, of using

anaesthesia, as many as 32 percent of women¹³ had experiences of being administered gynaecological procedures without anaesthesia, such as D and C, stitching after vaginal birth, assisted fertilisation procedures, as well as reproductive tissue biopsies (vaginal, cervical and uteral tissues).

203.

There has been no significant systemic change in 2018 in women's right to access information on their health and the procedures they might be submitted to in the context of sexual and reproductive health, which denies them the ability to independently decide on using medical procedures in accordance with their own needs, preferences and value systems.

204.

Likewise, there have been no improvements in systematic mental healthcare in the postnatal period, which is still not equally accessible in all regions of Croatia.

205.

Irregularities are still present throughout the RC with regard to frequent charging for pregnancy check-ups at GP practices contracted to provide primary healthcare. Irregularities were also apparent in the illegal charging for various examinations related to monitoring pregnancy – ultrasound examinations, cardiotocography (CTG), swabs, issuing pregnancy record books.

206.

Patients needing treatment with medically supported fertilisation procedures with donated egg cells or sperm, to which according to the Medically Supported Fertilization Law they have the right at the CHIF's expense, cannot undergo such treatment in Croatia because there are no reproductive cell banks. Such patients are still sent abroad for treatments, mostly to Czechia, where ever since accession to the EU, the CHIF has covered just 1,000 EUR out of the total of 4,500 EUR needed for such treatments. For this reason, many patients needing such therapies give up on them due to their inability to pay for them.

13 RODA, Results of the research on the (un)availability of anaesthesia, available at: <http://www.roda.hr/udruga/projekti/prekinimo-sutnju/koliko-je-dostupna-anestezija-tijekom-ginekoloskih-zahvata.html>

207.

Patients' requests to cease keeping frozen embryos remain unprocessed and without response, so that such embryos continue to be kept without the patients' consent. Patients mostly find it impossible to cease keeping embryos, that is, they are denied the right to dispose their biological material and decide about it. Neither the Ministry of Health, nor the National Committee for Medically Supported Fertilisation, nor the hospitals where such procedures are administered, have taken responsibility for this segment of in vitro fertilisation procedures.

208.

Medication abortions due to deliberate or spontaneous termination of pregnancy is not available to patients throughout Croatia, but only in two healthcare institutions, the Rijeka Clinical Hospital Centre and the Pula General Hospital.

GENDER-BASED VIOLENCE AND DOMESTIC VIOLENCE

209.

In 2018, there have been no improvements in prosecuting cases of violence against women. The overall process, from submitting a report to issuing a ruling, still lasts too long, and the Protocol on proceeding in cases of domestic violence is applied in an uneven, partial and arbitrary way.

210.

Although Croatia ratified the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, which also bears directly on relations between intimate partners, in 2018, the competent bodies still do not recognise such victims as victims of domestic violence.

211.

Victims are still frequently not guaranteed physical isolation from the perpetrator when giving statements to the police. Moreover, cases of victims being satisfactorily acquainted with their rights are rare. The problem of secondary victimisation due to additional questioning is still pervasive.

212.

It is worrying that the problematic practice of double arrests and penalizing of both the victim and the perpetrator is still common, equating victim and perpetrator. Penalties for committing domestic violence most often fall under the category of misdemeanours. In police and state attorneys' practice, there is a problem of erroneous and inconsistent application of the criteria for qualifying violence as a criminal or misdemeanour offence. The police rarely recommend protection measures, and courts determine them even less frequently, and a substantial number of reports of gender-based violence and domestic violence end up dismissed.

213.

The consistency of how relevant institutions proceed in cases of gender-based violence and domestic violence has continued in 2018 to represent a fundamental problem in the systematic struggle against violence and in providing support to victims and children. Especially concerning are the inconsistencies in the way family centres go about their work.

214.

Furthermore, there have been no significant changes on issues of determining custody, where women are often forced to communicate with the perpetrator when arranging the conditions of custody, even though they are entitled to a separate process of consultation in social welfare centres. In domestic violence cases the issue of custody is addressed separately, on a case-by-case basis. For instance, if a person does not report domestic violence immediately upon embarking on the process of awarding custody, the existence of violence will not be taken into consideration.

215.

Women's economic dependency on their spouses still has an extremely negative effect on combating gender-based violence and domestic violence. Women victims of violence stay in violent relationships because they have no other choice, or because they have been discouraged from going to a safe house due to the possibility that they might lose their jobs. Women victims of violence also frequently do not realise that they are experiencing economic violence.

216.

A national 24/7 helpline for information and providing aid and support to victims of domestic and gender-based violence has still not been set up in Croatia in 2018. Moreover, women's human rights organisations providing support to women victims of violence receive insufficient funding from public sources.

217.

Shelters for women and children victims of violence and safe houses are not evenly spread throughout Croatia, and a substantial number of safe houses still have problems finding stable and sustainable financing from public sources. Although the EU directive on the rights of victims specifies that access to support and aid services cannot be subjected to any kind of formal reporting, the mode of financing imposed by the state leads many safe houses to continue to insist on reporting violence to the relevant bodies as a precondition for being admitted to the shelter.

THE RIGHTS OF WOMEN PRISONERS

218.

The Law on the Execution of Prison Sentences was not amended in 2018 so as to change the practice of separating a mother and child after the child's third birthday in cases where mothers-prisoners' remaining time on their sentences is negligible. This would avoid exposing the mother and child to trauma and stress.

219.

The problem still exists of acquiring a broader set of qualifications while in prison to enable women prisoners to enter the labour market. Employing them exclusively in gender-determined work such as sewing, cooking, washing and cleaning green areas does not aid the process of women prisoners' reintegration into society.

220.

Due to the dislocation and poor transport connections of the Požega penitentiary facility, women prisoners detained there who come from other, distant regions of Croatia have difficulties using their right to free days and contacting their families.

WOMEN IN THE LABOUR MARKET

221.

In 2018, women have still accounted for the majority of the unemployed population (52 percent)¹⁴ across all age groups. Women over 40, women with disabilities and single mothers are especially vulnerable in the labour market. Active labour market policies are unadapted to the needs of the aforementioned groups.

222.

Women more frequently find themselves in a precarious employment situation, and are more often employed through fixed-term contracts and as agency workers. Women less often report violations of the Labour Act due to the fear of losing their jobs.

223.

Income inequality between women and men in Croatia has been increasing, and women are underrepresented in managerial positions. Consequently, women have lower pensions and are at greater risk of poverty.

224.

Employment discrimination is still present. There are still cases of women being subjected to dismissals, degradation or being refused promotion due to pregnancy.

WOMEN IN PROSTITUTION

225.

In 2018, a number of human rights of women in prostitution are still violated in legal proceedings for misdemeanour offences against public peace and order. While being arrested, they are not appropriately informed of their rights, while their arrests themselves are infrequently motivated by the personal perceptions of police officers.

14 Croatian Bureau of Statistics, Active population in the Republic of Croatia in the third quarter of 2018, available at: <https://www.dzs.hr/>

226.

Police conduct towards women in prostitution is also unprofessional; there have been cases of extortion, falsifying their identities, insults, degradation or preventing them from filing reports.

227.

The police often violate the right to personal freedom and security by apprehending and detaining women in prostitution for the sole reason that they have been spotted in suspicious public spaces, or that police officers already know them.

228.

Courts still display a tendency to absolutely trust statements by the police. There is no consensus around the elements of the misdemeanour offence of engaging in prostitution, which threatens the right to a fair trial.

229.

There has been no visible progress in developing public policies envisaging measures of protection of, and respect for, the fundamental human, social and economic rights, including protecting the rights of women in prostitution.

230.

The European Court of Human Rights ruled against Croatia for failing to adequately investigate suspicions of coercion to prostitution in a criminal trial. The ruling went against Croatia because of its flawed legislative framework and criminal procedure.

The Rights of Children

231.

The Action plan for the implementation of the National Strategy for the Rights of Children for the period 2014-2020 has not been adopted, and there are no data on implementation of the foreseen measures. The Council for Children, responsible for monitoring the implementation of the Strategy, met only once during 2018.

THE SYSTEM OF FOSTER CARE AND ADOPTION

232.

Numerous problems are still present in the system of foster care; this is the reason why a lack of motivation on the part of citizens to become traditional foster parents is still visible within the system of foster care. Since the Act on Foster Care was adopted, financial compensation for foster parenting was increased, sick leave is now possible in the case of a fostered child, as well as maternity and parental leave, but the effects of the legal changes remain to be seen in the following period.

233.

In late 2018, the Act on Foster Care came into force, introducing the model of specialised foster care. Under this model, foster parents must be professionals, that is, qualified to work with children with developmental disabilities and children with behavioural disorders, the two most vulnerable categories in the context of alternative care. Such families would provide care for one or two children and would be receiving higher financial support; their years of service would be recognised as a basis for retirement, unlike the case of traditional foster parents.

234.

As in previous years, no shifts have been noticed in 2018 in the system of foster care and the judiciary in the context of improving conditions for children without appropriate parental care and children without parental care. There have also been no significant shifts in the context

of transformation or deinstitutionalisation of homes for children deprived of parental care or in the development of the network of social services which would reduce the institutionalisation of children. While the process started in 2011, it has progressed extremely slowly and a great number of children are still housed in institutions, which is not in a child's best interest.

235.

A complete absence of social services for children was noted in the counties of Virovitica-Podravina, Bjelovar-Bilogora, Krapina-Zagorje, Zadar and Šibenik, where services are only provided by social welfare centres, whose capacities are overstretched. Rehabilitation centres for children with developmental disabilities are available in urban areas, which puts children in areas with lower population density in an unfavourable position, because staying in the centre means they are separated from their parents over the week.

236.

The process of adoption is still lengthy and the system of support for adopters is undeveloped. Because of the excessive length of procedures to decide what is in a child's best interest, as well as insufficiently educated courts, it often happens that children with inadequate parental care spend several years in the system, and when they reach the conditions for adoption, they are past the optimal age for adoption, making it harder to find an adopter family.

237.

Active measures of the adoption policy and right to live in a family still have not been initiated. The draft Family Act, which was withdrawn from the public consultation procedure, included the contentious provision according to which unmarried couples may only adopt children if "there are justified reasons on the child's side".

238.

Mistakes have been noticed in adoption proceedings. Social welfare centres have a duty to deliver to the competent ministry all the data on the activities they have undertaken in cases where they did not find an adopter family for a child, after which the ministry creates anonymised profiles and publishes them on a protected web-page. Out of 413 children without parental care, there are only 40 profiles on the protected page, which indicates the mistakes made

by the Ministry for Demography, Family, Youth and Social Policy in implementing its own protocols.

239.

Omissions were also noticed in the context of acting upon the Protocol on intercountry adoption, according to which the responsible Ministry has to deliver documents to authorised bodies of other states parties to the Hague Convention with which it signed the agreement on intercountry cooperation in cases where an adopter is not found within 9 months.

240.

Although Croatia is party to the Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, which recognises adoption between co-signatory countries, in Croatia the adoptions are not recognised automatically, but through judicial proceedings.

241.

Croatia has not developed mechanisms to establish whether adopted children are victims of trafficking in cases when children are adopted into Croatia from countries that are not party to the Hague Convention. Croatian courts automatically recognise adoption certificates from countries that are not parties to the Convention, without establishing whether the conditions for adoption were met.

242.

Parents of children adopted under the 2015 Family Act may request a change of personal identification number (OIB), but this is not possible for children adopted under the previously applicable act, which puts children in an unequal position and may lead to violations of children's right to privacy.

243.

Social welfare centres do not inform children about the difference between adoption and foster care; therefore, children do not understand the difference and cannot take equal part in the procedure, or express their opinions.

244.

The education system is not sensitised to children in the care system or to adopted children. Textbooks present the concept of a family in a stereotypical manner, which leads to stigmatisation of adopted children and children in the system of care.

VIOLENCE OVER CHILDREN AND ITS PREVENTION

245.

In 2018 the insufficiently developed awareness of violence against children remains a problem, especially with regards to bullying, as does the low rate of reporting of violence. It is believed that one in five children suffer sexual violence, 30 percent suffer physical violence and 30 percent emotional violence.

246.

In 2018 support through advice lines for children has remained inadequate. There is only one line dedicated to children, but it is not systematically funded, which makes the service less accessible to children. Development of other counselling services is not encouraged.

247.

Although separation of children from families is understood as an extreme measure to protect a child's rights and well-being, prevention and timely reaction to physical, verbal, and sexual violence or neglect are still absent in practice, which leads to delayed action.

248.

Children are exposed to online violence at ever-younger ages; a systemic approach to the prevention of electronic violence has not been developed, and preventive programmes in schools are not adequately funded and implemented.

The Rights of Persons with Disabilities

249.

The biggest obstacles to the exercise of rights of persons with disabilities in Croatia in 2018 were insufficient information and insufficient clarity of the guaranteed rights, caused by the great number of rules which regulate this area of human rights.

250.

In 2018, amendments to the Act on Professional Rehabilitation and Employment of Persons with Disabilities introduced a series of provisions by which the legislator tried to encourage the founding of centres for professional rehabilitation and improving their operation, speeding up and facilitating the inclusion of persons with disabilities in the process of professional rehabilitation, and reaffirming the right to preference in employment of persons with disabilities, etc. Furthermore, the decision on free-of-charge use of maritime public transport is an attempt to improve the mobility of persons with disabilities. Opening a regional office of the Ombudswoman for persons with disabilities in Osijek is a step toward easier access to the mechanisms of protection of human rights.

251.

The low level of awareness of the need to create an inclusive environment for all citizens, regardless of their abilities, is still worrying. In the Croatian media space, persons with disabilities are still usually referred to as persons with special needs, invalids, handicapped persons, and in various other ways which discriminate and additionally stigmatise persons with disabilities.

INFRASTRUCTURAL BARRIERS AND ACCESS TO SERVICES

252.

Beside the unadapted public transport, one of the most frequent forms of discrimination of persons with disabilities in 2018 has been the inaccessibility of buildings. The systematic neglect of this problem is largely caused by incomplete data on the accessibility of buildings in Croatia, since data greatly differ depending on how they were collected and processed.

253.

The greatest problems in the area of support for persons with disabilities lie in the lack of necessary services, large differences in their accessibility in urban and rural areas, nonexistence of good quality diagnostics and unavailability of early intervention, where there have been no systemic solutions or long-term improvements for years.

254.

Regarding access to healthcare, problems systematically faced by persons with disabilities include denial of the right to disability aids, insufficient dissemination of information, and inability to decide on one's own medical treatment.

RIGHTS OF PERSONS WITH SENSORY IMPAIRMENTS

255.

Healthcare personnel often do not respect the needs of deaf-blind persons; they are denied services and full information on their health or progress of treatment; physicians and medical staff are insufficiently informed about the role of deaf-blind interpreters.

256.

There is a particular problem of some psychiatrists refusing to include deaf-blind persons into group and individual forms of counselling because they are unable to directly communicate with the patients and gain an independent insight into their condition. In such cases it is civil society organisations that take on the role of institutional support.

257.

Elderly deaf-blind persons are mostly unable to live on their own; their only option is often to move to retirement homes, which are not adapted to the needs of deaf-blind persons; as a result, in such accommodation deaf-blind persons remain isolated and left to the staff who are unacquainted with the specificities of the deaf-blind condition. For want of a solution, such persons are placed in psychiatric institutions.

258.

Deaf, hearing-impaired and deaf-blind persons do not have a sufficient number of interpreters available, because their financing is not secured. Specific, high quality services like companions for the blind and partially sighted, and intervenors and interpreters for deaf-blind persons, are still funded on a project basis, which is not sustainable and does not secure continuous service provision.

259.

Although a rise in the awareness of deaf-blindness can be observed, and more and more educational institutions turn to civil society organisations to educate children or people working in the education system, problems with interpreting still exist. The issue of securing interpreters for deaf-blind persons in educational institutions has not been solved systematically because there is no legislation to regulate the issue of the status of interpreters at the national level.

260.

Deaf-blind persons find it exceptionally hard to access employment; typically they are rejected because of the specific method of communication and the need for an interpreter, which requires more money. Such practice discourages deaf-blind persons and puts them in an even more unfavourable position.

261.

The fact that deaf-blind persons do not participate in political and public life, and are not included in decision-making processes which directly affect them, is also a big problem. Furthermore, incorrect terminology used in legislation in relation to deaf-blind persons spreads to other regulations and ordinances; despite constant warnings about such mistakes, the necessary amendments have not yet been introduced.

RIGHTS OF PERSONS WITH AUTISM

262.

Croatia lacks an adequate legal framework to regulate the minimal services to achieve equal opportunities for all persons with autism, or to prescribe a minimum standard and referential range of the necessary services.

263.

There is no inter-departmental body for expert evaluation which would enable persons with autism to be given entry into the system of healthcare and social welfare. The quality of inter-departmental cooperation on the implementation of the National Strategy for Persons with Disabilities is unsatisfactory.

264.

Significant problems in the field of support for persons with autism include a shortage of necessary services, large differences in service availability between urban and rural areas, lack of quality diagnostics, and unavailability of early intervention.

265.

Due to the unadapted healthcare system, which for instance fails to secure the presence of an anaesthetist in dental treatment, persons with autism have difficulties in accessing some basic healthcare services. Many services are not free of charge, which is an additional financial burden on families, and effectively denies many persons the right to optimal medical treatment.

266.

Persons with autism encounter a lack of systemic and institutional support, which is only partly available over a lifetime – during the education stage, via teaching assistants. Comprehensive and sustainable support for persons with autism is unavailable in the period of early intervention and after completion of education, i.e. after 21 years of age, when they are almost entirely dependent on parental care. The sustainability of the system of support for people with autism is negatively affected by insufficient funds earmarked for it.

267.

The degree of openness and adjustment to integration of persons with autism varies between educational institutions, depending to a great extent on the individual engagement of headmasters and school employees. This has led to obvious differences in the number of pupils/students with autism in different schools, which is a reflection of the absence of a standardised and homogeneous system.

RIGHTS OF PERSONS WITH INTELLECTUAL DIFFICULTIES

268.

The key problems in the area of the rights of persons with intellectual difficulties are still related to the system of depriving persons of their legal capacity, which leads directly to an inability to exercise civic and political rights, untransparent management of their property, unadapted public transportation, the inability to choose the provider of social services, and permanent commitment of adults to institutions.

269.

The voting system has still not been adapted to persons with intellectual difficulties, although since 2012, persons with intellectual difficulties who had been deprived of their legal capacity to contract have had the right to vote. Exercise of their civic and political rights is significantly impaired by the unadapted voting system.

270.

The untransparent management of the property of persons deprived of legal capacity is also a problem, especially in cases of higher value property. The property is managed by guardians, while persons with intellectual difficulties on whose behalf the property is managed are often unaware that their property exists, and often live on the edge of society although they are the owners.

271.

Persons with intellectual difficulties do not have the possibility to choose providers of social services, nor do social welfare centres respect their will or freedom of choice. Such practice excludes the beneficiaries from the arrangement,

and establishes the relationship of their dependence on institutions.

272.

Public transport vehicles often do not have audible signals and information about their routes and time-tables, which obstructs the independent use of public transport of persons with intellectual difficulties.

273.

It is concerning that with the enactment of the new Act on Foster Care in late 2018, the process of deinstitutionalisation has been driven by strengthening foster care, rather than encouraging independent living in the community, with appropriate support. Contrary to the UN Convention on the Rights of Persons with Disabilities, the system of foster care in Croatia applies not only to children but also to adult persons. Foster care of persons with intellectual difficulties should be used only as a temporary solution, but in the Croatian system it is permanent and is the cheapest form of accommodation, often implemented in poor and inadequate conditions.

The Rights of LGBTIQ+ Persons

274.

2018 was marked by the campaign against the ratification of the Istanbul Convention, which spread disinformation about transgender persons, demonising them and discriminating against them in the public. Ultra-conservative civil society organisations and individual political actors sought to scare the public by campaigning about the harmfulness of the Istanbul Convention to Croatian values, starting a civic initiative to call a referendum to “de-ratify”.

275.

Although a relatively satisfactory anti-discrimination legislative framework exists, prejudice against LGBTIQ+ persons are still widespread, exposing them to various forms of discrimination in everyday life.

276.

In 2018 too, errors in police procedure, or failure to recognise the motive of hatred, as well as the absence of clear criteria for examining whether homophobic/transphobic motives were present when deciding on how to prosecute physical assaults, have continued to negatively reflect on the efficacy of combating hate crimes against LGBTIQ+ persons. Moreover, it is important to stress that the legal definition of hate crime does not recognise and include sexual characteristics.

277.

One of the major obstacles to combating hate crime also lies in the small number of reports. A large number of cases of violence against LGBTIQ+ people, probable hate crime cases, remain unreported to the police, state attorney's office or LGBTIQ+ organisations. A lack of trust on the victims' part in the conduct and work of the police, that is, the level of education and sensitivity of individual police officers, as well as fear of having the victim's sexual orientation or gender identity exposed, are frequently highlighted as the reason not to report violence.

278.

The problem of harassment and bullying of LGBTIQ+ pupils in schools because of their sexual orientation and/or gender identity is still significant. Schools mostly do not have an adequate system of psycho-social support that would encourage pupils subjected to harassment to report it. Violence also goes unreported due to the pupils' fear of homophobic reactions by the person to whom they might report such violence, but also due to the possibility that teachers might inform their parents and other people about it, thus actually forcibly outing them.

279.

Transgender people's access to healthcare services has not been improved in 2018. One of the more significant problems is that mastectomies are performed only in CHC Dubrava, in Zagreb. This procedure could not be done at the CHIF's expense by 2017, which was later abandoned without explanation or changes to the legislation.

280.

In 2018 there have still not been any changes to the regulation of the procedures of changing sex designations

on identity and legal documents. Medical procedures in relation to sex change remain a problem with regards to costs and preconditions to initiate them.

281.

In the context of sex change, there is the problem of delays in changing the sex designation in registers of births. The National Health Council issues final opinions on “sex changes” or “living with a different gender identity”, which serve as the basis to change the sex designation in registers of births, and there are many cases where people who send requests to the NHC wait more than 6 months for the required opinion to be issued, which makes it difficult for them to exercise their status-based and other rights. The aforementioned procedure violates corporal autonomy and human dignity, and is protracted, often unclear, and allows no appeal against National Health Council decisions.

282.

Sex change is still considered an aesthetic procedure, and the costs of such medical procedures are not covered by health insurance, so the costs of the medical aspects of transitioning must be covered at one’s own expense. For a person to have the right to sex reassignment surgery, they must obtain a diagnosis of gender dysphoria, which runs counter to the right to personal self-determination.

283.

In 2018, the issue of adopting children by life partners has remained legally unregulated. Consequently, same sex couples are still in effect unable to adopt children, which is contrary to ECHR practice. There are ongoing court proceedings concerning same sex couples’ exercise of the right to foster children, as same sex couples are not recognised by social welfare centres as family units in line with the Life Partnership Act.

284.

A new Act on Foster Care, adopted in late 2018, does not recognise life partners as a group entitled to foster children. This shows once again that life partners have not been recognised as an equal family unit, and such legislation directly discriminates against them.

285.

As a family unit that should be equivalent to a marital union, life partners are excluded from numerous other legislation

in the provisions pertaining to marital and extra-marital partners. Although the Life Partnership Act is an organic law whose provisions should apply in all provisions where marital or extra-marital partners are mentioned, practice has shown that this is not so. Numerous civil servants are often unacquainted with the rights of life partners, for which reason life partners cannot exercise their rights in certain institutions. In this context, the absence of professional education and training for civil servants is problematic.

286.

In 2018, the provisions of the Medically Supported Fertilisation Law granting the right to the procedure only to those couples who were diagnosed as infertile have still not been amended. Such provisions directly discriminate against lesbian couples, who therefore opt for insemination under their own arrangements or abroad.

Homeless People's Rights

287.

Progress was recorded in realising homeless people's rights with the adoption of a new legislative framework and changes being made to the system, as well as securing additional funds for civil society organisations addressing homeless people's rights and providing social services. However, 2018 has still not seen the adoption of an Action Plan that would bring more concrete social welfare measures for homeless people as a particularly vulnerable social group, as defined by the Strategy for Combating Poverty and Social Exclusion in the Republic of Croatia.

288.

The absence of a single protocol on the treatment of homeless people for social welfare centres and other actors working with this vulnerable group is a great hindrance to their functioning, as there are no established standards to raise the availability and quality of services for their users. The definition of homelessness as provided by the Social

289.

Welfare Act, whose latest amendments entered into force in 2018, has not been brought into line with the European ETHOS typology, which also takes account of those groups of citizens who are at risk of homelessness.

290.

In 2018, the greatest problem still lies in homeless people's exercise of their right to a place of residence. By law, any person housed in night shelters and homeless lodgings has the right to register at the address where they are housed, while those who have the same legal status but are not housed in a night shelter or lodgings exercise their right to a place of residence through social welfare centres. In practice however, this right is not truly realised, or is realised slowly and with difficulties due to the social welfare centres' lack of responsiveness.

291.

Considering the aforementioned problem with exercising one's right to a place of residence, a large number of homeless people are still denied the right to a personal identity card, thus directly depriving them of part of their civil and political, as well as economic and social rights. Securing access to healthcare is particularly problematic, directly violating their right to health.

292.

Although the Social Welfare Act stipulates that some form of accommodation in shelters or lodgings for homeless people should be provided in all county centres, this legal obligation has still not been fulfilled in most counties. Moreover, there is still no single registry of homeless people, so the exact number of people without any accommodation is still unknown, which further contributes to their current invisibility not only in the system, but in society as well.

293.

Croatia still lacks shelters, as well as accommodation capacities within the existing shelters. In addition to accommodation capacities, there is also insufficient access to various services such as soup kitchens and social supermarkets, which often only function thanks to citizens' solidarity, not interventions by social welfare centres.

294.

Homeless people over 65 have the right to care and accommodation in retirement homes, but frequently fail to exercise this right due to insufficient free accommodation capacities and rising fees, which the state should subsidise.

295.

Homeless people with mental health problems do not receive adequate care and treatment, since shelters and lodgings lack professional and medical staff.

296.

Young people leaving alternative care are an especially vulnerable group, as they face the problems of long-term unemployment, especially if they lack the knowledge and skills that might draw them closer to the labour market. In this context, the insufficient number of residential communities for youth is concerning. Apart from the youth residential community in Zagreb, there are no other such communities in the rest of Croatia.

297.

Legally homeless people who enter employment on a fixed-term contract or through public works lasting up to 6 months often lose the right to guaranteed minimum income, and upon expiry of their contracts have to wait for several months before their guaranteed minimum income is reactivated, which makes their sustainable social integration more difficult still.

The Rights of Refugees

298.

In 2018 Croatia has still not adopted a migration policy; the previous policy expired at the end of 2015. The Action Plan for Integration, adopted in 2017, still does not recognise seekers of international protection as a distinct vulnerable group.

ACCESS TO THE RIGHT TO INTERNATIONAL PROTECTION

299.

The policy of approving asylum in Croatia is still restrictive. In 2018, 333 requests for asylum were approved in Croatia, including 163 for asylum and 10 for subsidiary protection. 1,068 asylum seekers were registered in the same period and their requests are still pending.¹⁵

300.

In the asylum approval procedure, superficial and selective methods are still applied in examining the reliability of information and statements of applicants for international protection. This approach may significantly affect the outcome of a submitted request; therefore, it is necessary to tackle the existing irregularities in the asylum approval procedure. The Ministry of the Interior is late in sending notifications on the progress of approval procedures. Notifications on extended deadlines for approving asylum are only sent in the Croatian language, without a translation or the presence of an interpreter.

301.

The problems with the conduct of the Security Intelligence Agency (SIA) in making security assessments of persons

15 Ministry of the Interior, Statistical overview of the basic security indicators and work results in the year 2018 (Statistički pregled temeljnih sigurnosnih pokazatelja i rezultata rada u 2018. godini). Accessible at: <https://mup.gov.hr/UserDocsImages/statistika/2018/Statisticki%20pregled%20temeljnih%20sigurnosnih%20pokazatelja%20i%20rezultata%20rada%20u%202018.%20godini.pdf>

who submit request for asylum have continued in 2018. SIA marks a great number of cases as security threats, without giving any information as to the reasons either to the MoI or to the applicants and their lawyers, who are unable to challenge such conclusions in first instance administrative proceedings or in appellate proceedings, which threatens the right to fair trial.

302.

Inadequate translation still presents a significant problem in the procedure of approving international protection. In addition to the fact that there are no translators available for some languages and dialects, translators' insufficient sensitivity to political, cultural and other specificities of certain cases may have a direct negative impact on the outcome of a submitted request.

ACCESS TO CROATIAN TERRITORY AND ILLEGAL EXPULSIONS

303.

A deterioration in police conduct towards refugees on the borders was recorded in 2018. Cases of physical and verbal abuse and expulsion from Croatian territory have been increasingly frequent. Such cases call into question the legitimacy of police conduct and represent an obstruction of the Act on International Protection, which grants people who find themselves in Croatian territory the right to express their intention to file a request for international protection.

304.

Refugees continue to cross the territory of Croatia and the neighbouring countries, using increasingly insecure paths, which often ends in tragic outcomes. Throughout the year, particularly during the colder months, deaths of refugees in barely accessible places like mountains, quarries, river banks and the similar are not rare.

THE PROCESS AND ASPECTS OF INTEGRATION INTO SOCIETY

305.

The period to decide on requests for international protection is still very long, which risks the chances of those who submitted requests of successfully integrating into society. The applicants are mostly accommodated in reception centres in Zagreb or Kutina; they receive financial support of just 100 HRK per month, which does not cover even the most basic costs.

306.

Persons under international protection have their housing expenses covered at the state's expense and they also have a right to social welfare payments in the minimum amount of 800 HRK per month for a single person, which again is not sufficient to cover basic life expenses.

307.

Those seekers of international protection who are accommodated in the Porin Hotel in Zagreb are living in conditions that are inadequate for living: frequent power, water and heating shortages, as well as limited access to toiletries and sanitary articles. As part of the programme of relocation, a certain number of refugees were settled in Zadar, where neither the public institutions nor the local community offer them adequate support in integration. Families were not provided with adequate accommodation, which is why three of the seven resettled families left Zadar.

308.

The system of protection of unaccompanied minors is inadequate; it shows serious deficiencies, is not guided by the principle of child's best interest, and does not enable social integration. Minors are accommodated in inappropriate institutions such as homes for abandoned children or homes for children with behavioural problems. There are not enough skilled staff capable of working with unaccompanied minors. The minors are not involved in education, they spend their time without interpreters and appropriate care, and often abandon the institutions of their own accord.

309.

Persons under international protection in Croatia have a right to health protection to the same extent as citizens of RC, but in practice this is not the case. The right to health-care is obstructed by the lack of knowledge of specific regulations relevant to healthcare, discriminatory attitudes towards foreigners and bureaucratic barriers.

310.

Instead of comprehensive healthcare, asylum seekers are only entitled to emergency healthcare. For all medical problems that do not fall under the category of emergency cases, asylum seekers turn to the non-profit organisation Médecins du Monde, which is unsustainable because the organisation is funded on a project basis, their daily time at the reception centre is limited, and they cannot issue referrals for medical examinations and medication. Emergency healthcare does not include prenatal and postnatal care, or healthcare for children of preschool and school age.

311.

The system of protection of mental health of asylum seekers and persons under international protection is inadequate. It lacks psychological care and therapy for persons traumatised by the experience of war, war crimes and other inhuman practices, which limits individuals' opportunities for social integration.

312.

Croatian language instruction was planned in 12 cities in 2018. In some of the cities the call to award grants for language instruction was cancelled; civil society organisations have warned that the selection criteria for instructors were unclear, that they did not include experience teaching Croatian as a foreign language but gave priority to the lowest bidder, thereby putting into question the quality of teaching necessary for social integration of persons under international protection.

313.

Children of asylum seekers do not have the right to attend kindergarten, but only to one year of preschool education, which slows their learning of the language through interaction with their peers. Assessment of knowledge and competences of children of asylum seekers before enrolling in school is unregulated. Children are often placed

in primary school automatically, regardless of their age and competences; they are enrolled belatedly, and due to administrative procedures like issuing the personal identification number enrolment in school is delayed, which threatens the children's right to education. Preparatory education for children's inclusion in schools is inadequate: specialised educational materials are not available, teachers are not additionally trained to work with pupils speaking different languages, there are no learning strategies or work methods, and the quality of preparatory teaching is contingent on the resources and motivation of a given school or teachers.

314.

Persons under international protection have the right to higher education either under conditions that apply to foreigners or conditions that apply to Croatian citizens. Under the conditions that apply to foreigners, persons must pay high tuition fees, which in most cases are not affordable. If they enrol as Croatian citizens, they must fulfil certain criteria such as passing the State Matriculation Exam* in the Croatian language. The bureaucratic barriers have not been removed in 2018, which means that the access of persons under international protection to higher education is limited. Educational qualifications of persons under international protection are often not recognised; high costs of validation of foreign diplomas represent an additional obstacle to the education and employment of persons under international protection.

315.

Regardless of their qualifications, asylum seekers and asylees still face difficulties entering the labour market; only 19 asylees were employed through active employment measures in the period from 2012 to September 2018. Basic knowledge of the Croatian language is an important condition to enter the labour market. Employers and asylees are not sufficiently informed regarding the existing measures, and public funds are not sufficient to include a higher number of asylees in the labour market.

* Similar to the English G.C.S.E. (A-level) examination (<https://mzo.hr/en/rubrike/state-matura>) (translator's note)

The Rights of National Minorities

316.

No significant progress has been recorded in the implementation of the Constitutional Act on the Rights of National Minorities (CARNM), especially regarding the right to priority employment for members of national minorities under equal conditions and the right to use national minorities' languages and scripts. There was no significant progress in implementing the right of national minorities to priority in employment in public administration institutions, judicial bodies, and administrative institutions of self-government units, and there is no adequate mechanism for monitoring the implementation of this right. The inadequate implementation of the Act is the result of the legislation not including penalty provisions and sanctions for non-implementation. Furthermore, there are no data or official reports on the implementation of the Operative Programmes for National Minorities adopted in 2017.

317.

In 2018, the Government has still not drawn up and presented to the Parliament the draft amendments to the Act on the Official Use of Language and Script of National Minorities, which is a direct violation of the Constitutional Court decision and an obstruction of the exercise of the right of national minorities to the official and equal use of their language and script in the area of Vukovar.

318.

The year 2018 was marked by a citizens' initiative that called for a referendum to reduce the number of national minority MPs and exclude them from voting on motions of confidence to the Government and on the budget. Although the initiative failed, it is worrying that denying national minority MPs the right to decide on some of the issues within the competence of the Croatian Parliament would also deny the right of a group of Croatian citizens to be represented in the legislative body. This would derogate the acquired rights of representatives of national minorities and separate them into a detached group in a different and unfavourable position compared to other members of the Parliament.

ROMA NATIONAL MINORITY

319.

Although the Operative Programme for the Roma National Minority provides for a revision of the National Roma Inclusion Strategy and adoption of a new Action Plan for its implementation, three years after the expiration of the Action Plan, a new one has still not been adopted, nor has the National Strategy been revised.

320.

The National Roma Inclusion Strategy has not been systematically implemented since 2016, and in most fields it is in a standstill. Most local and regional self-government units where a significant number of Roma live have not adopted local action plans for the implementation of the National Strategy in their areas, or have not implemented such plans.

321.

As in previous years, in 2018 members of the Roma national minority have encountered numerous problems in exercising their human rights, which is the consequence of the historically based discrimination that particularly manifests in employment and access to services. The findings of the study on the inclusion of the Roma into Croatian society, commissioned by the Office for Human Rights and Rights of National Minorities,¹⁶ also highlight the unfavourable economic conditions and low standard of living. According to the research, an exceptionally low share – just 7 percent of the members of the Roma population – are in a full-time paid job, while 54 percent use the guaranteed minimal income.

322.

The data on the inadequate living conditions of the Roma national minority are also concerning. In the findings of the same study approximately one third of the 1500 Roma households that were analysed live in dwellings which are

16 Centar za mirovne studije, Roma Inclusion in the Croatian Society: a Baseline Data Study (2018.), available at: https://www.cms.hr/system/publication/pdf/108/Uklju_ivanje_Roma_u_hrvatsko_dru_tvo_istra_ivanje_baznih_podataka.pdf

in a very poor or ruinous state, and often do not meet the minimum sanitary conditions.¹⁷

323.

The segregation of Roma in the education system is still present, representing a serious problem in many parts of Croatia where significant numbers of the Roma live. The proportion of Roma children who abandon school or do not complete education successfully is several times above the average. According to the study, 20 percent of Roma children are in classes that consist only of Roma pupils, which entirely precludes even the lowest level of integration. The data collected in the study about 463 children aged 3-6 show that 68.9 percent are not attending preschool, kindergarten or elementary school. In the age group from 7 to 14 years, 95.2 percent of children are in primary education, while the number for the 6-15 age group is 80 percent. The level of inclusion of Roma students aged 15-18 in secondary education is 31 percent. The reasons cited for abandoning school include early parenthood, poor previous school results, and economic reasons.¹⁸

324.

A clash among members of the Roma minority in front of the primary school in the Vukomerec estate in Zagreb was the cause for a gathering of citizens demanding Roma families in the area to be moved out. Media reports presented the events in a way that emphasized the fact that persons of Roma ethnicity were involved in the incident, which resulted in a negative portrait of the whole Roma community in Zagreb, spreading hate speech through internet portals and creating a hostile environment for the life and integration of members of the Roma community as a whole.

17 Ibid.

18 Ibid.

SERB NATIONAL MINORITY

325.

Not one of the minority issues related to the Serb national minority has been resolved in 2018, nor have there been visible shifts, including the registration of minority schools, facilitation of the return of refugees, restitution of property, processing war crimes against Serb civilians, etc.

326.

Hate speech, discriminatory speech and historical revisionism were intensely present in media, on social networks and in the public realm and appearances by public figures. Serb national minority MPs Milorad Pupovac and Boris Milošević were attacked in the centre of Zagreb. Furthermore, of particular concern are statements and actions by public figures characterised by ethnic intolerance, as well as the absence of public condemnation and sanctions against such actions.

327.

Failing to register Serb minority schools is still a problem; the schools would implement the 'A model' of the curriculum, i.e. the programme would be taught entirely in the language of the minority community. Registration and permits for such schools are continuously delayed, and the Ministry of Science and Education has failed to act on the issue. There are not enough resources, teachers, advisors, and textbooks for the 'C model', which has resulted in fewer children being included in this type of education, given that the existing measures obstruct or fail to enable participation.

328.

Although 21 municipalities and cities in Croatia are legally bound to officially use the language and script of the Serb minority, this obligation is virtually ignored. In most cases there are no signs in the Serbian language and Cyrillic script on institutions and on signs denoting names of settlements; there are no public administration forms and materials available in the minority language either.

10
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