

HUMAN RIGHTS IN CROATIA



**Human Rights
in Croatia:**
Overview of 2019

Publisher:

Human Rights House Zagreb
Selska cesta 112 a/c, 10000 Zagreb
www.kucaljudskihprava.hr

For the publisher:

Ivan Novosel

Editorial board:

Tina Đaković and Ivan Novosel

Research team:

Ivan Buljan, Tea Dabić and Klara Horvat

Translation:

Klara Horvat

Design and layout:

Radnja

Printing: ACT Printlab d.o.o.

Circulation: 300

ISSN: 1848-8994

Zagreb, March 2020



Human Rights House Zagreb is a Knowledge Centre active in the field of protection and promotion of human rights as part of the Development Cooperation with the National Foundation for Civil Society Development.

This publication is funded with the support of the National Foundation for Civil Society Development. The content of this publication is the sole responsibility of the Human Rights House Zagreb and does not necessarily reflect the views of the National Foundation for Civil Society Development.

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 overviews, thematic reports and petitions, we help to create better laws and public policies.



GRAD
ZAGREB

- 8 Introduction**
- 9 Methodology**
- 10 Social, Economic and Political Context**
- 12 International Instruments, Legislation, Public Policies and Institutions**
- 14 Right to Participation, Human Rights Defenders and Civil Society**
 - 14** The Right to Vote
 - 15** Freedom of Expression, Assembly and Peaceful Protest
 - 17** Participation in Decision Making Processes
 - 18** Freedom of Association, Human Rights Defenders and Stimulating Environment for the Development of Civil Society
- 20 Religious Rights and Freedoms**
- 21 Media Freedoms**
- 25 Security and Human Rights**
- 27 The Judiciary and Human Rights**
 - 27** Procedural Rights of Suspects and Defendants in Criminal and Misdemeanour Proceedings
 - 30** Rights of Prisoners
 - 30** Rights of Victims
 - 32** Free Legal Aid
 - 33** Juvenile Justice Administration
- 36 Transitional Justice and Dealing with the Past**
- 38 The Right to an Adequate Standard of Living**
 - 38** Right to Food
 - 39** Right to Adequate Housing
 - 41** Right to Social Protection
 - 42** Human Rights and Poverty
 - 43** Right to Drinking Water
- 45 Workers' and Trade Union Rights**
 - 45** Right to Work
 - 48** Right to Fair and Favorable Working Conditions

- 50 Right to Health**
- 50 Right to Access Health Institutions, Goods and Services
- 51 Treatment of Malignant Diseases
- 52 Mental Health

- 53 Financial Lending and Right to Protection of Property**

- 55 Right to Access to Culture**

- 56 Human Rights and the Environment**

- 58 Education and Human Rights**
- 61 Civic Education and Health Education

- 63 VULNERABLE GROUPS**

- 63 Women's Rights**
- 63 Gender-Based Violence and Domestic Violence
- 67 Reproductive Rights, Pregnancy and Motherhood
- 70 Women on the Labour Market

- 72 Children's Rights**
- 72 Foster Care and Adoption System
- 75 Violence against Children and its Prevention

- 76 The Rights of Elderly Persons**

- 78 The Rights of Persons with Disabilities**
- 81 Rights of Persons with Sensory Impairments
- 82 Rights of Persons with Autism
- 84 Rights of Persons with Intellectual Difficulties

- 85 The Rights of LGBTIQ Persons**

- 88 The Rights of the Homeless**

- 90 The Rights of Refugees**
- 90 Access to the Right to International Protection
- 91 Access to Croatian Territory and Illegal Pushbacks
- 92 The Process and Aspects of Integration into Society

- 94 The Rights of National Minorities**
- 94 Roma National Minority
- 96 Serbian National Minority

Introduction

- 01.** Human Rights in Croatia: Overview of 2019 is a report of the Human Rights House Zagreb that gives insight into violations, problems and challenges in the area of protection and promotion of human rights in Croatia during the previous year.
- 02.** This report is based on a systematic yearlong monitoring and collecting information from relevant stakeholders from civil society and academic community engaged in human rights issues. Although comprehensive, this report does not cover all human rights violations and issues in 2019, but those recorded through the work of the Human Rights House Zagreb and the civil society organizations that contributed to creation of this report.
- 03.** We would hereby like to thank the civil society organisations and individuals who helped us to draft this report: Adopta, B.a.B.e. – Be Active, Be Emancipated, OWID – Organization for Workers’ Initiative and Democratization, Center for Peace, Nonviolence and Human Rights, Center for Peace Studies; CESI – Center for Education, Counseling and Research; Documenta – Center for Dealing with the Past, Rainbow Families, Forum for Freedom in Education, GONG, Brave Phone for Children, Croatian Law Centre, Croatian Association of Deafblind Persons ‘Dodir’, Croatian Journalists’ Association, Croatian Employers’ Association, Youth Initiative for Human Rights, Coalition of Associations in Healthcare, Kulturtreger, Croatian Youth Network, Independent Trade Unions of Croatia, Right to the City, Parents in Action – RODA, Roma National Council, Alliance of Autism Associations of Croatia, Association Svitanje, Trans Aid, Flight Association, MoSt Association, Association of Youth and Family Judges and Specialists, Victims and Witnesses Support Association, Association for Protection of Consumer Rights ‘Varaždinski potrošač’, WWF Adria, Zagreb Pride, Friends of Earth Croatia, Women’s Room – Center for Sexual Rights and dr. sc. Nikola Baketa, Gordan Bosanac, doc. dr. sc. Zoran Burić, prof. dr. sc. Elizabeta Ivičević Karas and dr. sc. Lana Peto Kujundžić.

- 04.** Expressions used in this report, whether in masculine or feminine gender form, refer equally to all persons, except in parts of this report that refer to the human rights of women.

Methodology

- 05.** The research methodology used to create the human rights overview in Croatia is based on the United Nations' Universal Human Rights Index. The Index covers all relevant norms and standards of the global human rights protection system and is adequate for research in national context.
- 06.** The findings were formulated based on research conducted in two stages. The first stage involves the collection of information from secondary sources: media sources, monitoring of official announcements, statistics, reports by public authorities and ombudsinstitutions, reviews of civil society reports and announcements as well as analysis of relevant legislation.
- 07.** The second stage consisted of consultations with civil society organizations and academic community based on the systematized findings gathered in the first phase. While drafting the report the Human Rights House Zagreb is guided by the principle of participation: the research represents civil society organizations and members of the academic community who are in their work dedicated to creating a tolerant, just, inclusive and open society, which are at the same time values shared and represented by the Human Rights House Zagreb and we consider our cooperation with these organizations and individuals a valuable resource in our work.

Social, Economic and Political Context

- 08.** The overall assessment of the human rights situation in Croatia for 2019 is: stagnation. There has been no clear systemic progress, but also no measurable and visible efforts to strengthen and build a system of protection and promotion of human rights.
- 09.** Human rights were not on the political agenda of institutions and decision – makers in 2019 as well. This is a continuation of the negative trend of political and institutional neglect of human rights work present since Croatia’s accession to the European Union.
- 10.** For years Croatia has not had basic public policies in the field of human rights, and therefore no plan to stop and reverse the negative trend of degradation of the achieved standards in certain areas of human rights. Instead of progress, we are constantly witnessing human rights problems and violations in areas such as media freedoms and judiciary. The slowness of the judiciary, the bureaucratisation of public administration, the perception of corruption and distrust in institutions further add to the level of dissatisfaction with life in Croatia.
- 11.** Social problems such as intolerance, hate speech, discrimination and hate motivated violence are addressed only reactively and superficially. Last year civic education was also neglected and marginalized in the education system. Unfortunately, children and youth are not taught about their fundamental human rights and solidarity, nor are they encouraged to actively participate in society.
- 12.** Also in 2019 there was no political will to, after years of ignoring, finally implement the Constitutional Court’s decisions and amendments to the act on termination of pregnancy and the act on equal use of languages and scripts of national minorities. Due to lack of political will,

the Ombudswoman as an assignee of the Croatian Parliament could not, in contradiction to the Constitution and the law, oversee the conduct of the police at the borders in 2019 as well.

- 13.** Last year has again shown that institutions are poorly equipped to defend the achieved human rights standards and that in many areas there is a danger of collapse of the human rights protection system, especially the protection of minority and marginalized social groups.
- 14.** Despite positive economic developments, with respect to growth Croatia is still behind other EU Member States. Average wages have increased compared to the previous year, but there is also an increase in the cost of living. One in five citizens still lives at risk of poverty, regional income inequalities are noticeable, as well as inequalities in access to education, health and social care.
- 15.** Economic inequalities mostly affect vulnerable and marginalized social groups. Elderly people and children are particularly exposed to the risk of poverty. At the same time, although nominally existing, Croatia does not actually have a usable and human rights-based strategy for combating poverty.
- 16.** Institutional inertia with respect to the state's ability to actively address resolving the complex problems of today, such as migration, climate change, technological development challenges and digital age, as well as negative population trends, is concerning. In the context of these global challenges, the lack of quality public policies and solutions based on the principles and standards of respect, protection and promotion of human rights is of particular concern.

International Instruments, Legislation, Public Policies and Institutions

- 17.** During 2019, the necessary steps have not been taken to prepare the ratification of the European Social Charter (Revised) and the International Convention for the Protection of All Persons from Enforced Disappearance. Croatia has also not accepted Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, which continues to allow individual complaints to be submitted to the Committee monitoring the implementation of this Convention.
- 18.** Croatia has not yet signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families.
- 19.** Even after many years of delay, in 2019 Croatia still did not submit periodic reports on the implementation of the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. In addition, in 2019 the deadline was missed for submitting reports on the implementation of the International Convention on the Elimination of All Forms of Discrimination against Women.
- 20.** In 2019 no progress has been made in translating the recommendations and opinions of UN committees overseeing the implementation of human rights conventions into Croatian language, which would make them more accessible to the professional and general public.

- 21.** The National Program for the Protection and Promotion of Human Rights has still not been drafted or adopted, although the previous one expired in 2016. This makes Croatia enter the fourth year without a valid basic human rights policy.
- 22.** Croatia also neither has public policies formulated or adopted in the area of creating an enabling environment for civil society development since 2016, nor a national policy on gender equality that expired in 2015.
- 23.** By the end of 2019, Croatia has ended its three – year mandate as a member of the UN Human Rights Council. Like in the previous years, during 2019 Croatia unfortunately did not show agility in promoting human rights in this intergovernmental body, nor did it fulfill voluntary pledges and commitments made in its candidacy to the UN General Assembly. Also, there was no cooperation established with civil society organizations related to activities in the Council. The Human Rights Council and Croatia’s activities in it remained invisible to the public.

Right to Participation, Human Rights Defenders and Civil Society

THE RIGHT TO VOTE

- 24.** In May 2019, elections for the European Parliament were held which took place peacefully and in a democratic atmosphere. Despite legal obligation, almost 25 percent of all submitted candidate lists did not meet the requirement of a minimum 40 percent representation of women. The unregulated election campaign on social networks had a negative impact on the exercise of the right to vote and fair and transparent political competition.¹
- 25.** During the first round of voting for the election of the President of the Republic of Croatia, it was difficult or impossible to vote to the elderly, sick, persons with limited mobility and disabled persons as well as citizens who found themselves in the hospital because the law does not provide for the possibility of organizing voting in hospitals.
- 26.** Although the law permits voting outside the polling station in justified situations, many citizens who were justifiably unable to reach the polling station on election day were not informed about it or were denied this right. Namely, even when voters notify the election commission in advance of their inability to reach the polling station, the polling station committees do not have to visit the voter if they have pressing obligations at the polling station jobs which are important for the regularity of the election.²

1 Gong, Report on European Parliament Elections 2019. Available here: https://www.gong.hr/media/uploads/20190716_izborni_izvje%C5%A1taj_ep_2019_gong.pdf

2 Gong, Enable the Constitutional Voting Right to Everyone!. Available here: <https://www.gong.hr/hr/izborni-sustav/predsjednicki/omogu-cite-ustavno-pravo-glasanja-svima/>

27. While conducting elections for council members and representatives of national minorities, technical difficulties were encountered in the operation of the application for applying for polling committee members, which prevented interested citizens from registering in a timely manner.³

28. Although announced, there were no changes to the referendum legislation that would eliminate the shortcomings of the current framework for conducting referendums. Among others, no regulation was passed that would eliminate the possibility of calling referendums aimed at reducing or limiting human rights, especially of minority, marginalized and discriminated social groups.⁴

FREEDOM OF EXPRESSION, ASSEMBLY AND PEACEFUL PROTEST

29. The non-final verdict for Zoran Erceg for breach of public order and peace because, at the occasion of opening of the monument to Franjo Tuđman he stated the following 'You have erected a monument to a criminal', is not in line with the practice of the European Court of Human Rights. The ECtHR has established that freedom of expression and assembly also includes the expression of critical views that are contrary to the current politics or dominant social belief.

30. Police conduct that limits the right to protest is also concerning. During the visit of the Prime Minister to Korčula, a citizen was arrested and removed from public place because he shouted and pointed out the written words 'Long live ćaća! Welcome!'. Police have prevented the exercise of his human right to peaceful protest and freedom of expression, although he has in no way compromised security and public order and peace.

³ Gong, Irregularities in the Shadow of the European Parliament Elections. Available here: <https://www.gong.hr/hr/izborni-sustav/manjinski/nepravilnosti-u-sjeni-izbora-za-europski-parlament/>

⁴ Gong, Gong Recommendations for Improvement of Elections and Referendums. Available here: <https://www.gong.hr/hr/izborni-sustav/gongove-preporuke-za-unaprjeđenje-izbora-i-referen/>

- 31.** The ECtHR rejected football player Šimunić's claim against Croatia in 2019 by stating that in the case where he was legally fined for shouting Ustasha salute at the stadium, his right to freedom of expression was not violated. The ECtHR has reaffirmed that the right to freedom of speech does not apply to the kind of speech that proclaims hatred or violence.
- 32.** In 2019, the adoption of the Act on Prevention of Misconduct on Social Networks, which should regulate hate speech, fake news and violence on social networks, was announced again. Such act could have serious consequences to the freedom of expression and lead to censorship and excessive removal of content, especially given the existing challenges and human rights violations that have been reported in this area in the previous years.⁵
- 33.** Freedom of expression in Croatia continues to be negatively affected by the occurrence of hate speech in public discourse, especially racist hate speech directed against Serbs, LGBTIQ persons and Roma. Particularly concerning is the frequency of hate speech on the Internet and among youth.⁶
- 34.** In the context of exercising the right to public assembly, no progress was made in 2019 regarding the availability of information and guidelines for reporting assemblies and obtaining the necessary permits, as well as exemptions of the obligation to pay the communal costs and services of public authorities incurred in relation to public assemblies and protests. Also, the freedom of assembly continues to be negatively affected by the commercialization of public spaces, which makes it difficult to hold protests on squares, streets, parks and other public spaces.⁷

5 Human Rights House Zagreb, Human Rights in Digital Environment. Available here: <https://www.kucaljudskihprava.hr/wp-content/uploads/2020/01/TI-Ljudska-prava-u-digitalnom-okruzenju2001.pdf>

6 Ombudswoman, Hate Speech among Youth on the Internet, Available here: https://www.ombudsman.hr/wp-content/uploads/2019/12/Istra%C5%B0Evanje_Govor-mr%C5%BEnje-me%C4%91u-mladima-na-Internetu.pdf

7 Human Rights House Zagreb, Human Rights in Croatia: Overview of 2018. Available here: <https://www.kucaljudskihprava.hr/wp-content/uploads/2019/03/Ljudska-prava-u-Hrvatskoj-2018.pdf>

PARTICIPATION IN DECISION MAKING PROCESSES

- 35.** Although according to 2018 data there has been an increase in e–consultations for 40 percent compared to 2017, it is worrying that only about 11 percent of consultations has been open for more than 30 days, which is the minimum legal deadline. In addition, the problems are non–adoption of plans for consultation with the interested public, not publishing reports on completed consultations, and unresponsiveness to received comments from citizens.⁸
- 36.** In 2019, the exercise of right of access to information is negatively affected by the increasing use of GDPR provisions on the right to protection of personal data as an argument for non–disclosure or submission of certain information of public interest, on the basis of which public authorities reject requests for access to information. There is a lack of clear guidance to public authorities on which information is protected as personal and which is not.
- 37.** Contrary to the provisions of the Act on the Right of Access to Information, data on owners and management structures of business entities that are in the court register will be chargeable in accordance with the decision of the Minister of Finance. This creates inequality among citizens in exercising their right of access to information in terms of financial possibilities and is contrary to the constitutionally defined right of access to information.
- 38.** Also in 2019, problems were detected in the implementation of the Act on the Right of Access to Information. Public authorities continue to ignore the decisions of the Information Commissioner while the enforcement of misdemeanor provisions of the Act has been hampered by the lengthy proceedings before administrative courts.

⁸ Government Office for Cooperation with NGOs, Report on Conducted Consultations with the Interested Public in Procedures of Adoption of Laws, Other Regulations and Acts in 2018. Available here: <https://zakonodavstvo.gov.hr/UserDocsImages/dokumenti/Izvje%C5%A1%C4%87e%20o%20provedbi%20savjetovanja%20za%202018.pdf>

- 39.** In 2019 no progress was noted in citizen participation in local decision-making processes on issues of importance for arrangement of living environment, environmental protection, etc. Public debates and consultations conducted by local committees or local self-government units are not sufficiently announced and citizens poorly use them as means of involvement in decision making that affects the quality of their lives.

FREEDOM OF ASSOCIATION, HUMAN RIGHTS DEFENDERS AND STIMULATING ENVIRONMENT FOR THE DEVELOPMENT OF CIVIL SOCIETY

- 40.** The National Plan for Creating an Enabling Environment for Civil Society Development was not adopted in 2019, even though the existing strategy expired in 2016.
- 41.** Access to European Social Fund funds allocated for the work of civil society organizations was almost disabled in 2019. Out of a total of 15 announced calls for project proposals worth a total of HRK 905 million, 14 of them were not published by the end of the year.
- 42.** The implementation of projects, especially those financed by the European Social Fund, is burdened with increasing administrative demands towards implementing civil society organizations, which unnecessarily burdens their operation and adversely affects the quality of program, that is substantive work on project implementation. In addition, problems with the processing of cost compensation claims were noted, as the authorities are slow to review the submitted reports and approve with delay financial payments to implementing organizations, which adversely affects their financial stability.

- 43.** Civil society organizations engaged in advocacy, research and watch dog activities in the field of protection and promotion of human rights also had problems in 2019 in finding the funds needed to carry out these activities due to the existence of mainly short-term and solely project-oriented forms of financing. Short-term and project financing have a negative impact on the quality of social services provided by associations in local communities.
- 44.** In 2019, there has been no progress in creating an enabling environment for the development of civil and entrepreneurial human rights philanthropy.
- 45.** Human rights defenders involved in the protection of refugees were also in 2019 exposed to the delegitimation and discrediting of their work by right-wing politicians and the media. In addition, human rights defenders dealing with transparency and democratization were exposed to public discrediting.

Religious Rights and Freedoms

- 46.** Although respect for religious rights and freedoms in Croatia is at a high level, no progress has been made in 2019 to address the detected problems related to the exercise of religious rights and freedoms.
- 47.** A systematic and high-quality solution for elementary school students who do not attend religious education is still lacking, leaving these children in an unequal position with respect to children who attend religious education at school. The issue of the ghettoization of minority religious content in the public television broadcasting program has not been resolved as well.
- 48.** Minority religious groups, especially those who do not belong to the Judeo-Christian tradition and who did not register as religious communities by 2002, remain to be at a disadvantage compared to other religious communities because of the legal obligation to have a religious association as a prerequisite for registering a religious community. This impedes the exercise of their religious rights and freedoms and the right to state support, to which other groups registered as religious communities are entitled.

Media Freedoms

- 49.** Although the drafting was announced several times during 2019, for the fourth year in a row Croatia does not have a media strategy i.e. a clearly defined media policy as the basis for the announced media legislation change. In spite of that and without the Media Act being revised first, the Ministry of Culture has started the process of amending the Electronic Media Act.
- 50.** An additional problem in the process of amending the Electronic Media Act was ignoring the views and suggestions of the journalistic profession. Although the Croatian Journalists' Association was involved in the EMA working group, the Ministry of Culture did not include any of the CJA's proposals in the Draft Electronic Media Act.
- 51.** Croatia ranks 64th out of a total of 180 places on the Reporters without Borders' media freedom rankings⁹, which represents an improvement of five places compared to 2018, but Croatia remains at the back of EU countries and behind some countries in the region in terms of media freedom. Reported violations of media freedoms have been repeated claims against journalists and editors for defamation, insult and shaming, as well as attacks and intimidation of journalists, especially those investigating controversial topics such as war crimes, organized crime or corruption. The interference of the authorities in the operation of public television is also problematic.
- 52.** 52. In the context of a large number of lawsuits against journalists for insults, defamation and public shaming (more than 1000 in 2018)¹⁰ and their extremely negative impact on freedom of speech and media freedom, a protest

9 Reporters Without Borders, 2019 World Press Freedom Index. Available here: <https://rsf.org/en/croatia>

10 Human Rights House Zagreb, Human Rights in Croatia: Overview of 2018. Available here: <https://www.kucaljudskihprava.hr/wp-content/uploads/2019/03/Ljudska-prava-u-Hrvatskoj-2018.pdf>

of journalists was held in March 2019, which among other things sought an urgent amendment of the penal legislation to prevent misuse of lawsuits as means of pressure on journalists.

53.

In 2019, the offense of serious shaming was deleted from the Criminal Code, and the offense of insult was further defined in a way that it does not apply to journalists, which represents a positive development. However, the amendments to the Criminal Code did not decriminalize all crimes against honor and reputation, that is, the following provisions were not deleted: Article 149 'Defamation', Article 349 'Violation of the reputation of the Republic of Croatia' and Article 356 'Violation of the reputation of a foreign state and international organization'¹¹.

54.

Although the European Court of Human Rights in the *Nardni List v. Croatia* case found that excessive and disproportionate amounts of damages awarded for insults, defamation and public shaming against journalists and the media have a negative impact on public debate in matters of public interest, in 2019 the non-final verdicts of Croatian courts that, contrary to the set standards, award high and disproportionate amounts of damages are worrying.

55.

Also in 2019, there were cases of intimidation of journalists: death threats, public verbal assaults and insults directed against journalists, attempts to disable recording and reporting, bomb threat to the newsroom, threatening messages on the Croatian Journalists' Association building, and threatening graffiti on buildings and in the vicinity of newsrooms. The absence of public condemnation of these incidents by officials and institutions is worrying, as well as the lack of effective and prompt investigation, prosecution and punishment of perpetrators in cases of intimidation and threats against journalists.

11 Joint International Mission (JIM), *Press Freedom in Croatia: Hate Speech and Hope for Change*. Available here: <http://seemo.org/assets/pdf/Croatia-Report-final%203152018.pdf>

- 56.** The first-instance judgement in the case of physical assault with serious injuries suffered by the journalist Hrvoje Bajlo is worrying, and the perpetrator was sentenced to a suspended sentence of imprisonment. The imposition of lenient penalties for offenses involving serious physical harm against journalists does not contribute to the safety of journalists in the performance of their job.
- 57.** Threats and intimidation of journalists and the media are of particular concern when they come from officials and members of political parties. Defamation and insults lawsuits that are often brought against journalists and the media by high-ranking state officials, members of parliament and their families, judges, institutions and the public media outlet are putting additional pressure on critical and investigative journalism.
- 58.** In 2019, there were two cases of unacceptable pressure on the freedom of work of journalists. Journalist Gordan Duhaček was arrested and expressly convicted of insulting police, even though his writing constituted a publicly stated critic and comment on individual police conduct in order to inform the public. Of further concern is the indictment against the same journalist for the satirical remake of a patriotic song on Twitter, which according to the police insults citizens' moral sentiments, even though this is contrary to the established case law of the European Court of Human Rights.
- 59.** Also worrying is the case of pressure on journalist Đurđica Klancir, considering that police came to her workplace in a newsroom to check her identity because of a private lawsuit by the Sisak – Moslavina county prefect against her. The arrival of police to her workplace is an obvious form of political – police pressure on a journalist, intimidation and deterrence from further investigation.
- 60.** In addition, the frequency of insulting and depreciation of journalists by officials, as well as failure to hold press conferences and avoiding answering to journalistic questions are of concern.

61. There is still a lack of support for the work of non-profit media. Although a total of HRK 30 million was provided from the European Social Fund for financing of community media (non-profit media), in May 2019 the Ministry of Culture launched a call for proposals for only HRK 15 million. The allocation of funds is still pending. Disabling access to these funds inevitably leads to the destruction and suppression of the non-profit media scene in Croatia.

62. Freedom of the media is adversely affected by the state of employment relations in the media. In some private media outlets, collective agreements have been canceled or new agreements have not been signed, and in many media union work is prohibited or impeded.

Security and Human Rights

- 63.** Although the Civilian Oversight Council of Security Intelligence Agencies was established at the end of 2018, the system of civilian oversight of covert data collection measures implemented by the police is still not functioning, as for the third year in a row the Civilian Oversight Council over the Application of Individual Police Powers has not been established.
- 64.** No Complaints Committee was constituted at the Ministry of the Interior in 2019 as well. It was not until the end of the year that a public call for the submission of nomination of nine members to this committee was announced.
- 65.** Even four years after the petition was filed, the Constitutional Court did not assess the constitutionality of the amendments to the Defense Act and the State Border Surveillance Act, which enabled the assistance of the military in border protection.
- 66.** At the end of 2019, the European Commission confirmed that Croatia fulfills the technical requirements for full implementation of the Schengen rules and standards. Civil society organizations believe that the report is based on political rather than factual arguments. Namely, the report was made before the evaluation was completed. The report also states that the Ministry of Interior is required to establish independent oversight of its operations at the border and has been allocated around EUR 300.000 for that surveillance. The final oversight report the Ministry of Interior should have communicated with the Ombudsman and NGOs, which was not done.
- 67.** An incident inside the Zemunik military base in Zadar in which three pilots transported a person connected to weapons smuggling by military helicopter indicates major security flaws in the Ministry of Defense. Another incident

occurred in Pula in which a member of the armed forces participated in an attack on an elderly person.

68.

In 2019 the problem of the absence of a helicopter Search and Rescue service and an emergency medical helicopter service was not solved either. Due to the limited availability of helicopters and crews available, reactions are sometimes not timely, which can lead to serious consequences.

69.

There are still 299 square kilometers of mine suspected areas in Croatia, covering 8 counties and 51 cities and municipalities. The entire mine suspected area is marked with more than 11.530 mine warning signs, and the assumption is that the area is contaminated with about 22.000 mines and unexploded lethal means.¹²

12 Civil Protection Directorate, Mine Situation in the Republic of Croatia. Available here: <https://civilna-zastita.gov.hr/UserDocsImages/145>

The Judiciary and Human Rights

- 70.** In 2019, no steps have been taken to reform the election of judges and state attorneys. In the composition of the State Judicial Council and the State Attorneys' Council continue to be parliamentary representatives, which enables the legislative authority to directly influence the election of judges and state attorneys.
- 71.** In 2019, violations of the right to a fair trial and the right to respect for private and family life constitute the largest number of judgments against the Republic of Croatia for violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 72.** According to the Council of Europe data, Croatia has not yet implemented 84 judgments of the European Court of Human Rights, 36 of which have been classified as 'leading' cases. In other words, it means that in 36 cases the ECtHR found that Croatia had a significant and systematic problem with respect for human rights as guaranteed by the European Convention.¹³

PROCEDURAL RIGHTS OF SUSPECTS AND DEFENDANTS IN CRIMINAL AND MISDEMEANOUR PROCEEDINGS

- 73.** Amendments to the Criminal Procedure Act from the end of 2019 transposed into the Croatian legislation the Free Legal Aid Directive, which introduced a number of positive

13 Council of Europe, HUDOC EXEC database. Available here: <https://hudoc.exec.coe.int/eng#%20>

changes in relation to the suspect's and the defendant's right to free legal aid. However, omissions have been identified that can lead to discrimination against citizens of lower economic status.

74.

Namely, the new amendments to the Criminal Procedure Act have expanded the right to a lawyer financed by the state. So far, this right has only been applied to suspects under investigation. The amendments extended this right to those suspects against whom the simplified investigation was being conducted. Also, a new institute of 'temporary legal assistance funded by the state' was introduced, which enables the right to free legal aid to every arrested person, regardless of the criminal offense for which he/she was arrested. However, those suspects who have not been arrested can exercise this right only if they are suspected of a criminal offense for which imprisonment of more than 5 years is prescribed. Thus, the current legal framework is not satisfactory since it leads to discrimination against citizens of poor financial status and inequality of citizens before the law, and consequently to violation of the right of access to court, since the criterion for temporary legal aid is conditioned by the level of the prescribed sentence. Such proposed legal framework is contrary to the requirements of the Free Legal Aid Directive, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Constitution of the Republic of Croatia, including other international instruments proclaiming equality before the law.

75.

The introduction of a new criminal offense for suspects or accused persons who do not abide by independent precautionary measures is contrary to the constitutionally guaranteed principle of the presumption of the defendant's innocence, and also represents a violation of the principle of proportionality, since a pre-trial detention cannot represent a punishment but only the ultimate measure of ensuring the presence of a defendant in criminal proceedings.

- 76.** By abolishing mandatory pre-trial detention terms in second instance court proceedings, when a five-year prison sentence or a more severe sentence is prescribed, the non-convicted defendants could be imprisoned until the decision on appeal, which can last up to several years. Such a legal solution violates the presumption of innocence, the principle of proportionality and the obligation of promptness of a criminal proceedings from Article 5 § 3 of the Convention on Human Rights.
- 77.** The 2019 Criminal Procedure Act amendment empowers the police to order the physical examination of the defendant as well as third parties, including victims, thereby violating the right to respect for personal and family life guaranteed by Art. 8. of the European Convention on Human Rights. According to the decision of the Constitutional Court¹⁴, such interference with physical integrity can only be within the jurisdiction of the court or the state attorney in cases of less invasive actions, but not the police as an executive body.
- 78.** By the same amendments to the Criminal Procedure Act, for the first time the police were empowered to be able to conduct investigatory actions when the perpetrator is unknown and to this end may order expert opinions if appropriate. However, the legal provisions do not specify which expert opinion examinations are those, which means that they may be physical examinations that impede fundamental human rights.

14 Ivičević Karas, Burić. 2019. On the Way to Transposing the Provisions of the Directive on Legal Aid. In: Croatian Yearbook for Criminal Sciences and Practice, vol 26, n 2/2019, p. 438.

RIGHTS OF PRISONERS

- 79.** Although the situation in the prison system has improved in recent years, in some prisons the lack of accommodation capacity and the failure to comply with the space standard of 4 square meters per person is still lacking. In some prisons, the sanitary facilities are not completely separated from the rest of the room by a wall, thus violating privacy and the right to health.
- 80.** Prisoners' access to primary health care continues to be hampered by a shortage of medical staff, resulting in untimely provision of medical services. For some primary care checkups, prisoners need to wait several weeks or months and have to bear transportation costs when accessing healthcare facilities.
- 81.** The Act on Compulsory Health Insurance was also not amended in 2019 in order to facilitate the conclusion of contracts for the provision of health care between doctors' offices and prisons. The shortage of doctors, especially psychiatrists, is particularly alarming.
- 82.** The lack of more intensive treatment or resocialization while serving time in prison and the lack of available jobs adjusted to the needs of prisoners remain a problem in most prisons.
- 83.** Literacy and primary education are still not systematically addressed, that is, they depend on the ability of an institution to provide conditions for education.

RIGHTS OF VICTIMS

- 84.** No significant progress has been made in the area of victims' rights protection during 2019. Some courts and state attorneys' offices do not recognize the need for a victim to be accompanied by a person of trust, and in the case of violations of victims' rights during the criminal proceedings, no sanctions have been imposed on judicial authorities,

nor has such a breach any impact on the outcome of the proceedings. In practice, the problem of realizing a claim for indemnification is still present, since it is almost never decided about it in criminal proceedings, but the injured parties are referred to the civil proceedings, and thereby exposed to repeated victimization and traumatization as well as additional financial costs.

- 85.** The lack of support and assistance for victims and witnesses remains a problem. Support and assistance systems for victims and witnesses of crime and misdemeanors are provided by court departments in county courts (seven of them), the Victims and Witnesses Support Service at the Ministry of Justice, and civil society organizations that provide assistance and support in areas where court departments are not established.
- 86.** It continues to be concerning that some courts do not recognize the victim's need to avoid visual contact with the perpetrator and that there is a lack of audio-video devices in some municipal courts. In addition, the insufficient number of professional associate staff continues to be of concern, which results in victims and children having to travel from one county to another for the purpose of testifying.
- 87.** The lack of separate rooms for victims and witnesses continues to be a problem in most courts where victims would wait for the beginning of hearing with the aim of reducing retraumatization after meeting with the defendant.
- 88.** Victims continue to be repeatedly questioned during the pre-trial and trial phase of criminal proceedings, although this should only happen in justified cases.
- 89.** Victims of crimes of bad financial status who are not victims of offenses against sexual freedom and trafficking as well as children are not entitled to a lawyer funded by the state. This puts them in the less favorable position with respect to persons who can finance a lawyer to represent their interests. On the other hand, an additional problem represents the assignment of representatives financed by the state

budget to the victims of offenses against sexual freedom, trafficking and children as victims. Namely, the existing system of assigning lawyers is ineffective, since victims of such crimes are often assigned to lawyers who do not have sufficient knowledge and experience in those areas.

90.

A particularly vulnerable category of victims are persons with disabilities who encounter numerous obstacles in the exercise of their rights in criminal proceedings. Even though the law provides for the possibility that persons who are unable to access the court due to their health status may be examined in their home or other place of residence, such a possibility is rarely used in practice.

91.

No significant progress has been made in 2019 in obtaining financial compensation for victims of criminal offenses, considering that the procedure is extremely restrictive and bureaucratic which makes it difficult to exercise the right to financial compensation. Namely, a large number of claims for financial compensation is rejected due to incomplete documentation which is why victims are often referred to initiate administrative proceedings, resulting in repeated victimization and exposure to additional financial burdens. In addition, the legal deadline of 6 months from the date of reporting the offense in which victims should submit a request is too short.

FREE LEGAL AID

92.

Even in 2019, a multi-annual funding for legal aid providers has not been secured. Although the overall funding for providing primary legal aid has increased, the maximum individual support amounts for providers have not been increased. This inadequacy in funding adversely affects the sustainability and quality of the provision of primary free legal aid services.

93.

Territorial coverage of free legal aid providers remains a problem because authorized primary legal aid providers exist only in 9 counties, while in the remaining 12 counties there are none or their operation is only occasional.

- 94.** Access to secondary legal aid is made difficult due to the fact that individual offices that bring decisions granting free legal aid do not designate a lawyer, but rather instruct the parties to do so themselves by selecting a lawyer from the list of secondary legal aid providers. The problem arises when lawyers from the list are unable to provide service due to business overload. In these cases, citizens are forced to search for lawyers on the list from major cities and then bear the travel expenses for a lawyer to attend the hearing, since the travel expenses are not reimbursed to the parties.
- 95.** Citizens remain to be insufficiently informed about the right to free legal aid, which affects the effective and timely exercise of this right.

JUVENILE JUSTICE ADMINISTRATION

- 96.** Amendments to the Juvenile Courts Act in 2019 transposed the Directive on Procedural Safeguards for Children who Are Suspects or Accused Persons in Criminal Proceedings, thereby strengthening the juveniles' procedural position. The new legal solution introduces the obligation to inform children who are suspects or accused persons about criminal proceedings as well as the rights they have in the proceedings, which includes informing them about the right to a lawyer throughout the proceedings, the right to privacy and conducting the individual assessment procedure. In addition, the obligation to inform the holders of parental responsibility about the rights of the minor was introduced, as well as the right to be accompanied by a parent, guardian or other appropriate person during all the procedural actions. With the exception of the Youth Department at the Zagreb Municipal Criminal Court, there are still no separate youth departments in other competent courts in Croatia that deal with children suspected or charged with criminal offenses.

- 97.** In 2019 a shortage of youth judges continues. It is worrying that even though the Juvenile Courts Act clearly stipulates that juvenile judges must have a certain 'inclinations towards upbringing, needs and benefits of the youth, and shall have basic knowledge of criminology, social pedagogy and social welfare for young persons', such criteria are not checked in practice. It is also worrying that once appointed juvenile judges are not obliged to attend additional training for working with children.
- 98.** There is a lack of child-friendly spaces for questioning of the children in the police, state attorneys' offices and courts, while the existing facilities are not adjusted to the specificities of child development. There is only one specialized institution for the protection of children and it is located in Zagreb.
- 99.** Although juveniles are most often sentenced to non-institutional correctional measures, special obligations and increased care and supervision for education and training purposes, cases of inappropriate execution of sanctions of juveniles are still present and they are not sufficiently individualized and adapted to the needs of each juvenile.
- 100.** Only in 1 percent of cases annually are juvenile prison sentences imposed. However, the problem of enforcement of pre-trial detention is still present. Namely, instead of legally prescribed closed prison institutions for youth, juveniles are placed in pre-trial detention in the nearest prison where the adult offenders serve their sentence. Juveniles in prisons are not provided with educational activities, psychosocial support and more frequent contact with family.
- 101.** In 2019, no special correctional institutions for children with certain psychological or psychiatric difficulties were established. The availability of child psychiatrists, psychologists and other health professionals is a key prerequisite for imposing adequate educational and health measures. The legislature still does not recognize such a vulnerable group of minors considering that they are automatically placed in a correctional facility in Turopolje.

- 102.** As in previous years, the use of diversion was noticed as an alternative measure to suspend or not initiate proceedings against minors. However, there is almost no such use in misdemeanor proceedings. Practice shows that misdemeanor judges most often impose sanctions to juveniles in the form of a judicial warning or a fine.
- 103.** In cases when a child is a victim of serious crime, the law clearly prescribes that children are interrogated in the presence of a professional through an audiovisual device. In practice, such interrogations are often conducted by persons who are not sufficiently educated to conduct a forensic interview of a child, especially in rural areas. Also, the interrogations should be performed only once and repeated only exceptionally. But the practice shows that the children as victims are still made to give their testimonies repeatedly, which is highly traumatic for them.
- 104.** Urgency of the procedure, both when the child is the perpetrator and the victim, is not actually carried out considering that some of the procedures last for several years.

Transitional Justice and Dealing with the Past

- 105.** Like in the past years, prosecution of war crimes is in stagnation. Instead of improving regional cooperation with the judiciary of the countries where persons accused of war crimes live, the number of trials in absence is increasing. Croatia continues to prosecute a small number of cases where members of Croatian military and law – enforcement units are suspects.
- 106.** The Act on the Rights of Civilian Victims of War, which would regulate the exercise of the right to reparation and necessary support, was not adopted in 2019 either. Victims of war crimes continue to face numerous problems. Only exceptionally they have access to redress mechanisms that are conditioned by the existence of final convicting judgements in criminal cases, which do not exist due to difficulties in processing war crimes.
- 107.** The identification of missing persons has not progressed significantly in 2019 either. According to the Ministry of Croatian Veterans, the fate of over 82 percent of missing persons has been resolved, but the fate of 1469 persons is still unknown as well as the burial site of the remains of 402 fatalities, which makes a total of 1871 unresolved cases.¹⁵ The identification process is still not effective, especially because of the extremely poor cooperation between the competent authorities of Croatia and Serbia.
- 108.** Throughout 2019, the trend of public appearances and statements by high state officials that deny and ignore judicially established facts has continued, and on the other hand the war efforts of persons convicted of war crimes

¹⁵ Ministry of Croatian Veterans, Persons Disappeared in the Homeland War. Available here: <https://branitelji.gov.hr/o-ministarstvu/djelokrug/mjere/nestale-osobe/nestale-osobe-u-domovinskom-ratu-834/834>.

are being glorified. The absence of public condemnation of such crimes favors the development of negative public discourse that ignores the pain and suffering of all victims. In addition, 2019 was marked by statements made by government officials that depict members of Serb national minority in an extremely offensive manner, clearly demonstrating intolerance against minorities.

109. Convicted war criminals remain the holders of the highest national medals of the Republic of Croatia, which contributes to the discourse of denying crimes committed and not respecting the ICTY's final judgments.

110. The curriculum for the history course for elementary schools and high schools, which has been running since 2019, is a step backwards as it does not foster a critical understanding of historical developments and multiperspectivity but rather promotes nationalist discourse. Instead of encouraging a critical examination of historical events, the curriculum supports identity-building on the narrative of Croatian heroism and sacrifice.

The Right to an Adequate Standard of Living

RIGHT TO FOOD

- 111.** The biggest obstacles to the realization of the right to food in 2019 are the excessive costs of food for a part of the population and a nutrition culture that negatively affects the health of individuals.
- 112.** Food is still not affordable for the part of the population. There is a visible trend of increasing consumer prices of food. Only in 2019 they increased in 1.9 percent with respect to a previous year, and due to the low purchasing power, the price increase puts additional burden on citizens and makes it difficult for them to access adequate nutrition and exercise their right of access to food.¹⁶ Every tenth citizen in Croatia is still unable to ensure a nutritionally quality meal every other day.
- 113.** Although food in Croatia is considered safe, nutrition culture is problematic. Consumption of food of insufficient quality is frequent which causes health problems. According to the latest data from the UN Food and Agriculture Organization, as many as 27.1 percent of Croatian citizens have obesity problems.¹⁷ There is a lack of data on the effectiveness of existing obesity prevention programs and other nutrition related health problems.

16 Eurostat. Food price monitoring tool. Available here: https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=prc_fsc_idx&lang=en

17 Food and Agriculture Organization of the United Nations, Faostat. Available here: <http://www.fao.org/faostat/en/#country/98>

RIGHT TO ADEQUATE HOUSING

- 114.** Croatia still has not systematically and strategically approached the right to adequate housing through a broad housing policy that is based on real needs for which there is no comprehensive data. Problems arise in the area of legal security of housing, affordability, habitability, availability and access to housing.
- 115.** Failure to sign a tenancy agreement puts tenants at a disadvantage because it deprives them of the right to use the housing space, prevents them from registering their residence, and impedes access to public services in the local community. Although estimates indicate that coverage by contracts has increased, the content of such contracts does not protect the tenants' rights, but the landlord's property. Deadlines for termination of the contract are unfavorable for the tenants, and there are no restrictions for termination. For example, the landlord's desire to increase the rental price may be the reason for the termination of the contract, which in the case when the tenant does not accept the requested price often leads to the termination of the contract without the tenant's fault. Data on this do not appear in official statistics. The only protection that tenants have is to file an urgent claim against obstruction of possession to a competent court.
- 116.** There is a trend of increasing the burden on the population with housing costs. The most vulnerable are citizens who pay rent at market prices, as 78.3 percent of them are burdened with housing costs, which jeopardizes the realization of other human rights. Apart from the tenants, 20 percent of the lowest-income population hardly pay for housing costs.¹⁸ While citizens have difficulties paying

¹⁸ Eurostat, Income living conditions. Available here: <https://ec.europa.eu/eurostat/web/income-and-living-conditions/data/database>

their housing costs, housing costs continue to rise. Rents have increased all over the country, most notably in Zagreb, where the average rental price has gone up 129 percent over the past two years.¹⁹ The absence of a housing policy that would provide easier access to housing and reduce the burden related to housing costs indicates that affordability problems will increase in the future.

117. No progress was made in improving housing conditions. Citizens have problems with the availability and affordability of adequate heating (7.7 percent of households), and 11.2 percent of them live in inadequate apartments and houses. In such spaces lives 10 percent of children. There is a lack of investment policies to improve housing conditions, and the lack of traffic regulation has led to the pollution of housing spaces by noise which encounter about 8 percent of households in Croatia.²⁰

118. Croatia lacks long-term rental apartments, especially in large cities and tourist centers. Short-term rent to tourists has a negative impact on the accessibility and the burden on citizens with respect to housing costs, as rents in tourist centers are increasing. The most vulnerable group are students who, in the absence of student dormitory facilities and subsidized housing, are forced to live in rented places, which increases their living expenses as well as living expenses of their family. The most vulnerable are students with poor economic conditions.

119. In 2019, the Act on State-Subsidised Housing Construction was amended. The interest rate has been reduced from 3 to 2 percent for the purchase of apartments in the program, and the sale or rental of social housing during a period of 10 years was prohibited, what is preventing misuse. Although the above legal changes are positive, due to the lack of housing from the program as a result of the reduction of construction, in 2019 this program did not contribute to the realization of the right to available housing.²¹

19 Ibid.

20 Ibid.

- 120.** The housing loan subsidy program continued in 2019, covering 4260 households.²² The program has contributed to 4 Slavonian counties that have a very low development index. Although it has made some contribution to the realization of the right of access to housing, the contribution remains modest, as the program remains inaccessible to persons of lower socioeconomic status.
- 121.** The most vulnerable groups in access to housing are homeless persons, protected tenants of lower socioeconomic status and elderly protected tenants.
- 122.** The ECtHR ruling in the Statileo case initiated changes to the Apartment Lease Act, according to which protected rents will reach market prices over a 5-year period, which are significantly higher than current protected rents. This is destructive for vulnerable groups of protected tenants such as the elderly and people with lower socioeconomic status. Although the Act allows protected tenants to have priority in the purchase of housing from the state – subsidised housing construction program and loan subsidy program, protected tenants at risk of poverty have no conditions for the purchase of apartments, and the quality of their alternative housing provided by the Act is questionable.

RIGHT TO SOCIAL PROTECTION

- 123.** There is a downward trend in the number of users of the guaranteed minimum benefit, which decreased by about 25 percent compared to 2016, but the number of its users still remains high. A guaranteed benefit in the amount of HRK 800 per month is insufficient to exercise basic human rights.

21 Act on Amendments to the Act on State-Subsidised Housing Construction (OG 66/19)

22 Ministry of Construction and Physical Planning, Subsidy of Housing Loans. Available here: <https://mgipu.gov.hr/o-ministarstvu-15/djelokrug/stanovanje-8130/subvencioniranje-stambenih-kredita-8253/8253>

- 124.** The national legislation does not recognize the measure of empowerment for leaving the social welfare system, which creates dependency of the beneficiaries on the system and leads to the perpetuation of poverty. Some institutions run empowerment programs for which there are no efficiency data. Also, the centers for social welfare lack the capacities to implement such programs.

HUMAN RIGHTS AND POVERTY

- 125.** A quarter of Croatia's population lives at risk of poverty, which is one of the biggest social problems and an obstacle to the realization of a range of human rights. Persons at risk of poverty are often people in single households (52.7 percent), people with primary education or without education (47.1 percent), persons who pay the rent at market prices (37.2 percent) and people living in rural areas (30.09 percent).
- 126.** There is a phenomenon of inheritance of poverty: children of lower-educated parents are more likely (64.1 percent) to remain in poverty. Although there has been a trend of decrease of poverty over the past few years, part of the population unable to exercise basic human rights is still too large²³.
- 127.** Income inequality remains at approximately the same level as in previous years, as measured by the Gini coefficient (0.29). An analysis of citizens' income points out to the role that social transfers and pensions play in reducing income inequality and monetary poverty, as well as the dependence on the social benefits system. There is a lack of more adequate policies that would empower persons with the lowest incomes to enter the labor market and create additional opportunities for the realization of basic human rights and the way out from poverty²⁴.

23 Eurostat, Income and living conditions. Available here: <https://ec.europa.eu/eurostat/web/income-and-living-conditions/data/database>

24 Ibid.

- 128.** The current Strategy for Combating Poverty and Social Exclusion has a number of shortcomings. The Strategy is not based on human rights in line with UN recommendations and does not focus on the realization of human rights related to poverty. Also, the part of the Strategy dealing with the prevention of poverty lists only areas where policies need to be developed, but does not list measures and performance indicators.

RIGHT TO DRINKING WATER

- 129.** The availability of drinking water in Croatia is satisfactory, but additional measures shall be taken in order to enable the water supply system accessibility in areas where access is unavailable or impeded.

- 130.** Water quality in Croatia is extremely high because 90 percent of drinking water comes from the underground and does not require additional treatment before being distributed to households. Some cases of drinking water pollution are caused by lack of awareness about sources of drinking water for households (such as a case from Solin, where pollution was caused by dumping construction waste into the Jadro river) or due to accidents (such as water pollution in Zagorje municipalities due to oil leaks from an overturned truck). Cases such as the one from Solin indicate the need to further raise awareness of the importance of safe treatment of drinking water sources and water supply systems.

- 131.** In 2019, a new Water Services Act introduced a series of guarantees to ensure economic access to water for citizens. Discrimination in the provision of water services is prohibited, and the social price of water services has been determined, including the water supply, drainage and wastewater treatment, which may not exceed 60 percent of the regular price. The Act guarantees the delivery of water for personal consumption in the amount of 50 liters per day per household member, even in the case of rightful delivery suspenses such as failure to pay a water services bill.

132. In 2019, the price of water services added up to 1.38 percent²⁵ of total net disposable income per capita, which meets the UN recommendation according to which the cost of water for personal consumption should not exceed 5 percent of disposable income.

133. Despite positive trends in the realization of the human right to drinking water, space for progress is visible in ensuring the availability of water services to households that do not have the access yet. Amendments to the water laws that allow sediment extraction from rivers are also worrying, since it has a negative impact on underground water level whose decrease could be a serious threat to the availability of drinking water in the future.

25 Ministry of Environment Protection and Energy, Council for Water Services, Response to the Access to information request, No.346-99-20-2.

Workers' and Trade Union Rights

RIGHT TO WORK

- 134.** At the end of 2019, the changes of the Terms and conditions for the use of funds for the implementation of active employment policy measures abolished certain measures, while with respect to other measures the allocation rates of financial resources were increased and the target groups were widened. Funding for compulsory traineeships is enabled for persons with less than 6 months of registered occupational record, thus enabling them full access to the market.
- 135.** The upward trend in the employment rate and the decrease in the unemployment rate on an annual basis continues. Employment continues to fluctuate throughout the year due to the seasonality of jobs in tourism and agriculture, which is attempted to be mitigated by measures such as the 'permanent seasonal worker' that was used by about 7800 people in 2019, which is 26 percent higher than the year before, contributing to ensuring conditions for security of workplaces.
- 136.** Precarious work in the European Union is the most prominent in Croatia out of all Member States. Precarious workers are those whose employment is unsure, who have lower wages and poor working conditions. 5.2 percent of workers²⁶ are employed part-time and 18.1 percent are fixed-term employees.²⁷ Among precarious workers, as many as 86.6 percent are unwillingly fixed-term workers, which is far above the EU average of 52.8 percent.²⁸ However, there are also positive developments detected in work transfers: 7 percent of part-time employees

26 European Commission, Country Report Croatia 2019 Including an In-Depth Review on the Prevention and Correction of Macroeconomic Imbalances. Available here: https://ec.europa.eu/info/sites/info/files/file_import/2019-european-semester-country-report-croatia_hr.pdf

27 Ibid.

28 Ibid.

have shifted to full – time employment, while 10 percent of fixed – term employees switched to permanent employment.

137.

Due to unsure contracts and short – term employment, precarious workers often do not have access to union organizing, thereby being deprived of their labor and trade union rights. Trends of globalization and technological advancement are causing the appearance of new forms of employment that have the characteristics of precarious work (such as freelancing).

138.

The abuse of fixed – tax small businesses registered as natural persons (paušalno obrtništvo) was detected, which was used as a substitute for permanent employment, which led to the specification of independent work in the amendments to the Income Tax Act passed in 2019. However, legal changes lead to legal uncertainty²⁹ for a group of self – employed flat – rate craftsmen because they give the state inspectors independence in making assessment about the concealment of permanent employment by fixed – tax small businesses registered as natural persons. The prescribed sanctions for concealed employment primarily affect employees as a more vulnerable group of the labor market and include the forced collection of contributions on salary and contributions from salary as well as income tax, that is all levies prescribed by applicable law as an obligation of the employer, and not the employee.

139.

Illegal work is increasing , which is evident from the data of the labor inspectorate, especially with respect to foreign workers. The rigid quota system and the lengthy process of obtaining work permits have an impact on the more often occurrence of illegal work. Illegal work prevents workers from accessing health and pension insurance, perpetuates poverty and threatens the enjoyment of other fundamental human rights. In 2019, a process of amending the Aliens Act was initiated with the aim to abolish the labor import quota system. A particularly vulnerable group with respect to illegal work are seekers of international protection.

29 Croatian Chamber of Trades and Crafts. Craftsmanship in Numbers. Available here: https://www.hok.hr/sites/default/files/page-docs/2020-03/Obrtni%C5%A1tvo_u%20brojkama_%20OUB_XII_2019.pdf

140. There are a number of obstacles to achieving a work–life balance. The biggest ones are related to unpredictable or demanding work schedules (by about 59 thousand workers), long commutes to work (by about 32 thousand workers), lack of support by the employer for ensuring work–life balance (by about 16 thousand workers) and a large number of working hours (by about 15 thousand workers).³⁰ Apart from the legal provisions regulating maternity and parental leave, measures of a proactive policy of balancing private and business life are lacking.

141. During 2019, amendments to the Maternity and Parental Assistance Act were initiated to regulate time and financial support for maternity and parental leave as well as the right to a breastfeeding break. Proposed legislative changes, such as addressing insufficient institutional support in the form of full–day kindergartens, more flexible start and end of working hours and reduced working hours in certain areas, as well as increasing the salary compensation base from 100 percent to 120 percent of the budget base monthly, represent a proactive step in balancing business and private life.

142. According to the Employment Flexibility Index, which measures the level of regulation of labor legislation in 41 EU Member States and the OECD, Croatia is positioned on the 34th place³¹. According to this indicator, Croatia has not yet recognized the diversification of workplaces and labor markets, as well as new forms of business models and employment, which hinders labor legislation and labor policies to implement measures that will improve job availability, market access, greater level of security and a better quality of work–life balance. Although it is among the most recent labor policies, the legislator has not yet paid sufficient attention to the balance between private and business life.

30 Eurostat, Employment and Unemployment. Available here: <https://ec.europa.eu/eurostat/web/lfs/data/database>

31 Lithuanian Free Market Institute, Employment Flexibility Index. Available here: <https://en.llri.lt/wp-content/uploads/2018/12/Employment-flexibility-index-2019.pdf>

RIGHT TO FAIR AND FAVORABLE WORKING CONDITIONS

143.

In 2019, the payroll tax relief continued. Amendments to the Income Tax Act from 2019 increased the non-taxable part of the income to HRK 4.000, while they lowered the income tax for persons under the age of 25 by 100 percent, and under the age of 30 by 50 percent, thereby contributing to an increase of income of young permanently employed persons and long-term workplace security. Although a positive measure, tax relief can neither be used by all young people nor during the same period, especially when it comes to young people who acquire tertiary educational qualifications and enter the labor market subsequently.

144.

Positive economic trends and negative demographic trends motivate employers to increase wages in order to retain their workforce. The average monthly gross salary per person employed in legal entities increased by nominally 3.8 percent³². Salary levels are regionally uneven, but differences are reducing³³. Croatia lags behind other EU Member States in wages growth rates. Despite the increase in the average wage, due to the high poverty rate in Croatia, the average wages of workers cannot be considered adequate.

145.

The year 2019 was marked by strikes in state-owned enterprises and in public legal entities. Workers of the shipyard Uljanik and 3. MAJ worked for months without paid salaries, and at the end of the year bankruptcies were initiated for both shipyards, leaving 4000 people without their jobs. Workers of Đuro Đaković company have protested on several occasions about delays in payment of

32 Croatian Bureau of Statistics, First Results. Available here: https://www.dzs.hr/Hrv/system/first_results.htm

33 Croatian Chamber of Economy, Salaries by Counties. Available here: <https://www.hgk.hr/documents/place-po-zupanijama-20195dd2a4a-c350e2.pdf>

wages. In Same Deutz Fahr Žetelnica from Županja and PZC Varaždin strikes were held due to low salaries and poor working conditions. Both strikes were declared illegal by the court³⁴.

146. Teaching and non-teaching staff went on strike in late 2019 and reached an agreement with the Government after 36 days, which was the longest strike in Croatian history. It was agreed to increase the coefficient of workplace complexity of the teaching staff in three stages, which ensured an increase in the net remuneration of the teaching staff.

147. The Labor Inspectorate has identified a number of injuries and deaths at work, mostly by workers in the manufacturing, waste water disposal, waste management and environmental sanitation activities.³⁵ Trade unions are warning about trends of increase in work-related injuries as well as fatal injuries. Such trends become more serious considering the absence of a comprehensive legal framework, as well as a work health and safety policy.

148. The case of murder of two employees of the Center for Social Welfare in Đakovo by users of the Center's services has led decision-makers to improve safety at work: law amendments granted the workers in the social sector a status of officials which ensured their physical protection, but this measure did not resolve the cause of insecurity of work of social workers.

34 Novi List Newspaper, Banned Strike of Members of Independent Road Trade Union in PZC Varaždin. Available here: <http://novilist.hr/Vijesti/Hrvatska/Zabranjen-strajk-clanova-Nezavisnog-cestarskog-sindikata-u-PZC-u-Varazdin>

35 Croatian Institute for Public Health, Analysis of Occupational Injuries. Available here: <http://www.hzzzs.hr/wp-content/uploads/2019/06/Analiza-ozljeda-na-radu-za-2018..pdf>

Right to Health

RIGHT TO ACCESS HEALTH INSTITUTIONS, GOODS AND SERVICES

- 149.** Life expectancy is 78 years, with the most common cause of death being stroke and ischemic heart disease. Lower educated men live 5.2 years shorter than highly educated ones. Mortality related to diabetes, chronic lung disease and cancer is increasing. About 39 percent of the population estimate their health as not good, while among the poor population more than half estimate their health as such. Risks affecting mortality are dietary risks (26 percent), smoking (20 percent), alcohol (7 percent), and insufficient physical activity (3 percent)³⁶.
- 150.** Access to health services remains on an unsatisfactory level. Health facilities are unevenly represented at the regional level. Most of them are in Zagreb and its surroundings, and islands and rural areas lack health facilities and services. Some counties lack family medicine practitioners, which is why the existing ones work overtime³⁷. The quality of health care provision is not measured, and there is no publicly available data on the actual performance of healthcare facilities.
- 151.** In 2019, compulsory health insurance is available to everyone, while supplemental health insurance is paid directly by citizens, and it covers the cost of hospital stay, visits to primary care practitioners, as well as the costs of prescribed outpatient medications. Exempt from payment of supplemental insurance are vulnerable population groups such as children, pupils, students, people with disabilities, people with lower socioeconomic status, people being

36 OECD/European Observatory on Health Systems and Policies, State of Health in the EU: Country Profile Croatia. Available here: <https://www.oecd.org/countries/croatia/croatia-country-health-profile-2019-b63e8c9f-en.htm>

37 Ibid.

treated for certain illnesses such as chronic mental health disorders, infertility, prenatal care and alike.

152.

Waiting lists for individual specialist examinations continue to be a major public health system problem, which is why some patients pay for examinations in private institutions. In 2019, a system of priority lists was introduced according to which all patients suspected of suffering from malignant diseases should be examined within 3 days. Such a system represents a significant improvement in access to health care services as it contributes to the timely detection of malignant diseases and allows for adequate treatment.

TREATMENT OF MALIGNANT DISEASES

153.

In 2019, Croatia has not yet adopted a national program for fight against cancer, thereby lacking comprehensive prevention programs. The fact that malignant diseases are detected through routine examinations in only 6 percent of cases, and most often they are detected in case when patients seek medical help themselves due to having difficulties (in 72 percent of cases), indicates that existing programs are not effective enough. Every fourth patient waits for an oncological examination for about a month, while every second patient gets their first oncological examination within a week. Although the treatment of malignant diseases is assessed as good, the lack of comprehensive prevention programs remains a major obstacle to prevention and facilitating early interventions, which would increase the chances of successful treatment.

154.

There is no oncological network of institutions and protocol or referral of patients through the healthcare system from suspicion of diagnosis until the end of treatment. Access to oncology services remains territorially unequal due to the unequal availability of healthcare facilities and medical staff. Access to treatment and its effectiveness are further hampered by the lack of capacity to perform radiotherapy

for oncologic patients, and patients are often inadequately informed about treatment because of communication problems with doctors. The Croatian Health Insurance Fund determines the list of medicines that are prescribed to patients, and often punishes doctors for prescribing more expensive medicines, which prevents specialists from quality treatment of patients.

MENTAL HEALTH

- 155.** Mental health disorders are the fourth most common health problem in Croatia after cardiovascular and malignant diseases and injuries. Hospital treatment for mental health disorders ranks first in terms of number of hospitalization days. The most common mental health disorders are depression, alcohol-induced disorders and anxiety disorders³⁸. Of particular concern is the increase of depressive disorders, which will, according to the World Health Organization estimation, become the second most common health problem by 2020.
- 156.** The overall picture of mental health indicates widespread stigmatization of persons with mental health disorders and the absence of their prevention. Stigmatization often leads to social isolation and discrimination against individuals, and people suffering from mental health disorders live approximately 15 to 20 years shorter than anticipated life expectancy.
- 157.** Because of the lack of a national mental health protection strategy, there is a lack of implementation of destigmatization programs, informing on mental health as well as prevention programs. There is also a lack of outpatient treatment programs, such as forms of community-based mental health care, which is contrary to WHO recommendations. For the implementation of prevention and intervention programs such as quality parenting or the acquisition of emotional and social skills, there is a shortage of professional staff.

38 Croatian Institute of Public Health, Mental Disorders in Croatia. Available here: <https://www.hzjz.hr/periodicne-publikacije/39269/>

Financial Lending and Right to Protection of Property

- 158.** There were no significant changes in the right to property protection and financial lending compared to the previous year. The number of blockages compared to 2018 has decreased for about 20 percent, but enforcement procedures for the seizure of financial assets according to enforcement law remain a major problem as they involve a large number of households.
- 159.** Persons in blockages due to the seizure of their funds have major obstacles in the realization of basic human rights, such as the right to housing, food, etc. In this regard, the situation has slightly improved in 2019 by applying new legislation and introducing certain incomes that are not subject to seizure.
- 160.** The positive unblocking trends of 2018 have stopped because a third of the unblocked citizens have re-entered the blockage after several months. The ongoing problem remains the enforcement based on a credible document, which could also be an extract from the financial records, and which has the same value as a blank promissory note.
- 161.** Consequences of blockages and long-term blockages of citizens' accounts and seizure of funds prevents citizens from exercising their basic social and economic rights. Enforcements over financial assets burden household budgets to the extent that they prevent the exercise of right to food, right to housing and other rights. Particularly concerning is the fact that long-term blockages cause the growth of illegal work and poverty.
- 162.** Despite years of changes in legislation related to enforcement over financial assets, there is still a lack of programs and measures for enforcement prevention such as finan-

cial literacy development or home budget management programs, as well as legal solutions that would make it easier to understand contract obligations in the moment of signing, especially when it comes to service contracts with telecom operators which have a significant share in claims.

Right to Access to Culture

- 163.** Not even in 2019 was a national cultural strategy adopted. Cultural strategies or strategies for the development of culture in certain Croatian cities have in recent years been developed incoherently. Implementation of the National Reading Incentive Strategy adopted in 2017 did not even begin in 2019.
- 164.** In 2019, problems with access to cultural goods and services were identified. Citizen participation in cultural activities is at a low level. As many as 75 percent of citizens do not go to the cinema, 73 percent do not attend performances, while 80 percent do not visit cultural sites. Persons with lower educational attainment and citizens with the lowest net available income have the lowest access to culture. The most common reasons for not participating in cultural life are lack of interest, followed by the unavailability of cultural content and financial barriers³⁹.
- 165.** Access to culture is difficult outside major cities because of the lack of cultural institutions and places for access to culture, as well as programs which would popularize cultural events and places. Cultural and natural goods are often used in the context of tourism, which negatively affects their affordability.

39 Eurostat, Population and Living Conditions. Available here: <https://ec.europa.eu/eurostat/web/income-and-living-conditions/data/database>

Human Rights and the Environment

- 166.** At the beginning of 2019, the Croatian Agency for Environment and Nature ceased to operate after it was annexed to the Ministry of Environmental Protection and Energy, thus abolishing the independent institution in charge of the protection of nature and natural resources in the interest of all citizens. The Agency has played a key role in environmental procedures, in particular in the appropriate assessment procedure for nature, which is one of the most important nature protection mechanisms in the EU and thus in Croatia.
- 167.** In 2019, no measures were taken to effectively prevent environmental damage. Among the biggest environmental threats are the pollution of the Adriatic Sea and amendments to the Waters Act. The state has not implemented adequate measures to reduce pollution of the Adriatic Sea, which directly undermines the stability of marine ecosystems and poses a threat to the sustainable use of the sea as a food source, but also as a stable tool in combating climate changes.
- 168.** Amendments to the Waters Act adopted in 2019 allow sediment extraction from rivers, which directly affects groundwater levels. Such legislative amendment poses a threat to the future availability of drinking water, as well as to the ability of agricultural areas to naturally defend themselves from drought, thereby jeopardizing the right to access to adequate and quality food.
- 169.** Croatia is not sufficiently engaged in cross-border cooperation with neighboring countries for the purpose of environmental protection. Outdated thermal power plants in the Western Balkans countries remain operational, which is affecting the environment and human health in Croatia and other EU countries. Of particular concern is the lack of communication with Bosnia and Herzegovina regarding the disposal of toxic waste in the border municipality Dvor which could have serious consequences for the population of both countries. The process of selecting the location and

method of disposal of nuclear waste was conducted in a non-transparent manner and there was no communication with the local community.

170. Waste management remains a problem in Croatia. EU funds available to set up a sustainable waste management system are not being used. Most existing landfills are unsustainable, illegal and dangerous for the local population. In areas where waste separation initiatives have been started, there is a problem of insufficient investment in informing the population. Amendments were made to the Waste Regulation, which defines the payment of waste collection by households irrespective of the number of household members, thereby unfairly burdening the household budgets of single-member households that are already at increased risk of poverty in relation to multi-member households.

171. Transport remains an unresolved problem in the context of environmental protection. The draft National Climate and Energy Plan does not envisage measures for the decarbonisation of road, maritime and air transport without which it is not possible to implement measures to reduce carbon dioxide emissions and create a safe and healthy environment as a precondition for quality of life. In 2019, Croatia has neither undertaken nor planned any significant steps aimed at reducing greenhouse gases.

172. The announcement of changes to the General Urbanistic Plan of the City of Zagreb, which reduces green spaces in the city at the expense of new infrastructure has caused great concern and revolt of citizens. The announced project of Zagreb Manhattan is of particular concern because of the announced construction on the area right next to the Sava river that would devastate the area of the hippodrome and the Zagreb Fair. In addition to environmental damage, the project would also devastate the historic value of individual pavilions at the Zagreb Fair. Of particular concern is the fact that the proposal for changes to the General Urbanistic Plan also included measures such as lifting the ban on the construction of new public garages in the center of Zagreb, which would increase car traffic on already congested city roads.

Education and Human Rights

- 173.** The overall quality of education in Croatia still represents a challenge. According to World Economic Forum indicators, the quality of education in Croatia ranks 112th out of 137. The average grade given by young people to the quality of education in Croatia is 3.2.⁴⁰ Also, PISA tests show that students in Croatia with respect to reading, mathematics and science literacy had lower results than the OECD average.⁴¹
- 174.** The quality of education is also adversely affected by too low number of hours of classes in primary and secondary schools, outdated or inadequate school infrastructure, lack of equipment for work, but also the lack of staff in specialist services of schools, as well as the lack of staff in early and pre-school education and the lack of teachers for certain subjects.⁴² The number of teaching hours, and thus the quality of education, is influenced by the work of schools in shifts – 822 schools in Croatia work in two shifts, 14 of them in three shifts, and 21 schools do not work in shifts but continuously throughout the day.⁴³
- 175.** In 2019, the salaries of teachers are lower than the average salary of persons with tertiary education, which is why at the beginning of the 2019/2020 school year a strike was initiated by school employees dissatisfied with the coefficient level of the complexity of their workplace. After part of the increase was implemented, the rest of the increase in the coefficient of the complexity of workplace

40 Gvozdanović, et al. Research on Youth in Croatia 2018/2019. Available here: https://www.fes-croatia.org/fileadmin/user_upload/FES_JS_KROA-TIEN_CROAT_WEB.pdf

41 OECD, Croatia - Country note - Results of PISA Research 2018. Available here: https://mk0pisancvvoqpcow453.kinstacdn.com/wp-content/uploads/2019/12/PISA2018_bilje%C5%A1ka-o-Hrvatskoj.pdf

42 European Commission, Education and Training Monitor for 2019: Croatia. Available here: https://ec.europa.eu/education/sites/education/files/document-library-docs/et-monitor-report-2019-croatia_hr.pdf

43 Ibid.

for school employees will occur in the next period through which, after a long time, it will be more financially invested in education workers as the main carriers of changes in the education system, whom the quality of education is dependent on.

- 176.** Also in 2019, there are differences in the availability of education, especially between developed urban areas and less developed rural areas. Some smaller towns and rural areas lack organized transport to schools. Students living in rural, unconnected places also find it difficult to access some extracurricular activities. These circumstances affect school success and vertical mobility across educational settings.
- 177.** By covering the costs of textbooks to all elementary school students in 2019 from the state budget, a progress in the availability of education has been made.
- 178.** As in previous years, the early school leaving rate in Croatia is very low. However, the difference in this rate between students without disabilities and students with disabilities is one of the largest in the EU.⁴⁴
- 179.** The participation rate in early and pre-school education for children from the age of four to the beginning of compulsory education in Croatia is among the lower in the EU. Access to pre-school education is adversely affected by a lack of staff and infrastructure, and large inequalities in accessibility occur because the local government is almost exclusively responsible for financing early and pre-school education. Due to this funding system, there are major regional differences and the availability and quality of pre-school education is significantly lower in poorer regions.⁴⁵
- 180.** Vocational schools have introduced the experimental implementation of dual education, leaving students in four (salesman, beautician, chimney-sweeper and glassmaker) occupations with only 20 percent of general education

44 Ibid.

45 Ibid.

subjects, and subjects such as history, biology and physics have been excluded from the program.

181. During 2019 there was an ongoing debate on the adoption of the new Scientific Activity and Higher Education Act, but nonetheless the final version of the new act was not presented and put to public discussion.

182. In the area of lifelong learning, Croatia is achieving poor results and is below the EU average in the percentage of adult participation in lifelong learning. Also, the level of digital skills is low⁴⁶, which significantly affects further educational chances of individuals and development of competencies, and thus their employability.

183. Due to the education results in Croatia that are below the EU average, especially in early and pre-school education, basic skills, higher education, adult education and the relevance of vocational education, the Council of the European Union made a specific recommendation to Croatia in 2019 to reform the education system and improve access to education and training at all levels as well as their quality and relevance for the labor market.⁴⁷

184. In September 2019, a 'School for Life' was introduced in all schools, which was presented as a reform of the education system. However, the problems with the introduction of the 'School for Life' are numerous—from problems in the supply of materials and equipment to insufficient investment in the education and preparation of teachers. The major part of this intervention in education is the change of curriculum, the introduction of cross-curriculum topics, and the modernization of teaching methods and preparation of equipment related to the transition to better use

46 Ibid

47 European Commission, Recommendation for a Council recommendation on the 2019 National Reform Programme of Croatia and delivering a Council opinion on the 2019 Convergence Programme of Croatia. Available here: <https://op.europa.eu/en/publication-detail/-/publication-n/52508716-8849-11e9-9369-01aa75ed71a1/language-hr>

of digital content in teaching. It is therefore of concern to introduce and present the 'School for Life' as a comprehensive reform of the education system, while it does not include complete changes, such as uniformity of the school infrastructure standard, ensuring teaching in one shift, extended stay, meals, teaching assistants as well as ensuring equal access and quality education for all.

CIVIC EDUCATION AND HEALTH EDUCATION

- 185.** Although numerous national surveys continue to indicate low competence of children and youth in civic, media and political literacy, and despite recommendations by international bodies for Croatia to introduce Civic Education in all schools, in 2019 Civic Education was still not a priority in the reform of the education system, that is it still has not been introduced in schools in a systematic and quality manner.
- 186.** With the introduction of the 'School for Life' in 2019, Civic Education remains a cross-curriculum topic in all primary and secondary schools along with 6 other cross-curriculum topics. Implementing Civic Education as a cross-curriculum topic does not provide sufficient time in the curriculum for the quality development of civic competences of students. In addition, compared to the previous version, the Civic Education curriculum has been narrowed down from 6 dimensions to 3 domains.
- 187.** The insufficient and unclear correlation of the subjects' curricula with the curriculum for the cross-curriculum topic of Civic Education is worrying, as well as the deficiencies in the content and conceptual framework of the Civic Education curriculum, which does not begin from the citizen as a subject and from civil rights and responsibilities. Such an approach calls into question the achievement of a quality learning outcome for democratic citizenship and human rights.

- 188.** Also, the lack of defining the evaluation of achievement for Civic Education will make it difficult to effectively monitor its implementation, that is, to determine the extent to which the conduct of cross-curriculum topic really contributes to the civic competences of the students.
- 189.** In 2019, no ESF call was launched aimed at strengthening the capacity of civil society organizations to implement civic education programs, although it has been announced several times in the past three years. In this way, the implementation of Civic Education is further weakened and its implementation in the field of non-formal education is hindered, thus further depriving young people of key human rights knowledge and skills needed for informed and responsible functioning in contemporary society.
- 190.** A new curriculum for the cross-curriculum topic Health has been adopted, in which the medicalisation of sexuality prevails as well as a conservative approach to addressing the topic of sexuality and reproductive health. The new proposal does not mention gender stereotypes, gender equality, LGBTIQ topics, issues of respect for diversity and tolerance of sexual minorities or promotion of positive attitudes towards sexuality. From the aspect of providing young people with accurate and scientifically based information on contraception, of particular concern is the proposal to integrate the topic of the importance of responsible sexual behavior and the use of protection, among other things, into the teaching of religious education, considering that the church's position on mechanical and chemical methods of contraception is generally known.
- 191.** The entry into force of this curriculum repeals Health Education introduced in 2012. It remains unclear on the basis of which arguments the current Health Education is terminated because there is no publicly available information on the implementation and monitoring of the implementation of Health Education in schools over the last six years.

VULNERABLE GROUPS

Women's Rights

- 192.** On the Gender Equality Index for 2019 made by the European Institute for Gender Equality, Croatia ranked 22nd with 55.6 points among all EU Member States and below the EU average which is 67.4 points.⁴⁸
- 193.** The worst result was recorded in the area of social power indicators where Croatia has only 34.8 out of possible 100 points. The data on the participation of women in political life are devastating: only 21.8 percent are Government ministers, 18.9 percent members of Parliament, and only 26.5 percent are county assembly members.⁴⁹
- 194.** The situation in the economic life segment is even worse, with Croatia recording the lowest 19.8 points. Only 20.5 percent of women participate in the management structures of the largest companies in Croatia.⁵⁰

GENDER – BASED VIOLENCE AND DOMESTIC VIOLENCE

- 195.** Due to increased social awareness of gender – based and domestic violence and pressure on decision – makers, but also because of the ratification of the Istanbul Convention, in 2019 the Criminal Code and the Act on Protection against Domestic Violence were amended.
- 196.** Amendments to the Criminal Code deleted the criminal offence of sexual intercourse without consent (which now qual-

48 European Institute for Gender Equality, 2019 Gender Equality Index - Croatia. Available here: <https://eige.europa.eu/gender-equality-index/2019/HR>

49 European Institute for Gender Equality, Power Indicators in Croatia. Available here: <https://eige.europa.eu/gender-equality-index/2019/domain/power/HR>

50 Ibid.

ifies as rape), and the prescribed penalties for rape as well as for the offense of domestic violence were made stricter.

- 197.** Also in 2019 there is an increase in violent criminal offenses towards close persons, while the increase in femicide is particularly worrying.
- 198.** Despite the entry into force of the Act on Protection against Domestic Violence⁵¹ in 2018, which transposed the Victims' Rights Directive, thereby strengthening their procedural position, the need to revise certain legal solutions led to changes to the Act in 2019 in order to determine a clearer criterion of the distinction between a domestic violence misdemeanour and a domestic violence criminal offense. Thus, physical violence is now defined as the use of physical force not resulting in physical injury. Also, the circle of persons whom the Act is applied to has been expanded so that it includes all relatives in affinity up to the second degree and the penalties for perpetrators of domestic violence misdemeanours have become stricter.
- 199.** Despite the obligations arising from the Istanbul Convention, there are still not enough crisis centers for victims of sexual violence which would ensure medical and forensic checkups, support and counseling of victims with respect to experienced trauma.
- 200.** In 2019, a new Protocol on Procedure in Case of Domestic Violence was adopted, which primarily recognizes domestic violence as a social problem and only after that as a private and family problem. Although the aim of adopting the new Protocol was to align with the international normative framework, above all the Istanbul Convention which is directly applicable to intimate partner relationships, intimate partner relationships remain unrecognized.
- 201.** Also in 2019, individual victim needs assessments were not conducted in misdemeanor proceedings in domestic violence cases. The Croatian misdemeanor system does

51 Act on Protection against Domestic Violence (OG 70/17)

not explicitly state this obligation even though it arises from the Victims' Rights Directive. Aggravating circumstances for conducting individual victim needs assessments are also insufficient number and territorial distribution of victim and witness support departments and the lack of such departments in the misdemeanour courts.

202.

In accordance with the law, civil society organizations, together with the competent authorities (including social welfare centers, health and educational institutions as well as all professionals who come in contact with victims of violence), are obliged to report the violence that they learned of in the course of doing their jobs to either the police or the State Attorney's Office. Such legal provision is problematic on a number of levels with respect to those civil society organizations that provide legal and/or psychological assistance to victims of domestic violence and which are running shelters for victims of violence and their children, as this discourages victims from reporting violence and breaks the circle of trust that victims have towards civil society organizations.

203.

Throughout 2019, civil society organizations have warned of discrepancies between the number of reported cases of domestic violence and actual figures. Many cases of violence remain unreported due to fear of repeated victimization, revenge of the perpetrators, and lack of trust in the support and assistance of competent institutions.

204.

As in previous years, the problem of double arrest and misdemeanor punishment of the victim and the perpetrator is still present. Police still do not distinguish between the perpetrator of the violence as the primary aggressor and the victim.

205.

The uneven treatment of competent institutions in cases of gender-based violence and domestic violence also in 2019 represents a fundamental problem in the systematic fight against violence. Of particular concern is the social welfare centers' treatment in the parental care proceedings in which the perpetrator of violence and victim are treated equally. This problem is further expressed in court

decisions on parental care in which the victim and the perpetrator are fully equalized in their parenting competencies, even in cases where one of the parents has committed violence to a detriment of the minor child.

- 206.** The problem of lack of sensibility and qualification of judicial, police and other experts to deal with victims of violence (which often leads to secondary victimization of the victim during the proceedings) is still present. There is no interdisciplinary approach to combating gender-based violence and domestic violence, which would include cross-sectoral cooperation in dealing with victims of violence and quality prevention education programs.
- 207.** Although the legislator recognized the importance of the right to a person of trust, in 2019 there was no significant use of this right in practice, leaving victims alone in proceedings that are highly traumatizing for them.
- 208.** The victim is entitled to a lawyer in the proceedings, but not on the expense of the state budget, but only to the lawyer that the victim hires at his/her own expense. It should be pointed out that victims of violence in misdemeanor proceedings cannot exercise their right to the assistance of a lawyer through the system of free legal aid, since it covers exclusively civil and administrative proceedings. Also, the free legal aid provided by the Croatian Bar Association is provided only to socially disadvantaged persons and victims of the Homeland War in legal matters in which these persons exercise rights related to their position. Nevertheless, victims may exercise the right to legal counsel on the expense of budgetary funds if this right is determined by an individual assessment. However, bearing in mind that in most cases an individual assessment, on the basis of which the need for assistance is estimated, is not carried out in misdemeanor proceedings, it is evident that in practice the victim will be unable to exercise this right.
- 209.** Although the law provides for the possibility of avoiding contact between the victim and the perpetrator on the premises of the court or the police whenever it is possible,

victims of domestic violence in misdemeanor proceedings are still being interrogated in front of the perpetrators.

- 210.** No national hotline has been established in Croatia in 2019 to provide 24/7 information and support to women victims of domestic and gender-based violence.
- 211.** Public sources funding for the work of civil society organizations providing support and assistance services for women victims of violence remains insufficient.
- 212.** Although the Government has initiated the opening of 6 new shelters for victims of domestic violence in counties where no shelters exist, such shelters were not opened during 2019. The problem of the geographical distribution of the shelters as well as the problem of stable and sustainable financing from public sources is still present. Although the Victims' Rights Directive stipulates that access to support and assistance services should not be subject to any formal reporting, a large number of safe houses still insist on reporting violence to the competent authorities as a prerequisite for admission to shelter because of the funding arrangements conditioned by the state.

REPRODUCTIVE RIGHTS, PREGNANCY AND MOTHERHOOD

- 213.** Not even in 2019 did the Government do enough to protect women's reproductive health. Lack of health education in schools, lack of an action plan for reproductive health (which would, among other things, suppress obstetric violence and regulate maternity ward conditions) and insufficient availability of contraceptives and abortions are significant barriers to creating a positive and respectful approach to sexuality, preserving reproductive health and achieving gender equality.

- 214.** Although the right of a woman to terminate her pregnancy is governed by the Act on Health Measures to Exercise the Right to Freely Decide on Childbirth, abortion remains inaccessible to women for several reasons. Namely, misuse of conscientious objections and increasing refusal to provide medical care to women seeking abortions by doctors, as well as inadequate state regulation of medical interventions related to induced termination of pregnancy, and high and uneven abortion rates limit the availability of abortion to women. Since the beginning of the year, a key combination of medicines for abortion has been available in all hospitals, and although it is a reliable, cheaper and non – invasive method, medication abortion is still not available in many hospitals.
- 215.** Out of the 27 hospitals in Croatia where pregnancy can be terminated, there are hospitals where all gynecologists refuse to terminate pregnancy on request, such as the Sveti Duh Hospital in Zagreb, hospitals in Vinkovci, Našice, Požega and Virovitica.
- 216.** Although in case of a conscientious objection the hospital should engage another doctor or, in case there is no other doctor within the hospital, engage an external practitioner to perform the procedure, this is often not the case in practice.
- 217.** The shortage of gynecologists and gynecological teams remains a problem in 2019. More than 50 gynecological teams are lacking throughout Croatia, and the most concerning situation is in Zadar County. There is still the problem of the maximum number of patients that a gynecologist can receive, which reaches up to 9000 patients, although gynecologists warn that this number should be a maximum of 4200 patients per gynecologist.
- 218.** Women's reproductive health is further threatened by inappropriate conditions in maternity wards and obstetric violence and, despite its longstanding persistence, the 'Stop the Silence' movement has not yet succeeded in inducing the Government to take concrete measures to protect maternity rights and dignity.

- 219.** In 2019, work has not yet begun on the development of an action plan for women’s reproductive rights, the importance of which has been indicated by civil society organizations and international human rights bodies for several years.
- 220.** The European Parliamentary Forum (EPF) has published the Contraception Atlas⁵² – a graphical and statistical overview of national policies regarding the availability of contraceptives, according to which Croatia achieved a total score of 57.9 percent. Thereby it is ranked in the lower European average, which suggests that there is a significant room for improvement in policies that serve to protect reproductive health and ensure the availability of information and counseling services in the area of family planning.
- 221.** Although an amendment to the Act on Medically Assisted Fertilization was announced, the changes still did not occur. Thus, there is still a lack of egg cells and semen banks, which can be crucial for the treatment of individual couples.
- 222.** It remains concerning that patients’ requests to stop storing frozen embryos remain unprocessed and unanswered, so these embryos continue to be stored without patients’ consent. Therefore, in the case of divorce or death of one of the spouses, the partners are not able to dispose with or decide on their biological material.
- 223.** In order to avoid the possibility of excessive embryos, mildly stimulated and unstimulated ‘in vitro fertilization’ procedures are being done in Croatia precisely to avoid the possibility of excessive embryos, which leads to a decrease in the efficiency of the procedures and thus subjects women to suboptimal treatment with very poor results.

52 European Parliamentary Forum on Sexual and Reproductive Rights (EPF), Contraception Atlas 2019. Available here: <https://www.contraceptioninfo.eu/node/72>

WOMEN ON THE LABOUR MARKET

- 224.** In 2019, the percentage of employed women is still lower than men – 45.8 percent of women are employed in relation to men, who make up 54.2 percent of the employed population.⁵³ Gender inequality regarding income continues to increase, and women are underrepresented in leadership positions.
- 225.** The difference in salary between women and men in Croatia is smaller than the European average. However, unlike the EU where there is a downward trend in the pay gap, the pay gap has been steadily increasing in Croatia since 2010.⁵⁴ By accumulating various forms of discrimination against women, a difference in pensions arises. Namely, women continue to find employment more difficult and they work in lower-paid sectors, they work on average more hours per week than men (including unpaid domestic and family care work), they have more work interruptions due to maternity and parental leave, and they are promoted slower and less frequently than men.
- 226.** The pension gap between women and men in Croatia is 21.6 percent. According to the Croatian Pension Insurance Institute, in 2019 for the first time women received higher average pensions than men. The reason is recognition of pensionable service for each born or adopted child. This acknowledges at the institutional level the unpaid and often invisible work that women traditionally do in the private sphere. Although this measure applies equally to women and men using maternity leave, it did not contribute to

53 Croatian Bureau for Statistics, Women and Men in Croatia, 2019. Available here: https://www.dzs.hr/Hrv_Eng/menandwomen/men_and_women_2019.pdf

54 European Commission, The Gender Pay Gap Situation in the EU. Available here: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/equal-pay/gender-pay-gap-situation-eu_en

striking a balance between the private and business life of women and men.

227. Discrimination in employment is still present. There are still frequent cases where due to pregnancy or childcare women are exposed to dismissal, degradation, lack of promotion or the employer refuses to hire them because they have young children. The problem of current demographic measures at national and local levels (e.g. parent caregiver) puts women at even bigger disadvantage in the labor market because women are forced to choose between family and business life. An additional problem is the lack of kindergarten space and nursing homes, which often causes women to quit their jobs in order to care for children or elderly family members.

228. The only national program to integrate women over the age of 54 into the labor market is still the 'Wish' program, which trains unemployed women for the occupation of geronto housewives with minimal remuneration. The state thereby receives the much needed care service for senior citizens, but with the problem of low remuneration there are no measures to ensure the sustainability of this form of work.

Children's Rights

- 229.** In 2019, no report was adopted on the implementation of the measures foreseen in the Action Plan for the Implementation of the National Strategy for the Rights of the Child for the Period 2014–2020.
- 230.** Over 20 percent of children in Croatia live at risk of poverty and social exclusion⁵⁵, and the most vulnerable groups are children of unemployed parents and children in multi-member families.
- 231.** In rural and geographically dislocated areas, the problem of lack of professionals providing support and assistance to children (doctors, pedagogues, speech therapists, rehabilitators and others) is still present. In addition, children in these areas also have difficult access to other social services, from access to kindergartens and schools to access to leisure activities.

FOSTER CARE AND ADOPTION SYSTEM

- 232.** The adoption process of children continues to be hampered by the slow work of courts and social welfare centers. In early 2019, there were approximately 450 children with conditions for adoption in the care system, and in the whole of 2019, only 85 children were adopted. There are approximately 1400 potential adopters in the registers of adopters, out of which nearly 70 percent have been registered for more than three years.⁵⁶

55 Eurostat, EU Children at Risk of Poverty or Social Exclusion. Available here: <https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/DDN-20200305-1>

56 Adopta, Poor and Slow Work of Social Welfare and Judiciary Deprives Children from the System of their Right to a Family. Available here: <https://www.adopta.hr/component/content/article/99-unaprjedenje-praksa-u-podrucju-skrbi-za-djecu/440-zastrasujuce-upozorenje-adopte-losim-i-sporim-radom-socijalne-skrbi-i-pravosuda-djeci-iz-sustava-se-uskracuje-pravo-na-obitelj.html?Itemid=101>

- 233.** The adoption process is lengthy also in 2019, and the adopters' support system is not developed, which leads to children staying in the system for several years without adequate parental care. Children who wait a long time to obtain the conditions for their adoption often exceed the optimal age for adoption and thus find it more difficult to find a family. The existing mechanisms for fostering child adoption are not used, such as the Protocol on Adoption Procedure from 2016 and the anonymized profiles of children who fulfill the prerequisites for adoption.
- 234.** The problem of adoption of children from multi-member families and children with various forms of health problems remains. The state still does not provide any support for adoptive parents in such cases.
- 235.** In 2019, no amendments to the Family Act were introduced to allow children adopted before the entry into force of the Family Act from 2015 to change their Personal Identification Number (OIB), which is possible only for children adopted after the amendments from 2015.
- 236.** Neither in 2019 were Maternity and Parental Support Act amendments adopted which would allow adoptive parents who adopt a child over the age of eight to have parental leave for the same duration as adoptive parents who have adopted a child under the age of eight.
- 237.** Although Croatia is a signatory to the Hague Convention on the Adoption of Children, according to which it is obliged in cases of child adoption from other countries to determine whether children are the subject of child trafficking, this is not the case in practice. Namely, courts in Croatia automatically recognize adoption certificates from countries that are not signatories to the Hague Convention without verifying that the prerequisites for the adoption have been met.
- 238.** With the entry into force of the Foster Care Act in 2019, foster care benefits have been increased. Although this has led to the registration of new foster families, their numbers in certain areas remain insufficient. Numerous

problems are still present within the foster care system, which results in a lack of motivation for citizens to become foster parents. There is no clear system for monitoring the quality of foster care or a system for monitoring the developmental, educational and upbringing needs of children in the care system.

239. During 2019, the number of children placed in social welfare institutions has increased. No child with physical or mental disabilities or behavioral problems was placed in a specialized foster family, even though this is foreseen by the Foster Care Act.

240. In 2019, a case of rejection of a foster care request of a same-sex couple by a social welfare center indicated the ambiguity of the Foster Care Act. Therefore, the potential foster parents faced unnecessary administrative burden and litigation processes which burdened and prolonged the foster care process.

241. The problem of insufficient informing of children who are separated from a biological family and placed in a foster family is still a common problem, and their needs and wishes are not taken into account.

242. The education system is still not sufficiently sensitized to children in the social welfare system, which includes adopted children. School textbooks stereotypically represent the notion of family, which leads to stigmatization of adopted children and children in the care system.

VIOLENCE AGAINST CHILDREN AND ITS PREVENTION

- 243.** In 2019, bullying is still present in the school environment. Non-reporting of violence and underdeveloped awareness of violence against children and peer violence remains a major problem. In Croatia, 18 percent of students say that they have been victims of peer violence at least several times a month.⁵⁷ Peer violence on the Internet and social networks is constantly rising.
- 244.** Children are exposed to online violence from the earliest age, and there is still a lack of adequate response, a systematic approach to preventing cyberbullying and the existence of prevention programs in schools.
- 245.** Also in 2019, there is a lack of sufficient financial support for children counseling helplines. There is only one helpline for children whose funding has not been systematically addressed, which makes the accessibility of the service more difficult.
- 246.** Although, according to legal regulations, the school is responsible for the violence that occurs at and in the vicinity of school, while the principal, teachers and professional associates are obliged to prevent and stop any form of violence, we witness that in some cases persons responsible to respond disregard multiple reports of peer violence.

57 OECD, Croatia - Country note - Results from PISA Research 2018. Available here: https://mk0pisanvvcvocpw453.kinstacdn.com/wp-content/uploads/2019/12/PISA2018_bilje%C5%A1ka-o-Hrvatskoj.pdf

The Rights of Elderly Persons

- 247.** Data on rising poverty of the elderly persons are worrying. The poverty risk rate for persons over 65 in 2019 amounts to high 28.6 percent, which means that almost every third retired person is at risk of poverty. For singles at that age, the risk rate is as high as 47.8 percent.⁵⁸
- 248.** In addition, the fact that Croatia has a high suicide rate of persons over 65 is worrying. The suicide rate for people over the age of 65 in 2018 was 30.7/100.000 which is significantly higher than the European average.⁵⁹
- 249.** In 2019, there are more and more cases of neglect of elderly persons, as well as their physical and mental abuse. There is an increase in the number of people over 60 who are victims of computer fraud, criminal offenses against personal liberty, criminal and misdemeanor domestic violence cases and offenses of abandonment of a family member in a situation of distress.⁶⁰ Also, it is assumed that the number of elderly persons who are victims of crimes is even higher due to non – reporting and non – recognition of the offenses.
- 250.** Economic violence against the elderly is also worrying – abuse of lifelong support contracts, contracts for support until death and other forms of failure to provide care and material security for elderly persons.

58 Croatian Bureau of Statistics, Indicators of Poverty and Social Exclusion in 2018. Available here: https://www.dzs.hr/Hrv_Eng/publication/2019/14-01-01_01_2019.htm

59 Croatian Institute for Public Health, Committed Suicides in Croatia, 2019. Available here: <https://www.hzjz.hr/aktualnosti/izvrstena-samoubojstva-u-hrvatskoj-2019/>

60 Syndicate of Croatian Pensioners, Elderly as an Easy Target. Available here: <https://www.suh.hr/index.php/fb/1959-stariji-kao-laka-meta>

- 251.** Family nursing homes and foster care are lacking education of care providers and regular supervision, as well as oversight over service providers. In nursing homes co-financed from the state budget, the problems are non-transparent waiting lists, uneven admission criteria and nursing home prices.
- 252.** According to demographic indicators, Croatia is one of the countries with a very high proportion of the old population. Due to the steadily increasing share of the elderly population and the prolongation of life expectancy, health care of elderly persons represents a growing challenge, especially in the field of mental health.
- 253.** The inaccessibility of health and social services, the distance of institutions and the inadequacy of public transport continue to be daily issues of residents of rural areas, which particularly affect the elderly.

The Rights of Persons with Disabilities

- 254.** In 2019, a significant obstacle to the exercise of the rights of persons with disabilities in Croatia was the lack of information and unambiguity of guaranteed rights due to the large number of regulations governing this area.
- 255.** Public awareness campaigns are of insufficient scope and are carried out mainly by organizations of persons with disabilities. There is no public campaign by institutions and other stakeholders to raise awareness about persons with disabilities as holders of all human rights, and there is a lack of education of public bodies and professionals about the rights of persons with disabilities.⁶¹
- 256.** The collection of information on persons with disabilities is not properly conducted. There is a mismatch of data on persons with disabilities among multiple systems in which they appear as beneficiaries and there is no adequate exchange of information across sectors.
- 257.** The accessibility of necessary services to persons with disabilities remains insufficient and there are large differences in accessibility between urban and rural areas. The quality and accessibility of services for persons with disabilities are not equal but depend on the cause of the disability, and the same situation applies to other rights that are defined depending on the cause of disability.
- 258.** Systematic problems include lack of quality diagnostics and unavailability of early intervention, and the concept of independent living in the community is burdened with numerous problems such as lack of social services, un-

61 SOIH, Alternative report presented from a coalition of associations of persons with disabilities prior to the adoption by the Committee on the Rights of Persons with Disabilities of the list of issues relating to Croatia, Submission to the UN Committee on the Rights of Persons with Disabilities within the framework of the 2nd, 3rd and 4th review of Croatia

regulated issue of personal assistants, unavailability and inadequacy of public transport, which hinder its implementation in practice.

- 259.** The Plan for Deinstitutionalization, Transformation and Prevention of Institutionalization 2018–2020 has not made significant progress in increasing the number of persons leaving institutions. There is still the occurrence that persons with physical disabilities who do not receive sufficient hours of personal assistance go to institutions.⁶²
- 260.** The concept of reasonable accommodation is included only in the Anti-Discrimination Act and the Employment and Professional Rehabilitation of Persons with Disabilities Act, and in many cases it is not well understood as an effective tool for the personal autonomy of persons with disabilities.⁶³
- 261.** A register of children with neurological risks has not been established. The number of children with developmental disadvantages is on the rise, which indicates the need for early interdisciplinary intervention that is currently not comprehensive, equally widespread and accessible.⁶⁴
- 262.** The main barrier to inclusion for persons with disabilities is the inaccessibility of many amenities. Although newer facilities are generally adapted, there is no strategy for planning the adaptation of existing facilities, especially those where the institutions of interest to persons with disabilities are located. A big problem remains the unsuitability and lack of accessibility of public transportation to persons with disabilities.
- 263.** The use of the wrong terminology related to persons with disabilities is still present in the media and in the legislation, thereby being transposed into other regulations, and despite constant indication about this problem, it has still not been resolved.

62 Ibid.

63 Ibid.

64 Ibid.

- 264.** Civil society organizations for persons with disabilities have taken over the role of social services providers so the advocacy work and funding of advocacy activities of organizations of persons with disabilities are being largely neglected. The potential for further development of organizations in this field is considerably limited given the fact that project opportunities and budgetary allocations do not have a component of development, advocacy, research, policy analysis or transfer of good practices.
- 265.** Discrimination against persons with disabilities is still present in all aspects of social life. Some of the rights are accessible to persons with disabilities only if they are recognized as persons with disabilities before the age of 65. In addition, persons with disabilities are underrepresented in all state and local government bodies and public institutions. Access to employment is difficult for persons with disabilities and their work potential is largely unused.⁶⁵
- 266.** Despite numerous regulations aimed at making the electoral process accessible to persons with disabilities, this has not yet been fully accomplished considering that polling stations are architecturally inaccessible and election materials are not fully adapted to all types of impairments of persons with disabilities.⁶⁶ The voting system is still not adapted to persons with intellectual disabilities, which considerably hinders their exercise of civil and political rights.
- 267.** In relation to access to health, the problem is the lack of health care available to children and adults with disabilities, and the quality of provided health care is uneven. The problem is the lack of experts, as well as the lack of knowledge of health personnel about the specific characteristics of the conditions of persons with disabilities. Persons with disabilities are systematically confronted with the denial of the right to health equipment, lack of information and inability to make decisions about their own treatment.

⁶⁵ Ibid.

⁶⁶ Ibid.

268. In 2019, a protest was held by parents caregivers who due to low benefits live on the edge of poverty, which existentially endangers them and their children with disabilities. Parents caregivers and caregivers receive a social security benefit of HRK 2500, they are not entitled to sick leave, and in the event of death of the child, the parent caregiver loses all the rights on the same day.

269. The provision of access to cultural, touristic and sports activities to persons with disabilities is insufficient, periodic and largely funded through projects. To a large extent, access to cultural material, television programs, movies, theaters and other cultural places or services is not provided in practice.⁶⁷

RIGHTS OF PERSONS WITH SENSORY IMPAIRMENTS

270. The problem of communication between healthcare staff with deaf–blind persons is still present and the needs of the deaf–blind are often ignored, they are denied the right to services, as well as to full information about their medical condition or course of treatment. Medical staff are insufficiently acquainted with the role of translator for the deaf–blind persons, and the role of institutional support is still often taken over by civil society organizations.

271. Audio description of television programs or television programs with the Croatian sign language are offered only on specific dates, and participation in many cultural activities is extremely difficult due to the inaccessibility of buildings, materials, activities and lack of support for transport, accompaniment and alike.

67 Ibid.

- 272.** Audiovisual media services are not fully accessible to persons with disabilities, especially the deaf, blind, partially sighted and deaf–blind. The introduction of more subtitles for the deaf, hard of hearing and deaf–blind, audio descriptions for the blind and translation to sign language in all types of TV content in Croatia would be in line with the Audiovisual Media Services Directive adopted by the European Parliament in 2018, which includes mandatory provisions on the accessibility for persons with disabilities.⁶⁸
- 273.** Funding for translators for the deaf, hard of hearing and deaf–blind persons is not secured, which results in their continuous shortage. Project based financing of specific and quality services such as escorts for the blind and visually impaired persons and intervenors and translators for the deaf–blind continues to prevent continuity of services. The problem of lack of legislation that would at national level regulate the status of translators for deaf–blind persons in educational institutions has not yet been resolved.

RIGHTS OF PERSONS WITH AUTISM

- 274.** Croatia still lacks an adequate legislative framework to regulate minimum services for enabling equal opportunities for all persons with autism, and the lack of a unique intersectoral expert body to allow persons with autism to enter the health and social welfare system is problematic. Problems in the field of support for persons with autism are still lack of necessary services, large differences in the availability of services, lack of quality diagnostics, unavailability of early intervention and lack of adaptation of the healthcare system.
- 275.** Croatia is currently lagging far behind the rest of the EU with respect to early intervention, which denies many

68 Ibid.

persons the right to support and assistance in development. In 2019, the Commission for Early Intervention in Childhood was established, which should make a complete plan for the systematic introduction of early intervention. A similar initiative by competent institutions to encourage early diagnosis and early intervention for children with autism spectrum disorders already existed in 2014, which indicates that, due to the slowness of the system, over a five-year period a significant number of children missed the opportunity for quick early intervention which defines the life of an individual and opens up chances for a somewhat independent life in the future.

276.

In 2019, the Office for Early Intervention of the Zadar Caritas, which provided services for early support to parents and children with autism until the age of 3 in the area of Zadar and its surroundings, was shut down, leaving them only with the option of unaffordable counseling and early support in a private arrangement. After the initial sharp reaction from the public and the Alliance of Autism Associations of Croatia, commendable is the reaction of the Government and local government which covered the costs of early intervention in private practices in Zadar until the opening of the new cabinet.

277.

Comprehensive and sustainable support for persons with autism is continuously missing during the early intervention period and after the age of 21 when they are almost entirely dependent on parental care. Educational institutions continue to differ in the degree of openness and adaptation for integration of persons with autism, which is largely dependent on the individual engagement of school principals and staff, thereby indicating a lack of a standardized and uniform system.

RIGHTS OF PERSONS WITH INTELLECTUAL DIFFICULTIES

- 278.** The main problems in the field of the rights of persons with intellectual and mental difficulties continue to be related to the system of deprivation of legal capacity, which directly results with the inability to exercise civil and political rights, the non-transparent management of their property, the inability to choose social services providers and the permanent admission of adults to foster care facilities.
- 279.** Non-transparent management of the property of persons deprived of legal capacity which is managed by their guardians remains a problem, especially in the case of higher value assets. People with intellectual difficulties are often unaware of the existence of their own property and are not able to choose a social services provider, and the social welfare center does not respect their will or freedom of choice.
- 280.** Contrary to the UN Convention on the Rights of Persons with Disabilities, the foster care system in Croatia in addition to children applies to adults as well. Foster care for adults with intellectual difficulties should be used as a temporary solution, but in the Croatian system it is permanent and it represents the cheapest form of accommodation which is often carried out in poor and inadequate conditions.

The Rights of LGBTIQ Persons

- 281.** In 2019, prejudice against LGBTIQ persons continue to be omnipresent, as indicated by preliminary research findings on the experience of discrimination, hate crime and violence against LGBTIQ persons in Croatia. As many as 36 percent of LGBTIQ persons out of fear of discrimination or violence adapt their behavior in their own home. Of particular concern is that 61 percent of LGBTIQ persons due to fear adapt their behavior in public spaces.⁶⁹ Civil society organizations are constantly warning about the rise of hate speech against LGBTIQ on the Internet and on social networks.
- 282.** The prosecution of hate crimes against LGBTIQ persons in 2019 was also marked with the omissions of the police and the State Attorney's Office in conducting an effective investigation, primarily in recognizing homophobic or transphobic motives as motives for committing crimes. Violence data are alarming and show that as many as 64 percent of persons surveyed experienced some form of violence based on sexual orientation, gender identity, gender expression, and/or sexual characteristics.⁷⁰
- 283.** The problem of harassment and peer violence in schools against LGBTIQ students because of their sexual orientation and/or gender identity was a significant problem in 2019 as well. Data show that as many as 37 percent of LGBTIQ persons adjusted their behavior during school time.⁷¹ There is no adequate psychosocial support system in schools to encourage students exposed to harassment to report it. Violence additionally remains unreported due

69 Zagreb Pride, Preliminary results of the Zagreb Pride field research: Getting out of Silence in Croatia Still Marked by Fear of Violence and Discrimination. Available here: <http://www.zagreb-pride.net/hr/preliminarni-rezultati-terenskog-istrazivanja-zagreb-pridea-izlazak-iz-tisine-u-hrvat-skoj-i-dalje-obiljezen-strahom-od-nasilja-i-diskriminacije/>

70 Ibid.

71 Ibid.

to students' fear of the homophobic reaction of the person to whom the violence would be reported, as well as the possibility of teachers informing their parents and other persons about it which would actually forcibly 'out' them.

284.

Also in 2019 access to health services for transgender persons has not been adequately addressed. Namely, gender adjustment interventions are still considered as aesthetic interventions so the costs of the medical procedure are not covered by health insurance. Therefore, the transition process must be covered at their own expense. The cost of mastectomy was subsidized by the Croatian Health Insurance Fund until 2017, which was then abolished without justification or change in legislation.

285.

There is still no medical team in Croatia that would perform surgery of phalloplasty and vaginoplasty, which is why it is still not possible to perform a medical gender transition in Croatia. Transgender persons must perform medical procedure in neighboring countries with extremely high medical costs.

286.

In addition, gender adjustment operation is preceded by a diagnosis of gender identity disorder, which is contrary to the right to self-determination and a new WHO classification of diseases and related health problems adopted in 2019. By this classification, all trans identities are removed from the list of mental disorders while transgenderism qualifies as a condition, and not a disorder. Although the deadline for implementation of this classification is the end of 2021, preparations on the national level have not started during 2019.

287.

Even in the context of change of gender, there have been no changes in 2019. Lack of promptness in changing sex designation in birth registers remains a problem. The National Health Council, which issues a final opinion on 'sex reassignment' or 'life in another gender identity', on the basis of which indication of sex in birth registers changes, is extremely slow. There are a number of cases where the National Health Council's opinion is pending for more than

6 months, although the deadline for issuing the opinion is one month. This makes it difficult to exercise status and other rights.

- 288.** Despite the Ministry of Science and Education's guidance from 2018 on issuing diplomas and certificates to persons who have changed gender and processed that change in their birth records, transgender persons have faced discrimination also in 2019, since the processing of their application to issue a document often depends on a discretionary decision of school, university or college.
- 289.** At the end of 2019, the Administrative Court issued a significant and important decision affirming that same-sex couples must be legally treated equally as heterosexual couples in child fostering proceedings in accordance with the case law of the European Court of Human Rights. This decision obliges social welfare centers to provide access to foster care to persons in a life partnership under equal terms.
- 290.** The access to adoption of children was not granted to life partners in 2019.
- 291.** Not even in 2019 have the provisions of the Medically Assisted Insemination Act been changed, according to which lesbian couples are not entitled to this procedure. They are directly discriminated against by such provisions and therefore opt for insemination in their own arrangement or abroad.

The Rights of the Homeless

- 292.** The National Strategy for Combating Poverty and Social Exclusion does not prescribe adequate measures to suppress the existing and prevent the future homelessness, and there is no action plan for combating and preventing homelessness. The existing rights that homeless persons have are clearly defined, but they are interpreted differently on local level, from the accommodation in shelters to the form of financial benefits they receive.
- 293.** The legal definition of a homeless person is incomplete because it does not cover persons living in inadequate living spaces. The legal definition does not take into account secondary and tertiary forms of homelessness. The lack of an adequate legal definition of homelessness obstructs the creation of prevention policies.
- 294.** Homeless persons continue to have problems in exercising their right of residence. Although they can report their place of residence at the place of lodging or the relevant social welfare center, the application process is still difficult due to the low responsiveness of the institutions. Without registration of residence, the homeless are unable to access a large number of public services, and the realization of health care is the most worrying one.
- 295.** In 2019, there are 13 homeless shelters and accommodations in Croatia that cumulatively offer about 450 beds, which is way below current needs. Meal centers and social supermarkets that help the homeless exercise their right to food are not systematically regulated and are often the result of initiatives by civil society organizations, and not structural national policies.
- 296.** Due to the shortcomings of national policy, measures targeting particularly vulnerable groups such as persons with mental health disorders, elderly persons, persons in

the system of international protection and youth leaving alternative care are also missing. There is no prevention of the homelessness of these vulnerable groups.

297. There is a lack of strengthening programs for the homeless, such as the ability to use public works repeatedly, as well as a lack of support for the education and supervision of expert workers working directly with the homeless.

298. Although the competent ministry implemented funding for programs aimed at homelessness prevention in the past year, no adequate impact assessment of these programs can be done due to poor legal solutions and the absence of proactive policies to combat and prevent homelessness.

The Rights of Refugees

ACCESS TO THE RIGHT TO INTERNATIONAL PROTECTION

- 299.** In 2019, the asylum –granting policy in Croatia was even more restrictive than in 2018. Out of the total of 1986 applications for international protection in 2019, only 157 asylums and one subsidiary protection were approved.⁷²
- 300.** Many irregularities continue to be present in the asylum granting procedure, from superficiality and selectivity in processing data from the statements of applicants for protection to providing information about the course of the procedure, which are still only in Croatian and thus not understandable to asylum seekers.
- 301.** Although the number of cases in which the Security Intelligence Agency (SIA) has identified asylum seekers as a security threat without justification has been reduced in 2019, this bad practice is still present. This effectively prevents asylum seekers from being represented in appeal proceedings and violates their right to a fair trial.
- 302.** There is still a problem of ensuring quality translation in procedures for granting international protection, from ignorance and misunderstanding of cultural and social characteristics to the lack of translators for particular languages and dialects.
- 303.** In 2019, there were no changes to the Ordinance on Stay at the Aliens Reception Center. Namely, according to the existing provisions, a lawyer and a human rights defender may be denied the possibility to visit an asylum seeker due to misconduct. Such a broad and vague definition of the

72 Ministry of Interior, Statistical indicators of persons granted international protection in the Republic of Croatia until 31.12.2019. Available here: <https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-tra-zitelji-medjunarodne-zastite/283234>

possibility of a ban leaves a wide space for interpretation and, thereby, abuse.

304.

Although the Protocol for Treatment of Unaccompanied Children was adopted in 2018, its implementation in 2019 was not satisfactory. The unaccompanied minor migrants protection system is not based on the principle of protecting the best interest of the child and has serious problems that hinder the social integration of children. Minors are placed in homes for children without adequate parental care and homes for upbringing of children and youth where they do not have access to education, are not provided with translation and individual support, and are often left on their own. In addition, children are thus retraumatized and labeled as problematic which is not based on facts because they represent a vulnerable group, and not children with behavioral problems.

ACCESS TO CROATIAN TERRITORY AND ILLEGAL PUSHBACKS

305.

In 2019, 255 cases of illegal and violent expulsions along the border with BiH and Serbia were recorded, with clear indications of torture, cruel, inhuman and degrading treatment by Croatian authorities towards refugees and migrants. Cases of disproportionate use of physical force and abusive use of electric discharge weapons have been reported, as well as psychological violence, humiliation, threats and cases of police brutality.⁷³

306.

In addition, there were cases of use of firearms and migrants being wounded by firearms while attempting to cross the state border with Slovenia in the Gorski Kotar area.

73 Border Violence Monitoring Network, Torture and Cruel, Inhuman, or Degrading Treatment of Refugees and Migrants in Croatia in 2019. Available here: <https://www.borderviolence.eu/new-report-on-cases-of-torture-of-asylum-seekers-by-croatian-authorities-at-eu-external-borders/#-more-14133>

THE PROCESS AND ASPECTS OF INTEGRATION INTO SOCIETY

- 307.** During 2019, despite the legal obligation, public Croatian language courses have not been held. Organizations that carry out activities for integration of people who came to Croatia in the frame of resettlement quotas provided language courses to persons who have been resettled to Croatia.
- 308.** In 2019 as well, there was no significant acceleration in the procedures for granting international protection. They are still slow and time consuming and they make the integration of foreigners into society more difficult. The financial support received by asylum seekers accommodated in shelters in Kutina and Zagreb did not increase in 2019 and still amounts to HRK 100, which is not enough to cover basic living needs.
- 309.** In 2019, the redesign of the Porin Shelter has somewhat improved the living conditions of persons residing there and awaiting the decision on their request for international protection. Also, there has been no increase in the social allowance for singles, which remains at the minimum of HRK 800 and is not sufficient to cover basic living needs.
- 310.** Access to the healthcare system is difficult for both international protection seekers and persons who already received it. In 2019, no bureaucratic barriers were removed and no significant steps were taken in education and awareness-raising in order to enable persons under international protection access to the healthcare system under the same conditions as for Croatian citizens, to which they are entitled according to the law. For asylum seekers, the right to health protection remains limited to the right of access to emergency medical care, which particularly endangers the health of mothers, infants and children.
- 311.** The problem of protecting the mental health of asylum seekers and persons under international protection contin-

ues. In 2019, a system of psychosocial support for persons with war and other related traumas was not established.

312.

Also, there has been no progress in facilitating access to education. In 2019, children of asylum seekers were not entitled to attend kindergarten, but only one year of pre – school education. Administrative barriers are still present, ranging from delays in issuing personal identification number (OIB) to the absence of customized teaching materials and textbooks, which make it difficult for children to enroll in appropriate school grades.

313.

Access to higher education in Croatia for persons under international protection was difficult in 2019 as well. Persons under international protection may still enroll in studies either as foreigners, which implies the payment of high tuition fees for which they have no financial possibilities, or as Croatian nationals, which is conditioned by obtaining a state graduation exam that they are unable to pass due to lack of knowledge of the Croatian language. Nostrification of diplomas and recognition of foreign educational qualifications is expensive and difficult.

314.

Not even in 2019 has there been a significant progress in access to the labor market for asylees and persons under international protection who, along with the absence of a certificate of acquired educational qualifications, also lack sufficient knowledge of the Croatian language in order to exercise their right to work.

The Rights of National Minorities

- 315.** In 2019 there has been no significant progress in the implementation of the Constitutional Act on the Rights of National Minorities, and its implementation is hampered mainly by the lack of adequate sanctions for non-compliance with the provisions of the Act.
- 316.** In 2019, the Government still did not draft and submit for parliamentary procedure amended Act on the Official Use of Language and Script of National Minorities, which directly violates the Constitutional Court's decision and prevents the exercise of the rights of national minorities to the official and equal use of their language and script in the area of Vukovar.

ROMA NATIONAL MINORITY

- 317.** The implementation of the National Strategy for Roma Inclusion has been made more difficult by the yearlong delay in adopting the new action plan for its implementation since the previous one expired in 2015. The Action Plan for 2019–2020 was adopted in 2019, and most local and regional self-government units with Roma population have not adopted or are not implementing local action plans for implementation of the Strategy in their respective areas.
- 318.** There is a low number of civil society organizations dealing with the rights of different groups within the Roma population, such as LGBTIQ, youth and women. There is a lack of targeted funding, capacity-building and systematic support for these organizations, which results in dependence on political factors and insufficient participation of these groups in social and political life.

- 319.** In 2019, a protest named 'I Want a Normal Life' was held in Čakovec, in which protest organizers brought the Roma national minority into the context of violating citizens' security and national security. The Union of Roma in the Republic of Croatia 'KALI SARA' has decided to organize a counter protest to warn of the inappropriateness and inaccuracy of such generalizations, but the City of Čakovec did not approve the use of public space for this public gathering and peaceful protest, which prevented the exercise of the right to public assembly for members of the Roma national minority.
- 320.** Members of the Roma national minority continue to face numerous obstacles in the exercise of their rights, especially with respect to employment and access to social services, and many Roma continue to live in inadequate living conditions.
- 321.** The data on still present Roma segregation in the education system and lack of quality control of education in segregated classes are worrying. The more permissive education criteria applied in classes with the majority of Roma students result in a disparity in general knowledge, which contributes to creating a discouraging environment for the continuation of education of Roma.
- 322.** Many Roma children could not attend the preschool program because the local self-government did not provide them with transport to institutions with preschool programs.
- 323.** The City of Zagreb's decision⁷⁴ stipulates that Roma should have a permanent residence in the Zagreb area for five years in a row in order to be eligible to apply for a scholarship for pupils and students, while for other groups of citizens this period is either three years or one year.

74 City of Zagreb, Decision on the City of Zagreb scholarship for pupils and students belonging to the Roma national minority. Official Journal of the City of Zagreb 11/18.

324. The Counties of Međimurje and Varaždin have been proposing for a long time to introduce the option of food vouchers for members of the Roma national minority instead of the guaranteed minimum benefit prescribed by the Social Welfare Act, in order to control its purpose – specific spending. However, this measure would further stigmatize Roma and exclude them as a separate group of citizens instead of encouraging their employment and integration.

SERBIAN NATIONAL MINORITY

325. Statements in the media and on social networks specifically targeting the Serbian national minority continue to worry, as they are characterized by ethnic intolerance, hate speech, discriminatory speech and historical revisionism.

326. In 2019, cases of hate crimes against Serbs committed in Split, in Uzdolje near Knin and in Supetar on Brač are of particular concern. In addition to indicating ethnic intolerance against Serbs in Croatia, the lack of condemnation of violence by a part of state officials and a part of the public is particularly worrying in these cases.

327. In mid – 2019, the Constitutional Court brought a decision on the use of language and script of national minorities which, among others, ordered the delivery of all materials for the sessions of the Vukovar city council in the Serbian language and script, as well as that the texts on stamps, decisions and other materials should be of the same size in Latin and Cyrillic script.

328. Even though 21 municipalities and cities in Croatia are legally required to officially use the language and script of the Serbian minority, this obligation is practically neglected. In most cases, there are no signs in the Serbian language and Cyrillic script on institutions and on signs indicating names of settlements; there are no forms and materials for public administration in the language of that minority either.

- 329.** There is still a problem of slow registration and re-registration of minority schools in which classes are taught under the model A. Registration and permits for such schools are continuously delayed, and the Ministry of Science and Education is not active in this regard. Public financing of textbooks and other educational material for programs in minority languages and scripts is insufficient. There are no educational materials available for specific school subjects, while most teachers do not have didactic manuals and educational resources.
- 330.** In 2019 no progress was made in realization of the right to reparation for members of the Serbian national minority who are war crime victims, including symbolic reparations. Commemorating and putting up memorials, of which only few have been erected, is problematic, as such memorials have been to a greater or lesser extent destroyed or damaged by unknown perpetrators.
- 331.** Many Serb returnees are still unable to exercise their property rights, conduct succession proceedings, exercise ownership and adjust land registers and cadastre conditions, which is why their property remains exposed to usurpation and devastation.



HUMAN
RIGHTS
HOUSE
ZAGREB