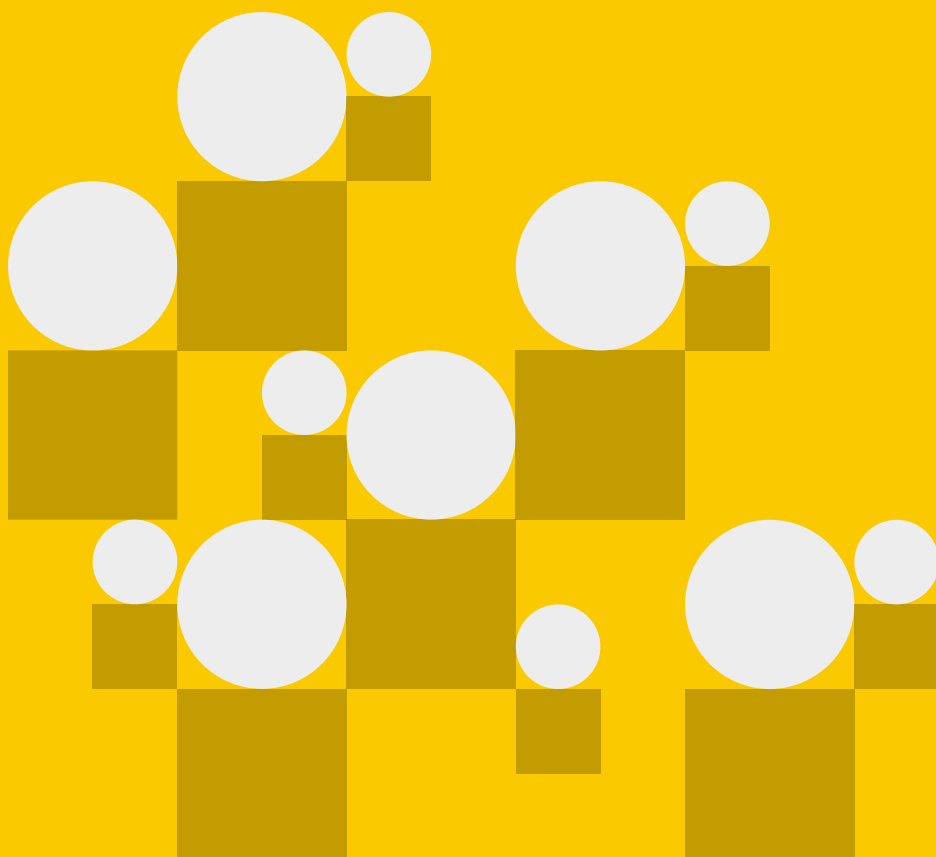


HUMAN RIGHTS IN CROATIA



**Human Rights
in Croatia:**
Overview of 2020

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



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Introduction

- 01.** Human Rights in Croatia: Overview of 2020 is Human Rights House Zagreb's report that provides insight into violations, problems and challenges in the area of protection and promotion of human rights in Croatia.
- 02.** This report is the result of systematic, year-long monitoring and data collection from the media and relevant stakeholders from civil society and the academic community engaged in human rights issues. Although comprehensive, this report does not cover all human rights violations and issues that took place in the course of 2020 but those recorded through the work of Human Rights House Zagreb and the civil society organizations that contributed to the creation of this report.
- 03.** We would hereby like to thank the civil society organizations and individuals whose insights helped us draft this report: Adopta, Are You Syrious, 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, CERANEO – Centre for Development of Non-Profit Organizations, CESI – Center for Education, Counselling and Research, Clubture, Documenta – Center for Dealing with the Past, Eko Zadar, Forum for Freedom in Education, GONG, Croatian Law Centre, Croatian Association of Deafblind Persons 'Dodir', Croatian Journalists' Association, Youth Initiative for Human Rights, Coalition of Associations in Healthcare, Kulturtreger, LORI, Pensioners' Institute of the City of Zagreb, Croatian Youth Network, Politiscope, Right to the City, Parents in Action – RODA, Roma Youth Organisation of Croatia, Roma National Council, Alliance of Autism Associations of Croatia, Croatian Pensioners Union, SOS Children's Village Croatia, Serb National Council, Association Svitanje, Trans Aid, Association MoSt, Association of Youth and Family Judges and Specialists, Victims and Witnesses Support Association, Association for Self-Advocacy, Association Children First,

Zagreb Pride, Friends of the Earth Croatia, Women's Room and doc. dr. sc. Zoran Burić 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 the report dedicated to women's human rights.

Methodology

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

Social, Economic and Political Context

- 08.** Last year was marked by the outbreak and spread of the COVID-19 epidemic and two devastating earthquakes that hit central Croatia, particularly Zagreb and Banija. The significant material damage caused by these events was evident instantly, but their consequences for human rights, especially socio-economic rights, will be felt for years to come.
- 09.** Both globally and in Croatia, last year was a year of unprecedented crises and human rights restrictions that had not been witnessed by democratic societies since World War II. Restrictions on movement, bans on public gatherings, shutdowns of stores, restaurants and restrictions on social, economic and sports activities, mandatory self-isolation and quarantine, wearing masks and minimizing social contact, among other restrictive measures, have changed people's daily lives and forced society and the state into crisis functioning.
- 10.** Despite exceptional circumstances, Croatia did not declare a state of emergency. Instead, the declaration of the epidemic was followed by subsequent introductions of legislative interventions that expanded the powers of the National Civil Protection Headquarters of the Republic of Croatia, allowing it to adopt decisions restricting fundamental human rights. The Headquarters' decisions were mostly proportional, with the exception of the decision on Sunday working for stores declared unconstitutional by the Constitutional Court, and the decision imposing an absolute and collective ban on visits and exits for users of nursing homes. Exceptions that allowed certain public gatherings were also controversial, while the failure to establish a system of parliamentary oversight over the Headquarters' decisions restricting fundamental human rights during crisis presented an additional problem.

- 11.** Exercising human rights in the course of 2020 was above all marked by restrictive measures adopted to protect public health in response to the outbreak and spread of the epidemic. The epidemic and earthquakes resulted in a stagnation in most areas of human rights that had seen progress in the previous year, as well as, unfortunately, setbacks in securing human rights in numerous areas of protection of the most vulnerable social groups and individuals.
- 12.** Although steps have been made in the process of adopting a new human rights protection plan in 2020, Croatia again welcomed the end of the year without a fundamental public policy in the area of human rights. Perennial negative trends in particular areas that had been recorded in previous years became even more pronounced and prominent in the circumstances of the epidemic and in the aftermath of the earthquakes – from protection from domestic violence, access to justice, media freedoms to exercising the right to health, the right to housing, the right to adequate living conditions and the right to work.
- 13.** Citizens' trust in institutions had been low even before the crisis, primarily due to the poor responsiveness of the state institutions, the slowness and rigidity of public administration and the judiciary, as well as the perception of corruption. Last year further exposed the state's inadequate preparedness for functioning in crisis situations, from the lack of a predefined and clearly regulated way of limiting human rights in exceptional circumstances to civil protection's low level of preparedness to deal with multiple crises. The consequences of the system's shortcomings were clearly evident in the example of the National Civil Protection Headquarters of the Republic of Croatia, whose initially strong citizen support began to dwindle as citizens' confidence in the impartiality of its decisions started decreasing.
- 14.** Social problems that need to be addressed systematically, such as intolerance, hate speech, discrimination, violence and hate-motivated violence, are responded to superficially

and reactively, often only after they escalate, thus failing to protect the most vulnerable members of society. Children and youth do not learn enough about human rights, equality and solidarity, while distrust of institutions is on the rise and opportunities for civic participation are decreasing.

- 15.** The quality of life in Croatia continues to be negatively affected by an uneven quality of public services, regional gaps in income levels, access to health care, education and social protection, as well as economic inequalities. Elderly persons, single-person households and children are at an increased risk of poverty. Even though this should be a priority, Croatia welcomed the end of 2020 without a functional public policy for combating poverty in the upcoming period based on the principles of human rights.
- 16.** Unfortunately, Croatia still lacks adequate tools for dealing with all contemporary and complex challenges and problems related to respecting and exercising human rights. Public administration's lack of proactivity, capacity for and efficiency in the development and implementation of human rights-based public policies remains of particular concern and leads to inconsistencies and inefficiency in solving citizens' burning problems, especially in the field of social and economic rights.

International Instruments, Legislation, Public Policies and Institutions

- 17.** During 2020, no progress was made on the ratification of international human rights treaties not yet ratified by the Republic of Croatia: the European Social Charter (Revised) and the International Convention for the Protection of All Persons from Enforced Disappearance. Croatia has also not yet accepted Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, continuing to deprive citizens of the possibility to submit individual complaints to the Committee that monitors the implementation of this Convention.
- 18.** Croatia has not yet signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which also regulates the possibility of citizens filing individual complaints, nor the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- 19.** Croatia does not have a clearly defined and elaborate system for coordination and preparation of reporting and implementation of recommendations from international institutions and human rights bodies, leading to several years of delay in reporting on the implementation of conventions and to unsystematic implementation of received recommendations.
- 20.** Even after many years of delay, Croatia is still late with submitting periodic reports on the implementation of the International Covenant on Economic, Social and Cultural Rights, which has been delayed for 14 years, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, which has been delayed for 16 years and the International

Convention on the Elimination of All Forms of Discrimination against Women, which has been delayed for 1 year. In 2020, also after a multiyear delay, Croatia finally submitted a five-cycle summary report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.¹

21. In 2020, no progress was made in translating the recommendations and opinions of UN committees overseeing the implementation of human rights conventions into Croatian, which would make them more accessible to the professional and general public.

22. In relation to public policies in the field of protection and promotion of human rights, a new National Program for the Protection and Promotion of Human Rights was again not adopted in 2020, although the previous plan expired in 2016. The National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period from 2021 to 2027 is expected to be adopted in the first quarter of 2021.²

23. Moreover, Croatia has not had a valid public policy on gender equality since 2015, when the National Policy on Gender Equality for the period from 2011 to 2015 expired. Croatia started drafting the National Plan on Gender Equality for the period from 2021 to 2027 in 2020.³

1 UN Treaty Body Database: Reporting Status for Croatia, available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=CRO&Lang=EN

2 Government of the Republic of Croatia, Decision on establishing strategic planning acts related to the conditions enabling the implementation of European Union funds in the period from 2021 to 2027, with deadlines for adoption and bodies in charge of their preparation, October 2020, available at: https://razvoj.gov.hr/UserDocsImages/O%20ministarstvu/Pristup%20informacijama/Zakoni%20i%20ostali%20propisi/Odluka%20o%20utvr%20ivanju%20akata%20strate%20C5%A1kog%20planiranja_27_10_20.pdf

3 Office for Gender Equality of the Government of the Republic of Croatia, Decision on the establishment of the working group for the development of the National Plan for Gender Equality for the period from 2021 to 2027, October 2020, available at: <https://ravnopravnost.gov.hr/UserDocsImages/dokumenti/Odluka%20o%20osnivanju%20radne%20skupine%20NPRS.pdf>.

24. Since 2017, the Croatian Parliament has not debated a single Ombudswoman's Annual Report, which is an extremely bad practice that prevents parliamentary discussions on the state of human rights. The devastating trend of insufficient implementation of the Ombudswoman's recommendations continued in 2020. Only 20% of recommendations from the 2019 report have been implemented or are in the process of implementation, while it's equally worrying that the Government did not respond to as many as 60% of the recommendations.⁴

25. No steps have been taken in 2020 to ensure the independence of the work of the special ombudspersons' offices from politics. The existing regulation allows for the dismissal of ombudspersons and their deputies in case the Croatian Parliament does not accept their annual reports, which *de facto* serve as reports on the state of human rights in thematic areas of children's rights, gender equality and the rights of persons with disabilities.

4 Ombudswoman's Report for 2020, February 2021, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=607169015d2a91618045185>.

The Right to Participation, Human Rights Defenders and Civil Society

THE RIGHT TO VOTE

- 26.** Elections for the Croatian Parliament were held in July 2020. The State Electoral Commission (SEC) issued Technical Instructions banning⁵ voters diagnosed with a coronavirus infection from voting as they were subject to a measure of isolation that includes no contact with other persons, which would, unacceptably and unproportionally, limit their basic political and constitutional right to vote. Following a warning from the Constitutional Court,⁶ SEC amended the instructions,⁷ allowing voters diagnosed with coronavirus to vote with the assistance of a person of trust who would fill out the ballot under their authority and according to their instructions.
- 27.** The 2020 parliamentary elections are the seventh in a row held without the Croatian Parliament equalizing the size of electoral districts in accordance with a 2010 report by the Constitutional Court, thereby violating the principle of equality of suffrage.⁸

5 State Election Commission, Technical Instructions of the State Election Commission prepared in cooperation with the Croatian Institute of Public Health, Voting on Election Day and Ensuring Epidemiological Protection of All Participants at Polling Stations, June 2020, available at: https://www.izbori.hr/site/UserDocsImages/2020/Izbori_za_zastupnike_u_HS/Biracki_odbori/Upute-izborni_dan_Bm.pdf

6 Constitutional Court of the Republic of Croatia, Statement and warning, July 2020, available at: https://www.usud.hr/sites/default/files/dokumenti/Priopcenje_i_upozorenje_od_3_srpnja_2020_u_postupku_nadzora_ustavnosti_i_zakonitosti_izbora.pdf

7 State Election Commission, Amendments to Technical Instructions of the State Election Commission prepared in cooperation with the Croatian Institute of Public Health, Voting on Election Day and Ensuring Epidemiological Protection of All Participants at Polling Stations, July 2020, available at: https://www.izbori.hr/site/UserDocsImages/2020/Izbori_za_zastupnike_u_HS/Izmjena_tehnicke_upute_Bm-COVID_pozitivni.pdf

8 Gong, Will the next parliamentary elections in Croatia be unconstitutional?, author: Goran Ćular, September 2020, available at: https://www.gong.hr/media/uploads/izborne_jedinice_%C4%8Dular_gong.pdf

FREEDOM OF EXPRESSION, ASSEMBLY AND THE RIGHT TO PEACEFUL PROTEST

- 28.** The High Misdemeanor Court made an alarming decision⁹ in June 2020, ruling that shouting the Ustasha salute 'Za dom spremni' during the performance of the song *Bojna Čavoglave* by Marko Perković Thompson cannot be subsumed under the legal description of the violation from Article 5 of the Law on Misdemeanors against Public Order and Peace. The fact that the disputed salute is part of the author's song does not change the fact that it is an Ustasha greeting symbolizing the criminal Nazi-fascist ideology and that it is contrary to Article 39 of the Croatian Constitution which prohibits any incitement to national, racial or religious hatred or any form of intolerance.
- 29.** During the epidemic, a number of measures were adopted that restricted citizens' freedom of movement and assembly.¹⁰ While on the one hand the restrictions on assembly were justified and proportionate, exceptions were made¹¹ on the other hand without clear and transparent criteria, which is not in line with the principle of equality of citizens in exercising the right to assembly.

9 High Misdemeanor Court of the Republic of Croatia, Public Statement, June 2020, available at: <https://sudovi.hr/hr/vpsrh/priopcenja/priopcenje-za-javnost-03062020>

10 Civil Protection Headquarters of the Republic of Croatia, Decision on necessary measures to restrict social gatherings, work in trade, service activities and holding sports and cultural events during the declared COVID-19 epidemic (OG 51/20), April 2020, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_04_51_1035.html

11 For example: 1) holding a procession 'Following the Cross' on the island of Hvar during the Easter holidays, available at: <https://www.tportal.hr/vijesti/clanak/nove-64-osobe-zarazene-koronavirusom-u-hrvatskoj-20200409>; 2) amendments to the decision of the Civil Protection Headquarters of the Republic of Croatia on restricting social gatherings for the purpose of holding a Remembrance Procession on the occasion of marking the tragedy of Vukovar and Škabrnja, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_11_122_2375.html. More at: Dnevnik.hr, The Remembrance Procession is not the only one: These are the exceptions to which the Civil Protection Headquarters allowed their own rules on assembly, November 2020, available at: <https://dnevnik.hr/vijesti/koronavirus/iznimke-od-mjere-koje-nacionalni-stozer-donosi---628335.html>.

30. In June, without legal basis, the police interrupted a peaceful gathering in Rijeka – the performance ‘Walk of the Pawns’¹² which took place in reaction to the ‘Walk for Life.’ Such arbitrary and unlawful conduct prevents the exercise of the right to public assembly under equal conditions and violates the right to freedom of expression.

31. At the end of 2020, the European Court of Human Rights determined a violation of the right to freedom of speech guaranteed by Article 10 of the Convention on Human Rights in the case of Tölle v. Croatia. Namely, Croatian courts convicted the founder and president of Autonomous Women’s House Zagreb of insult because, speaking on a radio show about a victim of violence who was placed in the organization’s shelter, she stated that the victim’s husband was an abuser. The European Court of Human Rights found that Croatian courts failed to strike a fair balance between the right to expression and the right to respect for a person’s private life and that Croatian courts in this case did not take into account the principles and criteria of the European Court of Human Rights.¹³

32. Hate speech remains present in public spaces, especially on the Internet, with LGBTIQ persons, refugees, Serbs and Roma as the most common targets.¹⁴ The lack of an adequate and comprehensive response to hate speech and preventive measures is still a cause for concern.

12 Police interrupted the performance ‘Walk of the Pawns,’ arrested 18 people: We just wanted to walk around Rijeka, June 2020, available at:

<https://www.novilist.hr/rijeka-regija/rijeka/policija-sprijecila-performans-hod-pijuna-privela-18-osoba-samo-smo-htjeli-prosetati-rije-kom/?fbclid=IwAR14nCp8vu7tDkvrIWjbOhV71r3NIOVQa61XKqobKnaX9U-51DECoQBmcySQ>

13 Office of the Representative of the Republic of Croatia before the ECHR, Analysis of the Tölle v. Croatia Judgment, Application no. 41987/13 for violation of Article 10 of the Convention – Freedom of expression, March 2021, available at: <https://uredzastupnika.gov.hr/UserDocsImages//dokumenti/Analize%20presuda%20i%20odluka//T%C3%B6lle%20analiza%20presude%20.pdf>

14 European Commission, Countering illegal hate speech online – 5th evaluation of the Code of Conduct, June 2020, available at: https://ec.europa.eu/info/sites/info/files/codeofconduct_2020_factsheet_12.pdf

FREEDOM OF ASSOCIATION, HUMAN RIGHTS DEFENDERS, ENABLING ENVIRONMENT FOR THE DEVELOPMENT OF CIVIL SOCIETY AND PARTICIPATING IN THE DECISION-MAKING PROCESS

33. Due to the consequences of the epidemic, some local and regional self-government units have discontinued or put on hold funding for civil society organizations from the local budget, which has negatively affected the organizations’ work on the local level.

34. The circumstances caused by the epidemic and earthquakes limited or impeded the implementation of numerous activities of civil society organizations, which has had a negative effect on the beneficiaries of free legal aid, psychosocial support and other programs. Due to the inability to carry out activities and to the suspension of funding from local sources, some organizations faced financial unsustainability.¹⁵

35. Numerous independent cultural organizations have faced discontinuation or delays in the disbursement of funds, a lack of communication with institutions and, due to restrictions caused by the epidemic and earthquakes, a lack of adequate space to carry out independent and amateur cultural activities.

15 Jutarnji list, Video: Painful press conference in Split, Association the Angels could close down for good, Educator through tears: ‘My Duje and all our angels are my life!’, May 2020, available at:

<https://www.jutarnji.hr/vijesti/hrvatska/video-mucna-presica-u-splitu-udruga-andeli-mogla-bi-se-zauvijek-zatvoriti-edukatorica-kroz-suze-moj-zivot-je-moj-duje-i-svi-nasi-andeli-10325482> and H-alter, Help Vestigium, March 2020, available at: <https://www.h-alter.org/vijesti/po-mozimo-vestigiumu>.

- 36.** In 2020, no calls for proposals were put out by local and regional self-government units for projects of associations in the field of environmental protection or such calls for proposals have been cancelled, which was justified by new needs arising due to the circumstances caused by the COVID-19 epidemic. These organizations were thus forced to continue volunteering on certain long-term projects whose importance and significance are recognized by the beneficiaries.
- 37.** Since the National Strategy for the Development of Civil Society expired in 2015, Croatia has been without a defined public policy for creating an enabling environment for the development of civil society for five years now. The beginning of drafting the National Plan for Creating an Enabling Environment for the Development of Civil Society from 2021 to 2027 has been announced.¹⁶
- 38.** According to CIVICUS, a global alliance for civic participation, the space for civil society in Croatia remained narrow in 2020.¹⁷
- 39.** The Government of the Republic of Croatia did not include the civil society sector in its recovery plan when in April it announced mitigation measures for the COVID-19 epidemic intended for users of EU funds and announced a Decision on limiting the use of funds from the state budget. Therefore, civil society organizations appealed for the Government to adopt measures to maintain the activities and work of the civil sector.¹⁸

16 Government of the Republic of Croatia, Decision on initiating the procedure for drafting the National Plan for Creating an Enabling Environment for the Development of Civil Society from 2021 to 2027 (OG 10/21), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2021_02_10_195.html.

17 European Commission, Rule of Law Report 2020, Chapter for Croatia, September 2020, available at: <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020SC0310&from=EN>

18 Center for Peace Studies, Initiative for Strong Civil Society: The Government should adopt measures to maintain the work of civil society organizations, April 2020, available at: <https://www.cms.hr/hr/izjave-za-javnost/inicijativa-za-snazno-civil-no-drustvo-vlada-treba-donijeti-mjere-za-ocuvanje-rada-organizacija-civilnog-drustva>.

- 40.** The findings of a 2020 research on access to finance for civil society organizations¹⁹ indicate that civil society organizations have a high degree of distrust towards domestic institutions that allocate funds from the state budget and ESI funds.
- 41.** The research also showed that the application process for associations' projects is often too demanding in the administrative sense. The project application phase is also problematic due to the inconsistent implementation of the indicative calendar of public calls for proposals and tenders for ESI funds and the state budget. The same is not the case when applying for projects from the European Union Programs.
- 42.** The findings also point to the overly lengthy evaluation of projects within ESIF calls for proposals. In the case of projects financed from the state budget, associations consider the evaluation process to be non-transparent as they often do not receive an evaluation nor an explanation of awarded points.
- 43.** Due to the frequently lengthy evaluation process for reports and requests for reimbursement of project funds from ESI funds, many associations encounter liquidity problems in the implementation of these projects. Additionally, the implementation of projects financed from ESI funds is characterized by significant administrative demands that negatively affect the associations' work with beneficiaries.
- 44.** The quality assessment method based on the order in which applications are received (the so-called 'fastest finger first') favors associations that submitted projects earlier instead of considering the quality of the project proposal as the basic criterion for awarding funds.

19 Human Rights House Zagreb, Access to Finance for Civil Society Organizations in Croatia: European Union Programs, ESI Funds and the State Budget, December 2020, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2021/03/Pristup-financiranju-za-organizacije-civilnog-drustva-u-Hrvatskoj_web.pdf

- 45.** In addition to administrative obstacles that increase the workload of civil society organizations, inconsistencies in recognizing problems in local communities have a negative impact on the achievement of adequate funding for civil society organizations' programs. The non-participatory public policy-making process means that certain societal problems remain unrecognized by domestic donors and are not included in existing funding programs, forcing associations to seek alternative ways of funding in order to remain active in such areas.
- 46.** Short-term forms of financing for projects of civil society organizations negatively affect the work of organizations engaged in long-term advocacy and watchdog activities. Due to the lack of systematic public funding, organizations that provide social services to vulnerable groups in vulnerable communities face difficulties in terms of the sustainability of their support programs.
- 47.** Delays in announcing and processing calls for project proposals continue to negatively affect the operational capacity of civil society organizations and the turnover of professional staff, whose continuity is crucial for the quality of work in the civil sector.
- 48.** Citizen participation in the decision-making process remains relatively weak, with most institutions relying exclusively on consulting online and no longer combining consultation methods such as round tables, panel discussions, etc.²⁰ Civil society is often involved in consultations only as a formality and consultations are often primarily formal rather than substantive.
- 49.** At the local level, there have been cases of omissions of civil society organizations' remarks in public discussion reports (for example during the public consultation for the Program

20 European Commission, Rule of Law Report 2020, Chapter for Croatia, September 2020, available at: <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020SC0310&from=EN>

of the open urban-architectural call for proposals for the project Space of the center of Trešnjevka) or overly short deadlines for applying to participate in decision-making (for example in the case of the Development Agency of the City of Zagreb in the process of drafting the Development Plan for the City of Zagreb for the period from 2021 to 2027).

- 50.** The Information Commissioner's report for 2020²¹ states that there is still a negative trend of illegal decisions on denying the right of access to information, public authorities ignoring the publicly available and standardized practice of the Commissioner and the High Administrative Court and administrative silence, i.e., failure to resolve requests for access to information within the prescribed period.
- 51.** The frequent use of the provisions of the GDPR to deny requests for access to information continued in 2020. In more than 60% of cases, public authorities unjustifiably withheld information on the basis of personal data, which has had a negative impact on the right of access to information.²²
- 52.** Almost 18% fewer consultations were held in 2020 than in the previous year. The Information Commissioner's report also states that the negative trend of shortening the consultation period has continued, still without adequate justification. In other words, shortening the consultation period has all but become the rule rather than an exception.²³ Additionally, the quality of report drafting on the conducted consultations is deficient, and all received proposals and opinions are insufficiently documented, especially at the local level.

21 Information Commissioner, Report on the Implementation of the Act on the Right to Access Information for 2020, March 2021, available at: <https://pristupinfo.hr/wp-content/uploads/2021/04/1.-Izvjescje-o-proved-bi-ZPPI-za-2020.pdf?x66719>

22 Ibid.

23 Ibid.

- 53.** The pressure of private investors on human rights defenders remains a concern, as evidenced by this year's example of a lawsuit for reputational damages against an Eko Zrmanja activist that was based on Facebook comments on the deficiency of a study on a waste grit processing plant.
- 54.** Cases of criminalization of humanitarian work and the work of human rights defenders were recorded also in 2020. The Center for Peace Studies states that several individuals contacted them and reported that they were accused of 'facilitating irregular migration' as a result of driving refugees and other migrants on the territory of Croatia. In some cases, suspects were convicted of unintentional negligence, i.e., the verdicts stated that they should have assumed that the person they had been driving was not staying in Croatia legally and would try to illegally cross the border. One of the decisions states that it should have been assumed that the person was an 'irregular migrant' based on their appearance.
- 55.** In 2020, there was a case of pressure on family members and harassment of refugee human rights defender Tajana Tadić from the association Are You Syrious. The Ministry of the Interior revoked the refugee status of her partner, an Iraqi citizen and a volunteer for the same organization who was granted international protection in 2018, because he was declared a threat to national security.²⁴

24 Frontline Defenders, Pressure on family member of migrant rights defender Tajana Tadić, October 2020, available at: <https://www.frontlinedefenders.org/en/case/pressure-family-member-migrant-rights-defender-tajana-tadic>.

Religious Rights and Freedoms

- 56.** Although there is a high level of respect for religious rights and freedoms in Croatia, no progress was made in 2020 in addressing the problems identified in relation to exercising religious rights and freedoms.
- 57.** There is still no systematic and quality solution for elementary school students who do not attend religious education classes, leaving these children in an unequal position compared to children who attend religious education classes at school.
- 58.** Minority religious groups, especially those that do not belong to the Judeo-Christian tradition and that did not register as religious communities by 2002, remain at a disadvantage compared to other religious communities due to the legal obligation to have a religious association as a prerequisite for registering a religious community. This hinders the exercise of their religious rights and freedoms and the right to state support, which other groups registered as religious communities are entitled to.
- 59.** The holding of religious services and other religious rites was hampered by the adopted epidemiological measures in the course of 2020. Citizens were instructed to follow services on TV and radio, whereby minority religious communities were additionally discriminated against through favoring the broadcasting of services of the Catholic Church.
- 60.** The new Holidays, Memorial Days and Non-Working Days Act²⁵ that came into force on 1 January 2020 clearly prescribes the right of members of individual religious communities to time off for religious holidays.

25 Act on Holidays, Memorials and Non-working Days in the Republic of Croatia (OG 110/19), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_11_110_2212.html.

Media Freedoms

- 61.** Croatia ranked 69th out of 180 on the Reporters without Borders' media freedom rankings in 2020. Even though this is five places higher compared to 2019, Croatia nevertheless remains in the group of countries with the lowest level of media freedom in the EU. Violations of media freedoms in 2020 are also evident in frequent lawsuits against journalists and editors for defamation, insult and shaming, as well as attacks on and intimidation of journalists, especially those investigating controversial topics such as war crimes, organized crime or corruption. Interference of the authorities in the operation of public broadcasting remains problematic.²⁶
- 62.** Croatia has outdated media laws and still lacks a clearly defined public policy as the basis for changes in media legislation. Even though the process of amending the Electronic Media Act started in 2019, the new Act has not yet been passed in the course of 2020.
- 63.** The new proposal of the Electronic Media Act has not envisaged changes in the procedure for electing members of the Electronic Media Council in a way that would ensure a higher level of political independence of the Council. The European Commission in its Rule of Law report assessed the risk to independence of the Electronic Media Agency as medium.²⁷
- 64.** Additionally, the proposal of the Electronic Media Act contains a provision on the responsibility of publishers of electronic publications for user-generated content aimed at contributing to the suppression of hate speech on the Internet. However, the provision is too broad, insufficiently

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

27 European Commission, Rule of Law Report 2020, Chapter for Croatia, September 2020, available at: <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020SC0310&from=EN>

clear and sanctionless, and is as such unlikely to produce desired results, while it might even have serious, negative consequences on the work of publishers, especially small ones, as well as on citizens' freedom of expression in the digital space.²⁸

- 65.** In 2020, the freedom of expression and media freedom continued to be negatively affected by frequent lawsuits against journalists and media outlets, often seeking disproportionately large compensation amounts. The Croatian Journalists' Association states that there were 905 active lawsuits against journalists and media outlets in 2020, 861 of which refer to litigation for damages to honor and reputation and 44 to criminal lawsuits. The total value of the claims amounts to almost HRK 68 million. The fact that claimants include politicians, local self-government units and judges is especially concerning.²⁹
- 66.** In 2020, we again witnessed cases of insults, intimidation, threats, death threats and other attacks, as well as 5 physical attacks on journalists.³⁰ Intimidation and pressure experienced by local media journalists, as well as threats on the Internet, are cause for additional concern. There is often a lack of quick response from the authorities and of clear condemnation of violence by officials.
- 67.** No steps were taken to increase the transparency of media ownership in 2020, so the identification of beneficial owners remains problematic, i.e., the transparency of media ownership is at medium risk.³¹

28 Human Rights House Zagreb, Round Table 'Regulation of Hate Speech in Electronic Media,' February 2021, available at: <https://www.kucaljud-skihprava.hr/2021/02/26/okrugli-stol-regulacija-govora-mrznje-u-elektronickim-medijima/>.

29 Croatian Journalists' Association, HND survey: At least 905 lawsuits against journalists and media active in Croatia, May 2020, available at: <https://www.hnd.hr/hnd-ova-anketa-u-hrvatskoj-aktivno-najmanje-905-tuzbi-protiv-novinara-i-medija>

30 Regional platform for advocating media freedom and journalists' safety, available at: <https://safejournalists.net/hr>

31 European University Institute, Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019, July 2020, available at: https://irmo.hr/wp-content/uploads/2020/07/MPM_2020_CroatiaReport.pdf

68. Uncertain working conditions, lack of collective agreements, reduced salaries for employees and cancellation of cooperation with part-time associates due to the epidemic, as well as reduced incomes³² have further exacerbated the employment situation in the media and had a negative impact on media freedoms.

32 Croatian Journalists' Association, World Press Freedom Day - SNH: The crisis shows the importance of journalism, May 2020, available at: <https://www.hnd.hr/svjetski-dan-slobode-medija-snh-u-krizi-se-pokazu-je-vaznost-novinarstva>

Security and Human Rights

69. At the beginning of 2020, after more than four years of delay, the Croatian Parliament appointed members of the Complaints Commission of the Ministry of the Interior for a term of four years.³³

70. Croatia does not have an effective crisis management system, which was particularly evident in 2020 during the epidemic and in the circumstances surrounding the earthquakes that hit Zagreb and Banija. This includes, firstly, a lack of a legal framework and an undeveloped institutional framework for systematic emergency management, as well as weak preparedness for acting in extraordinary circumstances.³⁴

71. The civil protection system is overly bureaucratic and inefficient. Procedures are not sufficiently standardized, and the level of digitization and use of modern software solutions is unsatisfactory, which contributes to the slow response to emergencies or disasters and reduces the ability of coordinating different actors on the ground.³⁵

72. At the beginning of the epidemic, the Government proposed an amendment to the Electronic Communications Act, which provided for the possibility of monitoring the location of every mobile phone in Croatia, which would take the purpose of this measure beyond public health and potentially jeopardize the right to privacy.³⁶ After a series of harsh public reactions, the Government dropped these changes.

33 Croatian Parliament, Decision on the appointment of members of the Complaints Commission of the Ministry of the Interior (OG 24/20), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_03_24_568.html

34 Politička misao, Croatian Paradox: Improvisation In Place of an Organized System, author: Robert Barić, April 2020, available at: <https://politickamisao.com/hrvatski-paradoks-improvizacija-umjesto-organiziranog-sustava/>.

35 Politička misao, Civil Protection and Earthquake Response: What is Civil Protection?, author: Robert Mikac, January 2021, available at: <https://politickamisao.com/civilna-zastita-i-reakcija-na-potres-sto-je-to-civilna-zastita/>.

36 Response of civil society organizations to the proposed amendments to the Electronic Communications Act, March 2020, available at: <https://www.kucaljudskihprava.hr/2020/03/31/pracenje-svakog-mobitela-u-zemlji-nije-mjera-zastite-od-koronavirusa-nego-nepotrebno-krsenje-ljudskih-prava/>

The Judiciary and Human Rights

- 73.** Although 2020 saw progress in the functioning of the judiciary system, namely in shortening the length of court proceedings, reducing the number of long-running cases and digitalization, the judiciary system still has issues with efficiency and quality.³⁷
- 74.** According to the European Commission's 2020 Rule of Law Report, the level of perceived independence of the Croatian judiciary is still among the lowest in the EU. According to a 2020 Eurobarometer survey, the main reason the general public feels that courts and judges are not independent enough is the impression that the Government and politicians interfere with their work or pressure them.³⁸
- 75.** No steps have been taken in 2020 to reform the election of judges and state attorneys within the State Judicial Council and the State Attorney's Council. Two members are elected from the ranks of members of parliament, which allows the legislature to directly influence the election of judges and state attorneys.
- 76.** E-communication was introduced in 2020 – electronic communication between participants in court proceedings and the courts, implemented at all commercial, municipal and county courts and at the High Commercial Court. E-communication is a positive step in the direction of digitalization of courts that would allow attorneys, citizens and other users to access the content of all documents, provided that they are registered in the application e-Spis (case management system in courts). However, this is still

37 European Commission, Rule of Law Report 2020, Chapter for Croatia, September 2020, available at: <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020SC0310&from=EN>

38 Ibid.

available only to attorneys, court experts, insolvency administrators and legal entities in relation to filing motions with the court, i.e., this option is not available to citizens who are not represented by an attorney.³⁹

- 77.** The coronavirus epidemic and the earthquake that hit Zagreb in March 2020 slowed down the courts, especially first-instance courts that were damaged in the earthquake and where most of the hearings take place.

COMBATING CORRUPTION

- 78.** According to the Eurobarometer survey on corruption from June 2020, as many as 97% of citizens in Croatia name corruption as one of the most significant obstacles to achieving the independence of the judiciary. The same survey shows that 74% of citizens believe that the Government is not effective in fighting corruption, while 80% of them state that corruption-related cases are not resolved in a timely manner.⁴⁰ The Ombudswoman's 2020 Report points out that citizens still believe that there are not enough finalized court proceedings that would exemplify successful suppression of corruption, despite the existence of a legal framework for the criminalization of corruption.⁴¹
- 79.** The Anti-Corruption Strategy for the period from 2015 to 2020 expired in 2020; three two-year action plans were developed as part of the Strategy. According to the European Commission's 2020 Rule of Law Report for Croatia, the action plans have been partially implemented, with

39 Ministry of Justice and Administration, What exactly are digitization and informatization?, June 2020, available at: <https://mpu.gov.hr/vijesti/sto-su-tocno-digitalizacija-i-informatizacija/22025>

40 Ombudswoman's Report for 2020, February 2021, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6038a8291f2261614325801&fbclid=IwAR28WLzBLM1K-A924PpRqDeDgLmPqvKmRguYLJESieKW8aCU-ssOegf4Y2tE>

41 Ibid.

estimates showing that 88% of the activities planned for 2019 have been implemented or partially implemented, while some key initiatives in the area of legislation and integrity have been delayed.⁴²

80. Political pressure on the Commission for the Resolution of Conflicts of Interest continued in 2020. The Commission has been criticized by senior Government officials after proceedings were instituted to determine whether certain politicians were involved in conflicts of interest. An additional blow to the work of the Commission is the High Administrative Court's judgement with final force and effect,⁴³ which denies the Commission decision-making power on violations of operating principles in the performance of duties, i.e., on whether officials act 'honestly, fairly, conscientiously, responsibly and impartially, preserving their own credibility and dignity.'

81. In 2020, no amendments were made to the Act on Prevention of Conflict of Interest that would clearly define provisions on violations of the operating principles, including sanctions as one of the tools for combating corruption, which is also recommended by GRECO, a specialized anti-corruption body of the Council of Europe.⁴⁴

42 European Commission, Rule of Law Report 2020, Chapter for Croatia, September 2020, available at: <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020SC0310&from=EN>

43 High Administrative Court of the Republic of Croatia, Judgment No. Usž-2745 / 18-5 rendered at the session of the Council held on 10 December 2020, available at: https://www.sukobinteresa.hr/sites/default/files/akti/2021/milan_bandic_p-130-14_presuda_visokog_upravnog_suda_republike_hrvatske.pdf

44 Gong, Letter to GRECO: The Commission must not be destroyed, February 2021, available at: <https://www.gong.hr/hr/dobra-vladavina/anti-korupcijska-politika/povjerenstvo-ne-smije-biti-unisteno/>

WHISTLEBLOWER PROTECTION

82. The 2019 Act on the Protection of Whistleblowers contains some deficiencies. The Act prescribes neither free legal aid nor psychosocial support for whistleblowers, which weakens the whistleblower protection system and the possibility of their comprehensive protection. The process of transposing the EU Whistleblowing Directive into Croatian legislation was not started in 2020.⁴⁵

83. In 2020, most citizens remained unfamiliar with the possibility of reporting irregularities, often giving up reporting for fear of consequences. According to the Ombudswoman's 2020 Report, the Ombudswoman being the body appointed for external reporting of irregularities, the Act does not apply to some of the received reports because the public interest had not been endangered or the reports were anonymous and therefore could not be acted upon. However, the Report states that the number of conducted internal reporting procedures is relatively small, indicating that the reporters are not sufficiently familiar with the Act or distrust the procedure.⁴⁶

84. According to the European Commission's Rule of Law Report for 2020, as many as 39% of Croatian citizens cite the lack of whistleblower protection as the main reason for underreporting corruption.⁴⁷

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

46 Ombudswoman's Report for 2020, February 2021, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6058781009b821616410640>

47 European Commission, Rule of Law Report 2020, Chapter for Croatia, September 2020, available at: <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020SC0310&from=EN>

PROCEDURAL RIGHTS OF SUSPECTS AND DEFENDANTS IN CRIMINAL AND MISDEMEANOR PROCEEDINGS

- 85.** The COVID-19 epidemic caused a number of problems in the organization of work in judiciary bodies, which in part had a negative impact on the possibility of effectively exercising the right of access to court which belongs to suspects and defendants in criminal proceedings. Namely, hearings were held only for urgent proceedings, while persons deprived of their liberty accessed the sessions of judicial councils through video conferences if such participation could be organized. If it was not possible to organize a video link, hearings were scheduled, which caused further delay in the proceedings.
- 86.** Problems were also observed in the work of the prison system, which had a negative effect on the possibility of effectively exercising the rights of suspects and accused persons sentenced to pre-trial detention. Namely, supervision over the execution of pre-trial detention and judges' visits to pre-trial detainees were not carried out, except in cases that allowed for this to happen through a video link.
- 87.** In 2020, there were no legal changes in the procedural position of suspects and defendants in criminal proceedings. Suspects who have not been arrested are still entitled to 'temporary legal assistance from a defense attorney at the expense of the budget' only if they are suspected of a criminal offense punishable by imprisonment for more than 5 years. Such a legal solution discriminates against citizens of poorer financial status who do not have the funds to pay for an attorney in cases of 'lesser' criminal offenses, i.e., those for which a prison sentence of up to 5 years is prescribed.
- 88.** Sanctions imposed on perpetrators of crimes with elements of violence are most often a suspended sentence

with a protective measure, namely addiction treatment or psychiatric treatment. The Criminal Code also prescribes a protective measure of psychosocial treatment for perpetrators of criminal offenses with elements of violence, which courts in the Republic of Croatia do not often impose due to a lack of legal and natural persons licensed to implement this program. In some counties, no one has been conducting psychosocial treatment for several years.

- 89.** The establishment of the High Criminal Court and the transfer of a significant part of the Supreme Court's jurisdiction to it limited the possibility for defendants in criminal proceedings to access the highest court in the country, primarily through a system of regular legal remedies.

PRISONERS' RIGHTS

- 90.** During 2020, the epidemic significantly affected the maintenance of family ties between persons deprived of their liberty and their family members as prison visits were prohibited due to epidemiological measures for a prolonged period of time, with certain exceptions.⁴⁸
- 91.** The privilege of going out into the places where penitentiaries/prisons are located or to the place of residence was not approved to prisoners, and all civil society organizations' activities involving direct work with inmates in penal institutions were suspended. Sending prisoners to work outside of penal institutions was suspended as well.
- 92.** In order to mitigate harmful effects on mental health and enable the maintenance of contact between prisoners and members of their families, children in particular, prisoners were allowed to make more frequent and longer telephone calls. However, although longer telephone conversations

48 Ministry of Justice and Administration, Measures and activities in the prison system aimed at preventing the spread of coronavirus, March 2020, available at: <https://mpu.gov.hr/vijesti/mjere-i-aktivnosti-u-zatvorskom-sustavu-usmjerene-prevenciji-sirenja-korona-virusa/21722>).

were made possible, their costs are usually borne by persons deprived of their liberty, which represents a significant financial burden for some of them since the costs of telephoning are higher than on the market.⁴⁹

- 93.** A positive example are video visits, introduced in 2019 in 13 penal institutions and allowing prisoners contact with their minor children. Due to the circumstances of the epidemic, such calls have been extended to other prisoners and their families regardless of whether they have minor children. In 2020, such a communication option was included in the final proposal of the Prison Sentence Execution Act.⁵⁰
- 94.** The epidemic further highlighted existing problems in the prison system, such as reduced accommodation capacities, access to primary health care and specialist examinations, lack of treatment staff, judicial police, and implementation of organized activities.
- 95.** The position of prisoners in pre-trial detention remains a matter of concern, as they usually spend up to 22 hours per day in the dormitory, mostly lying down or watching television.
- 96.** The Compulsory Health Insurance Act was not amended in 2020 either, preventing the conclusion of contracts on the provision of health care between medical practices and institutions in the prison system. The shortage of doctors, especially psychiatrists, remains particularly alarming.⁵¹
- 97.** Despite a well-organized system of sentence-serving, individual penal institutions use different practices in conducting

49 Ombudswoman's Report for 2020, February 2021, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6058781009b821616410640>

50 Government of the Republic of Croatia, Final Proposal of the Act on the Execution of Prison Sentences, December 2020, available at: https://sabor.hr/sites/default/files/uploads/sabor/2020-12-09/174507/PZ_11.pdf

51 Human Rights House Zagreb, Human Rights in Croatia: Overview of 2019, March 2020, available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2020/04/KLJP_godisnjeIzvjesce2019_web.pdf

resocialization and rehabilitation of perpetrators of criminal offenses, which is mostly conditioned by a lack of officers within the prison system. The lack of treatment officers and judicial police significantly affects the execution of individual prison sentences, the success of special treatment programs, prisoners' further resocialization, and consequently has a negative impact on the degree of respect for human rights of prisoners and the safety of prison officers.

- 98.** In 2020, problems persisted in the area of post-release support for prisoners who have been serving long-term sentences, and in terms of their adjustment to life in the community. Namely, former prisoners are burdened with numerous difficulties when they get released, from the stigmatization that they and their families experience to the inability to find employment, debts, in some cases housing, all of which consequently increases the chances of recidivism.
- 99.** The implementation of primary education, which the penal institution is obliged to organize under the Prison Sentence Execution Act (primary education for prisoners of up to 21 years of age who have not completed primary school and literacy classes for the illiterate regardless of their age), is still not systematically addressed. Vocational training and education still fail to go beyond elementary occupations.
- 100.** In terms of work activities, prisons find it much more difficult to organize work, primarily due to spatial capacities and a high turnover of prisoners. In addition to not having adequate facilities and workshops, jobs generally fall under elementary occupations. A person serving a longer sentence does not have the opportunity to develop or maintain their work skills or develop new competencies that are adjusted to the labor market.
- 101.** Penitentiaries and prisons still lack special rooms that would allow for intimate visits with spouses or common-law partners without supervision.

VICTIMS' RIGHTS

- 102.** During 2020, no major progress was made in exercising the rights of victims. Due to the COVID-19 epidemic and limited operation of courts, examination of witnesses and victims took place in a limited capacity and scope.
- 103.** In 2020, there was no significant process in the issue of individual assessments for victims of criminal offences. The procedure is inconsistent and often templated, failing to identify the real needs of the victims. Additionally, the individual assessment procedure is almost never carried out in misdemeanor proceedings.
- 104.** There have been no significant changes in exercising the right to testify via audio-video devices. Some courts still lack audio-video devices or a sufficient number of professionals to handle the equipment. Courts continue to underuse the possibility of examining witnesses or victims at their place of residence, with witnesses in some cases being summoned to a court hearing at a court located several tens or hundreds of kilometers away from their place of residence.
- 105.** When it comes to the referral and support system, cooperation between civil society organizations and state institutions is sporadic and underdeveloped. Although the system of informing and reporting is legally regulated from the stage of police proceedings onward, witnesses and victims are still highly underinformed and insufficiently empowered to report criminal offences.
- 106.** Regional underrepresentation of providers of psychosocial services and psychological counseling services remains a problem throughout Croatia. Rural areas, islands and even some counties do not have a support and assistance system in place for victims and witnesses of crime.
- 107.** Authorities that come into contact with victims are not sufficiently informed about the European Protection Order, and there is no information on issued orders. Victims of

criminal offences with elements of violence and harassment are not aware of their right, in the event of moving to another EU member state, to exercise judicial protection that had been granted to them in the form of preventive, protective or security measures in that member state on the basis of mutual recognition of protective measures.

- 108.** No significant progress was made in 2020 in crime victims' right to financial compensation. Problems are still present in the stage of submitting the request as the process is extremely bureaucratic and complicated. The six-month deadline for submitting the request is too short and victims are not informed about the possibility of exercising this right, which is why victims in a significant number of cases do not submit requests in the first place.

FREE LEGAL AID

- 109.** As in previous years, the system of primary free legal aid is burdened by a number of problems stemming from insufficient and inadequate funding which leads to most of the remaining deficiencies in the system, including uncertainty about the continuity of providers, the issue of liability to citizens/parties, the availability of free legal aid in rural areas and citizens' unfamiliarity with the existence of this mechanism of human rights protection.
- 110.** The conduct of certain state administration bodies in approving requests for secondary free legal aid (assistance of attorneys in representation) remains a matter of concern. Citizens are required to, in advance, obtain the consent of the attorney in representation on the basis of which state administration bodies grant free legal aid. This is a significant problem in smaller towns where only a few attorneys work. In cases where attorneys are unable to provide the service due to overload, citizens are forced to seek attorneys in larger cities and bear the travel costs of the attorney traveling to the hearing, as the payment of travel expenses to the parties is not approved. This is a problem especially for elderly persons and/or persons

with physical disabilities who have mobility issues due to their health condition.

111. Appeal proceedings against decisions on free legal aid take too long and are not resolved within the time limit laid down by the Free Legal Aid Act.⁵²

112. In 2020, weak territorial coverage of free legal aid providers remains an issue. Authorized providers of primary free legal aid exist in 12 counties,⁵³ while there are none in the other 9 or their activities are only sporadic. Rural areas and islands are areas of particular concern as their citizens have difficulty exercising their right to legal aid.

JUVENILE JUSTICE ADMINISTRATION

113. Although Croatia transposed the Directive on Procedural Safeguards for Children who are Suspected or Accused Persons in Criminal Proceedings as early as 2019, multiple problems in prosecuting juveniles in criminal and misdemeanor proceedings continued in 2020.

114. As in previous years, there are still not enough specialized juvenile judges and other persons who come into contact with juveniles. Departments for children and youth within the State Attorney's Office and the police have fallen within general crime departments, making it impossible to specialize in working with children. Some courts follow a concerning practice of delivering cases of juveniles and cases of domestic violence to all judges.

52 Ombudswoman's Report for 2020, February 2021, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=606dc00d4bad1617805312>

53 Ministry of Justice and Public Administration, Authorized Associations and Legal Clinics for Primary Legal Aid, available at: <https://mpu.gov.hr/gradjani-21417/besplatna-pravna-pomoc/ovlastene-udruge-i-pravne-klinike-za-pruzanje-primarne-pravne-pomoci/6190>

115. The police, the State Attorney's Office and the court still lack special rooms for the examination of children adapted to the specifics of child development.

116. In 2020, no special correctional institution was established for minors who have mental or psychiatric difficulties. Such juveniles are referred to correctional facilities that are inappropriate for their specific needs.

117. Although, in accordance with the Juvenile Courts Act, pre-trial detention for juveniles should be carried out in a closed institutional facility, juveniles are placed in pre-trial detention at the nearest prison where adult offenders serve their sentences. In 2020, the Ministry of Justice still did not initiate the introduction of such closed institutional facilities.

118. In 2020, there has been a declining trend in the number of juveniles referred to out-of-court settlements and imposed measures of restorative justice, despite all research suggesting that this is one of the more effective responses to delinquency.

Transitional Justice and Dealing with the Past

- 119.** There was no significant progress in the prosecution of war crimes in 2020. Hearings in a number of criminal proceedings for war crimes have not been scheduled. Problems with the length of evidentiary proceedings (two years and longer) are still present. Hearings often start again as legal deadlines expire, so witnesses who had already been directly examined several times are called to testify again.⁵⁴
- 120.** Although the proposal of the Act on Civilian Victims of the Homeland War was submitted to parliamentary procedure⁵⁵ at the end of 2020, civilian victims of the war continue to face numerous problems and challenges in exercising their human rights. The biggest challenge in determining the status of a civilian victim of war is medical documentation. Namely, in most cases, the medical documentation that civilian war victims have from the critical time of injury is not sufficient to be granted the right to the status of a civilian victim of war because the medical documentation often does not state the exact cause of injury.
- 121.** In 2020, the Constitutional Court of the Republic of Croatia did not accept proposals for a review of the constitutionality of the Act on the Rights of Victims of Sexual Violence during the Military Aggression against the Republic of Croatia in the Homeland War.⁵⁶ The Constitutional Court of the

54 Documenta – Center for Dealing with the Past, Slow Approach to Justice, February 2021, available at: <https://documenta.hr/novosti/sporo-priblizavanje-pravdi/>

55 Government of the Republic of Croatia, Bill on Civilian Victims of the Homeland War, P.Z.92, first reading, December 2020, available at: <https://www.sabor.hr/prijedlog-zakona-o-civilnim-stradalnicima-iz-domovinskog-rata-prvo-citanje-pz-br-92-predlagateljica?t=121753&tid=209150>.

56 Constitutional Court of the Republic of Croatia, Decision No. U-I-53/2016, U-I-565/2017 from 4 February 2020, available at: [https://sljeme.usud.hr/Usud/Praksaw.nsf/C12570D30061CE54C1258504004D1C47/\\$FILE/U-I-53-2016%20i%20dr.pdf](https://sljeme.usud.hr/Usud/Praksaw.nsf/C12570D30061CE54C1258504004D1C47/$FILE/U-I-53-2016%20i%20dr.pdf)

Republic of Croatia considers its provisions – according to which the rights from that Act cannot be exercised by victims of sexual violence who were not citizens of the Republic of Croatia at the time of the perpetration – to be indisputable. The Constitutional Court of the Republic of Croatia has determined that the rights from that Act also cannot be exercised by ‘members, helpers, associates of enemy military units,’ despite cases of rape of prisoners of war in Croatian camps (in the Lora and Kuline cases).⁵⁷

- 122.** However, 2020 saw a shift in the culture of remembrance and the creation of a more favorable atmosphere for building trust in society based on mutual respect and tolerance. For the first time, the political representative of Serbs in Croatia and Deputy Prime Minister Boris Milošević,⁵⁸ who also participated in the Remembrance Procession⁵⁹ in Vukovar, took part in the ceremony marking the anniversary of Operation Storm in Knin. The President of the Republic of Croatia Zoran Milanović⁶⁰ and the Deputy Prime Minister and Minister of Croatian Veterans’ Affairs Tomo Medved⁶¹ took part in the commemoration of the civilian war victims of Serbian nationality who were killed in the village of Grubori.

- 123.** In addition, in the context of dealing with the past, the President of the Republic of Croatia Zoran Milanović took an

57 Novosti, The Enemy is Not a Rape Victim, April 2020, available at: <https://www.portalnovosti.com/neprijatelj-nije-zrtva-silovanja>

58 Government of the Republic of Croatia, Deputy Prime Minister Milošević: Reactions to my visit to Knin are positive. The time has come to hear each other out, August 2020, available at: <https://vlada.gov.hr/vijesti/potpredsjednik-vlade-milosevic-reakcije-na-moj-odlazak-u-knin-su-pozitivne-doslo-je-vrijeme-da-cujemo-jedni-druge/30186>.

59 Government of the Republic of Croatia, The Government is working intensively to find those who are missing, November 2020, available at: <https://vlada.gov.hr/vijesti/vlada-najintenzivnije-radi-na-pronalasku-nestalih/30850>.

60 Office of the President of the Republic of Croatia, President Milanović participated in the commemoration in Plavno and Grubori, August 2020, available at: <https://www.predsjednik.hr/vijesti/predsjednik-milanovic-sudjelovao-na-komemoraciji-u-plavnom-i-gruborima/>.

61 Government of the Republic of Croatia, Medved and Milošević: Piety for victims contributes to the establishment of trust, reconciliation and cessation of hate, August 2020, available at: <https://vlada.gov.hr/vijesti/medved-i-milosevic-pijetet-nevinim-zrtvama-doprinosi-uspostavi-povjerenja-pomirenja-i-prestanka-mrznje/30207>.

important step by refusing to participate in the commemoration of the anniversary of Operation Storm because it featured the Ustasha salute 'Za dom spremni!'.⁶²

- 124.** Despite the demands of civil society, no cases of revoking decorations of convicted war criminals were recorded in 2020 either.⁶³

62 Office of the President of the Republic of Croatia, The Ustasha salute has never before entered state protocol, May 2020, available at: <https://www.predsjednik.hr/vijesti/nikada-se-jos-nije-dogodilo-da-ustaski-po-zdrav-ude-u-drzavni-protokol/>.

63 Youth Initiative for Human Rights, Three years after the judgment of the Appeals Chamber in the Prlić et al. Case: Institutions of the Republic of Croatia should revoke decorations of convicted war criminals and compensate victims, November 2020, available at: <http://yihr.hr/hr/tri-godine-nakon-presude-zalbenog-vijeca-u-predmetu-prlic-i-drugi-institucije-republike-hrvatske-trebaju-oduzeti-odlikovanja-ratnim-zlocincima-i-nadoknaditi-stetu-zrtvama/>

The Right to an Adequate Standard of Living

- 125.** In 2020, measures were adopted to prevent social exclusion and poverty, i.e., measures to preserve jobs and active employment policy measures, but they were designed only for the period of the epidemic and targeted at industries in which work was prohibited during the COVID-19 epidemic and at affected activities. There were no long-term measures to strengthen resilience to economic shocks nor policies geared towards exercising fundamental economic and social rights, such as a housing policy, employment policy for the changed working conditions, health policy and occupational safety policy.⁶⁴

- 126.** The current Strategy for Combating Poverty and Social Exclusion expired in 2020. The Strategy is a fundamental document for ensuring a strategic approach to solving the problem of poverty and social exclusion in Croatia. The State Audit Report states that the measures and activities of the Strategy are only partially effective and in need of significant improvements. The report also points to implementation and monitoring flaws, objectives being non-compliant with measure activities, unclearly defined performance indicators and the fact that sources of funding and funds are not planned and funds spent on financing activities on an annual basis are not monitored.⁶⁵ A new strategy to combat poverty and social exclusion was not adopted in the course of 2020.

64 Human Rights House Zagreb, Human Rights, Poverty and Social Exclusion – Overview of 2020, March 2021

65 State Audit Office, Performance Audit Report, Measures and activities undertaken on poverty alleviation in the Republic of Croatia, March 2020, available at: https://www.sabor.hr/sites/default/files/uploads/sabor/2020-08-24/164902/IZVJESCE_DUR_UBLAZAVANJE-SI-ROMASTVA-RH_24-8-2020.pdf.

- 127.** Almost a quarter of Croatia's population is at risk of poverty and social exclusion (23.3%). Additionally, the at-risk-of-poverty rate remains alarmingly high for some vulnerable groups. For example, more than 30% of persons over the age of 65 and single-parent families are at risk of poverty, as well as more than 40% of single-member households.⁶⁶
- 128.** It is further worrying that more than a fifth of the population in Croatia is financially deprived. As many as 51.7% of the population lives in households that cannot meet unexpected financial expenses, more than 40% cannot afford a vacation away from home, and more than a third of households find it very difficult or difficult to make ends meet.⁶⁷
- 129.** The risk of poverty and social exclusion also deepens significant regional gaps in the rates of unemployment and growth of individual regions of Croatia. Almost 40% of unemployed persons live in east and central Croatia even though only a fourth of the population inhabits those areas. The Development Index classifies the majority of the 12 counties and 304 local self-government units as assisted areas.⁶⁸
- 130.** The number of beneficiaries of the guaranteed minimum benefit in Croatia is declining, but its amount and coverage are inadequate. Apart from the fact that the guaranteed benefit in the amount of HRK 800 per month is insufficient for the realization of fundamental human rights, only 7% of persons at risk of poverty are covered by the guar-

66 Ibid.

67 Ibid. Items of material deprivation are: 1) delay in payment of rent, utility bills, housing loan or consumer loan; 2) the inability of the household to afford all members a week of annual leave away from home; 3) inability of the household to afford a meal containing meat, chicken, fish or a vegetarian equivalent every other day; 4) inability of the household to cover unexpected financial outlays; 5) inability of the household to afford a telephone; 6) inability of the household to afford a color TV; 7) inability of the household to afford a washing machine; 8) inability of the household to afford a car; 9) inability of the household to afford adequate heating in the coldest months. The material deprivation rate (three or more items) is 19.6%.

68 Ministry of Regional Development and European Union Funds, Development Index, available at: <https://razvoj.gov.hr/o-ministarstvu/regionalni-razvoj/indeks-razvijenosti/112>

anteed minimum benefit. An additional problem is that this benefit is a prerequisite for other social benefits: for the vulnerable energy buyer, for housing costs and home energy assistance.⁶⁹ That is why the EU issued a recommendation in 2020 for Croatia to improve the adequacy of unemployment benefits and minimum income systems.⁷⁰

- 131.** The rate of inclusion in active employment policy measures for beneficiaries of the guaranteed minimum benefit that are of working-age is still relatively low and amounts to 13.4% of all new entrants to the labor market.⁷¹ National legislation does not recognize the empowerment measures for leaving the social welfare system, making users dependent on the system and perpetuating poverty in turn. Some institutions implement empowerment programs for which there is no data on effectiveness. Additionally, social care centers lack the capacity to implement such programs.

- 132.** Although amendments to the Social Welfare Act were adopted in 2020, these did not address all recorded systemic problems. Despite the fact that the competent ministry has been announcing the adoption of a new comprehensive Social Welfare Act in recent years, the proposal was withdrawn from the procedure in 2019 because, as the Government stated in its opinion on the Ombudswoman's 2019 Report, it was estimated that its adoption and implementation would cause a significant increase in fiscal performance.⁷² According to the Plan of Legislative Activities for 2021, the adoption of the new Social Welfare Act is expected in the second quarter.

69 Ombudswoman's Report for 2020, February 2021, available at:

<https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=606dc000d4bad1617805312>

70 Council of the European Union, Council Recommendation of 20 July 2020 on the 2020 National Reform Program of Croatia 2020 and delivering a Council opinion on the Convergence Program of Croatia 2020 (2020/C282/11), available at: [https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32020H0826\(11\)&from=EN](https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32020H0826(11)&from=EN)

71 Ombudswoman's Report for 2020, February 2021, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=606dc000d4bad1617805312>

72 Office of the Ombudswoman, Welcome but insufficiently precise amendments to the Social Welfare Act, December 2020, available at: <https://www.ombudsman.hr/hr/dobrodosle-ali-nedovoljno-precizne-izmjene-za-kona-o-socijalnoj-skrbi/>

THE RIGHT TO ADEQUATE HOUSING

- 133.** The trend of housing costs overburdening the population continued in 2020, with a large number of citizens being additionally burdened with housing costs due to the decline in economic activity and the loss of income during the epidemic. According to the latest data, the housing cost overburden rate is still higher among tenants than among property owners. About a third of tenants living in market-priced apartments spend more than 40% of their monthly income on housing.⁷³ The at-risk-of-poverty rate is also higher among tenants than homeowners.⁷⁴
- 134.** A comprehensive needs-based housing policy was not developed in 2020 either. Issues with legal security of housing, affordability, habitability, accessibility and access to housing have been further exacerbated by the aftermath of the earthquakes in Zagreb and Sisak-Moslavina County, as well as the coronavirus epidemic.
- 135.** Although rent subsidy measures have been adopted at local levels, no comprehensive and immediate measure to protect the right to housing due to the loss of income caused by the epidemic has been adopted at the national level. Therefore, tenants who faced eviction due to a loss of income could not rely on state aid.
- 136.** There is still no progress in regulating the housing rental system, while prices and ways of acquiring one's own real property remain unfavorable. The current housing policy measures are aimed at home buying through credit borrowing by way of a one-off subsidy for housing loans. This measure, in addition to being applicable only to citizens

73 Eurostat, Income living conditions, available at: <https://ec.europa.eu/eurostat/web/income-and-living-conditions/data/database>

74 Central Bureau of Statistics, Poverty and Social Exclusion Indicators for the Republic of Croatia, October 2020, available at: https://www.dzs.hr/Hrv_Eng/publication/2020/14-01-01_01_2020.htm

who are creditworthy, promotes the rise in prices in the real estate market.⁷⁵

- 137.** There is also a lack of investment policies aimed at improving housing conditions. Citizens still have problems with the availability and affordability of adequate heating (6.6% of households),⁷⁶ while almost 40% of the population lives in overcrowded households, which is far higher than the EU average. 45% of children live in overcrowded spaces.⁷⁷ In addition to overcrowding, almost 6% of Croatian citizens live with another form of housing inadequacy, such as a lack of a toilet, a leaking roof or lack of natural light.⁷⁸ This data is of additional concern in earthquake-affected areas and in the context of slow reconstruction.⁷⁹
- 138.** The recovery of earthquake-damaged buildings is extremely slow, and many buildings remained life-threatening due to risk of collapse for months after the earthquake. Although there were requests for an urgent adoption of a law on reconstruction of earthquake-damaged buildings after the March earthquake, the Croatian Parliament was dissolved in May and the Act on the Reconstruction of Earthquake-Damaged Buildings in the Territory of the City of Zagreb, Krapina-Zagorje County and Zagreb County⁸⁰ was adopted as late as September 2020.

75 Croatian National Bank, Home Sweet Home: The Impact of Housing Loan Subsidies on the Real Estate Market in Croatia, authors: Davor Kunovac, Ivan Žilić, October 2020, available at: <https://www.hnb.hr/documents/20182/3596318/w-060.pdf/955d2e9e-76d7-8b3e-3c1a-8a8732ff326e>

76 Central Bureau of Statistics, Poverty and Social Exclusion Indicators for the Republic of Croatia, October 2020, available at: https://www.dzs.hr/Hrv_Eng/publication/2020/14-01-01_01_2020.htm

77 Eurostat, Housing statistics, May 2020, available at: https://ec.europa.eu/eurostat/statistics-explained/index.php/Housing_statistics#Housing_affordability

78 Ibid.

79 SOS Zagreb, available at: <https://soszagreb.org/sos-zagreb-poslao-m-pgi-u-listu-problema-zahtjeva-i-moguca-rjesenja/>

80 Act on the Reconstruction of Earthquake-Damaged Buildings in the Territory of the City of Zagreb, Krapina-Zagorje County and Zagreb County (OG 102/20), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_09_102_1915.html

- 139.** Information on the procedures for reconstruction applications is not readily available to citizens, with many still unaware of how to exercise their rights, increasing their distrust towards the system and institutions, while many citizens initiate reconstruction themselves, which leads to significant financial investments and taking out loans.
- 140.** Amendments to the Enforcement Act⁸¹ from the end of 2020 disabled evictions in the winter months, from 1 November to 1 April, and the amount of principal for which distraint on real estate cannot be initiated increased from HRK 20,000 to HRK 40,000.
- 141.** Although previous amendments to the Enforcement Act defined that the only real estate cannot be seized on the basis of a principal of less than HRK 20,000, proceedings are still underway in which distraint took place before the amendment of the Act in 2017, acting according to the previous act that allows distraint on the only real estate even for a principal of less than HRK 20,000. This is evidenced by the case of the Jovanović family who were evicted from the apartment on November 23 due to a debt of 10,000 HRK, even though amendments to the Enforcement Act which do not allow winter evictions were announced in late 2020 and despite very unfavorable epidemiological conditions.⁸²

81 Act on Amendments to the Enforcement Act (OG 131/20), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_11_131_2487.html

82 Novosti, Jeckov: The eviction of the Jovanović family is not a feather in anyone's hat, November 2020, available at: <https://www.portalnovosti.com/jeckov-delozacija-obitelji-jovanovic-ne-sluzi-nikome-na-cast>

THE RIGHT TO WORK

- 142.** Due to the epidemic, activities in some professions were temporarily suspended, and the decline in economic activity limited the availability of jobs, negatively affecting the realization of the right to work.⁸³
- 143.** As expected, the epidemic and the subsequent ban on certain activities have led to an increase in unemployment. Although unemployment (8.6%)⁸⁴ was 1.6% lower in March 2020 than in the same period the previous year,⁸⁵ unemployment rose to 9.4%⁸⁶ in April (or by 21.46% compared to April 2019)⁸⁷. According to Eurostat's methodology, the unemployment rate in Croatia was above the EU-27 average⁸⁸ in the same period. The availability of work has decreased in almost all sectors of activity due to the epidemic-induced crisis, especially in the sector of accommodation and food services, which is otherwise marked by seasonality of jobs, and which employs a significant number of workers.
- 144.** As a result of the crisis caused by the epidemic, the number of business-related dismissals has doubled compared to the previous year. In 11 months of 2020, 43,000 workers who lost their jobs as redundancies registered with

83 Civil Protection Headquarters of the Republic of Croatia, Decision on measures restricting social gatherings, work in trade, service activities and holding sports and cultural events (OG 32/20), March 2020, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_03_32_713.html

84 Central Bureau of Statistics, Release: Persons in paid employment by activities in March 2020, April 2020, available at: https://www.dzs.hr/Hrv_Eng/publication/2020/09-02-01_03_2020.htm

85 Central Bureau of Statistics, Release: Persons in paid employment by activities in March 2019, April 2019, available at: https://www.dzs.hr/Hrv_Eng/publication/2019/09-02-01_03_2019.htm

86 Central Bureau of Statistics, Release: Persons in paid employment by activities in April 2020, May 2020, available at: https://www.dzs.hr/Hrv_Eng/publication/2020/09-02-01_04_2020.htm

87 Central Bureau of Statistics, Public Statement: Persons in paid employment by activities in April 2019, May 2019, available at: https://www.dzs.hr/Hrv_Eng/publication/2019/09-02-01_04_2019.htm

88 Eurostat, Unemployment by sex and age, monthly data, available at: https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une_rt_m&lang=en

the Croatian Employment Service, compared to 24,000 such applications in the whole of 2019. Additionally, about 97,000 workers whose fixed-term contracts expired have registered with the CES.⁸⁹

- 145.** According to a Eurostat survey, Croatian citizens were left without a little more than 10% of their income in 2020 due to the economy closing because of the epidemic, placing Croatia at the very bottom of the EU.⁹⁰
- 146.** In order to prevent the loss of a significant number of jobs, the Government adopted a package of measures to help the economy, which included tax deferrals, tax installments, direct financial assistance measures, etc.⁹¹ Usual measures to encourage employment and self-employment have been temporarily suspended and measures to preserve jobs in coronavirus-affected activities have come into force.⁹² The European Union has warned that unemployment benefits are not an adequate safety net for workers who lost their jobs because the benefits are too low and inadequate.⁹³
- 147.** The epidemic has further exacerbated the flaws in employing workers in uncertain forms of work, i.e., in precarious work.⁹⁴ Croatia ranks at the very top in terms of the total

89 Radničkaprava.org, Petra Ivšić: Workers in the windstorm of the crisis, January 2021, available at: <https://radnickaprava.org/tekstovi/clanci/petra-ivsic-radnici-na-vjetrometini-krize>

90 Ibid.

91 Koronavirus.hr, Government Measures to Assist the Economy, March 2020, available at: <https://koronavirus.hr/vladine-mjere/mjere-pomo-ci-gospodarstvu/126>

92 Croatian Employment Service, Support for the preservation of jobs in activities affected by coronavirus (COVID-19), available at: <https://mje-ora-orm.bzz.hr/potpora-ocuvanje-radnih-mjesta-ozujak-svibanj/>

93 Council of the European Union, Council Recommendation of 20 July 2020 on the 2020 National Reform Program of Croatia 2020 and delivering a Council opinion on the Convergence Program of Croatia 2020 (2020/C282/11), available at: [https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32020H0826\(11\)&from=EN](https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32020H0826(11)&from=EN)

94 'In Croatia, precarious work includes agency work, fixed-term employment contracts, part-time employment contracts, telework contracts, employment contracts for permanent seasonal jobs, and is also linked to terms such as student and immigrant work, meaning that these are the

number of fixed-term contracts, while it is at the top of the EU in terms of the number of concluded fixed-term contracts for the period of up to 3 months.⁹⁵

- 148.** The tourism, hospitality and trade sectors are among those most affected by the COVID-19 crisis. Also affected are workers employed under precarious work contracts and those whose jobs involve close contact with people (e.g., media workers, journalists and film, television, theater and music artists).⁹⁶
- 149.** In early 2020, the Government announced the adoption of a new act regulating labor relations in the circumstances of the declared COVID-19 epidemic, which would put workers at a disadvantage by temporarily, during the epidemic, allowing employers to cut salaries down to the level of minimum wage, abolish the workers' right to the payment of one-off material rights, unilaterally exclude certain provisions of the collective agreement, etc. Due to strongly negative reactions from the public, the Government ultimately withdrew the proposal.⁹⁸
- 150.** At the end of 2020, the Government announced amendments to the Labor Act aimed at reducing the number of fixed-term contracts, but also at making the termination

jobs in which the worker is employed for a short time, until the contract expires, after which they have to look for a job all over again. Precarious workers usually work in conditions much worse than those of permanent workers and are not unionized.' (Source: Union of Autonomous Trade Unions of Croatia, The New Normal: forms of precarious work, available at: <http://www.sssh.hr/hr/vise/0-0/nova-normalnost-oblici-nesigurnog-rada-1742>)

95 Radničkaprava.org, Petra Ivšić: Workers in the windstorm of the crisis, January 2021, available at: <https://radnickaprava.org/tekstovi/clanci/petra-ivsic-radnici-na-vjetrometini-krize>

96 Ibid.

97 Faktograf.hr, A law is being prepared to suspend part of the provisions of the Labor Act during the coronavirus epidemic, March 2020, available at: <https://faktograf.hr/2020/03/25/u-pripremi-zakon-kojim-ce-se-suspendirati-dio-odredbi-zakona-o-radu-dok-traje-epidemija-koronavirusa/>

98 Independent Trade Union of Croatia, Letter from the ETUC to the Prime Minister of the Republic of Croatia - give up changes in labor and social rights, March 2020, available at: <https://www.nhs.hr/novosti/pismo-etuc-a-predsjedniku-vlade-rh--odustanite-od-izmjena-radnih-i-socijalnih-prava-70857/>

of permanent contracts more flexible while additionally regulating work from home.⁹⁹

151. Organizing work from home in response to implemented epidemiological measures had a negative effect on low-income workers who did not have all the necessary working conditions, such as a computer, an internet connection and a telephone line, which employers in some cases refused to provide. The Ombudswoman's 2020 Report states that unions pointed to the unfavorable treatment of low-income workers through the abolition of compensation for transportation and hot meals, whereas the costs of working from home and using private resources were not covered.¹⁰⁰

152. As in previous years, student workers faced multiple problems due to the shortcomings of the Student Employment Act, while their positions were further aggravated by the epidemic. Namely, the Student Employment Act from 2018 still does not solve the problems of underpayment, the Labor Act not encompassing student work, uncertainty of student contracts, etc. Taking into account that this type of work for many students represents a means of meeting the costs of studying, their already unprotected position has further deteriorated significantly in times of the crisis. With a lack of accommodation capacities and scholarships (especially on the basis of socio-economic status), many students lost their income.¹⁰¹

153. During the epidemic, there were problems in the realization of workers' rights of a large number of health workers, which had a negative impact on their position in the workplace as well as on their health. According to a survey

99 Government of the Republic of Croatia, Aladrović for RTL: The aim of the amendments to the Labor Act is to enable greater competitiveness of the economy, September 2020, available at: <https://vlada.gov.hr/vijesti/aladrovic-za-rtl-cilj-je-izmjena-zakona-o-radu-omoguciti-vecu-konkurentnost-gospodarstva/30297>

100 Ombudswoman's Report for 2020, February 2021, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=606dc00d4bad1617805312>

101 Radničkaprava.org, Petra Ivšić: Workers in the windstorm of the crisis, January 2021, available at: <https://radnickaprava.org/tekstovi/clanci/petra-ivsic-radnici-na-vjetrometini-krize>

published by the European Observatory on Health Systems and Policies in November 2020,¹⁰² Croatia is among the European countries that introduced the fewest measures to mitigate the effects of the epidemic on health workers.

154. The epidemic has exacerbated the negative trends that workers have been facing for years, such as underpayment, unpaid overtime, weekend working and conclusion of harmful contracts that manipulate workers' free time to their detriment, etc. During lockdown, workers were forced to take annual leave and/or sign annexes to contracts, while fixed-term contracts were not renewed and workers' salaries were reduced to the level of government grants.¹⁰³

155. In 2020, there was an increase in workplace deaths of 72 compared to 53 deaths in the previous year. The number of deaths in construction increased by as much as 75%, which is a consequence of increased work in the areas affected by the earthquake. On the other hand, there is a decrease in the number of work injuries, which is considered to be a consequence of lockdown, except in the field of construction, where a slight increase was recorded due to reconstructions in the areas affected by the earthquakes. The most common cause of injuries is improper performance, non-compliance with special rules of safety at work and malfunction of the means of work.¹⁰⁴

156. Workers' strikes in 2020 were present on a much smaller scale than in previous years due to the epidemic and the limited possibilities for assembly.¹⁰⁵

102 COVID-19 Health System Response Monitor, available at: <https://www.covid19healthsystem.org/mainpage.aspx>

103 Radničkaprava.org, Petra Ivšić: Workers in the windstorm of the crisis, January 2021, available at: <https://radnickaprava.org/tekstovi/clanci/petra-ivsic-radnici-na-vjetrometini-krize>

104 Novilist.hr, The number of fatal injuries in construction increased by 75 percent, February 2021, available at: <https://www.novilist.hr/novosti/hrvatska/broj-smrtnih-ozljeda-u-gradevinarstvu-porastao-za-cak-75-posto/>

105 Radničkaprava.org, Workers' actions in 2020, December 2020, available at: <https://radnickaprava.org/tekstovi/novosti/radnicke-akcije-u-2020>

The Right to Health

THE RIGHT TO ACCESS HEALTH CARE INSTITUTIONS, GOODS AND SERVICES

- 157.** With regard to the availability of and issues in public health, the coronavirus epidemic has further exacerbated existing problems of the health care system, such as insufficient investment in infrastructure and a shortage of health workers.
- 158.** Health care institutions continue to be unevenly represented at the regional level, while the quality of the provision of health care is not measured, and there is no publicly available data on the actual performance of health care institutions.
- 159.** In 2020, the otherwise difficult access to health care services was further limited due to the epidemic. The declaration of the epidemic brought about changes in the way hospitals and health centers operate, making it more difficult for patients to exercise their right to access health care services.
- 160.** In order to prevent the spread of the epidemic, the work of health care facilities and staff was reorganized in such a way that patients received instructions and advice more frequently by telephone or e-mail, and all forms of treatment or counseling involving more patients were postponed. The functioning of the health care system was significantly slowed due to the reduction of the number of patients' appointments in order to limit the number of persons in waiting rooms, queues and the amount of time spent in health facilities.
- 161.** During the epidemic that began in March 2020, there was a significant decline in the number of persons who used health care services that fall under general medicine,

health care for preschool children and women's health care services.¹⁰⁶

- 162.** Four clinical hospitals in Croatia have been classified as respiratory intensive care centers for the treatment of patients with COVID-19, which has led to reorganizations in the hospital system and a reduction in regular activities. Treatment of emergency and priority chronic patients continued, while examinations for other patients were postponed. Waiting lists in the largest hospital centers have decreased or remained the same due to a reduction in appointments for specialist examinations.
- 163.** Additional problems in hospital operations were caused by earthquakes in which many hospitals suffered infrastructural damages. Relocation of individual clinics to other locations and insufficient capacities further reduced the capacity of the health care system in earthquake-affected areas to provide routine services to patients.
- 164.** The criteria for entry into hospital facilities were tightened while the decision on the time limit and frequency was left to the facilities, with a recommendation to limit visits to the necessary minimum. In June, visiting patients hospitalized in Zagreb and four other counties was prohibited. Denying parents hospital visits and stays with their children while they are being treated is a serious violation of children's rights, and the lack of clear instructions for visits and stays for parents with children indicates potentially unequal hospital treatment. Additionally problematic was the position of a large number of terminally ill patients whose families could not communicate with them, visit them in hospitals or say goodbye to them.
- 165.** The epidemic has also affected the prices of medical supplies such as protective medical equipment, disinfectants

106 Croatian Institute of Public Health, The Impact of the COVID-19 Epidemic on the Use of Primary Health Care in the Republic of Croatia, February 2021, available at: <https://www.hzjz.hr/sluzba-javno-zdravstvo/utjecaj-epidemije-covid-19-na-koristenja-primarne-zdravstvene-zastite-u-republici-hrvatskoj/>

and medicines. Demand for face masks and disinfectants has particularly increased, leading in turn to a significant increase in their prices. For example, there was a case of raising the profit margin on the retail price of face masks by 596%.¹⁰⁷ In mid-March, the Government of the Republic of Croatia put a limit on retail prices of protective medical equipment, disinfectants and medicines, which may not exceed the prices from 30 January 2020.¹⁰⁸

- 166.** The problem of Croatia's permanent debt to pharmaceutical wholesalers persists. Issues with and interruptions in the supply of medicines and medical supplies were announced on several occasions during the year. Despite a remedial payment of HRK 500 million in July, hospitals' debt to pharmaceutical wholesalers again exceeded HRK 4 billion at the end of August.¹⁰⁹

TREATMENT OF MALIGNANT DISEASES

- 167.** The National Strategic Framework against Cancer for the period until 2030¹¹⁰ was adopted in December 2020, with a strategic goal of improving the health of citizens throughout their lives, reducing cancer incidence and mortality and prolonging and increasing the quality of life of cancer patients in Croatia to the level of Western European

107 tportal.hr, We reveal the amount of the fine received by the vendor who sold protective masks with a profit margin of almost 600 percent, but also why one surgical mask costs eight kuna, April 2020, available at: <https://www.tportal.hr/biznis/clanak/otkrivamo-koliku-je-kaznu-dobio-trgovac-ko-ji-je-prodavao-zastitne-maske-uz-marzu-od-gotovo-600-posto-ali-i-zasto-jedna-kirurska-mask-a-kosta-osam-kuna-foto-20200421>

108 Government of the Republic of Croatia, Decision on exceptional price control measures for certain products (OG 30/2020), March 2020, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_03_30_672.html

109 Croatian Chamber of Commerce, Debts of hospitals to pharmaceutical wholesalers again exceed 4 billion kuna, September 2020, available at: <https://hgk.hr/dugovi-bolnica-veledrogerijama-ponovno-premasili-4-milijarde-kuna>

110 National Strategic Framework against Cancer until 2030 (OG 141/20), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_141_2728.html

countries. Given that cancer is the leading public health problem in Croatia and the second most common cause of death (after cardiovascular disease), it was high time to implement comprehensive prevention programs to combat cancer and enable early interventions in order to increase the chances of successful treatment.

- 168.** Primary prevention programs for malignant diseases are aimed at reducing the abuse of tobacco and tobacco products, reducing alcohol consumption, preventing overweightness and obesity, promoting healthy lifestyles and controlling the impact of harmful factors in the natural environment and professional environment.

- 169.** Secondary prevention and early detection in Croatia include four active programs for early screening of malignant diseases (early detection of breast cancer, colorectal cancer, cervical cancer and lung cancer), while the need for early detection of prostate cancer arose, along with a need for a modification of existing screening programs to ensure a better turnout of citizens belonging to the target group.

- 170.** National screening programs, other than the program for lung cancer launched in October 2020, were not available to Croatian citizens in 2020.

- 171.** The current National Program for Rare Diseases expired in 2020, and most of the set indicators have not been met.¹¹¹ The National Program for Rare Diseases for the period from 2015 to 2020 was written exclusively from the position of the Ministry of Health, which aggravated and reduced the other stakeholders' interest in being involved in its implementation. It is therefore extremely important that the departments of social welfare, upbringing and education, as well as labor and pension system be included in the development of the new National Program for Rare Diseases.

111 Rare Diseases Croatia, Presentation of the first data from the Database of Rare Diseases, December 2020, available at: <http://www.rijetke-bolesti.hr/predstavljani-prvi-podaci-iz-baze-rijetkih-bolesti/>

172. At the beginning of 2020, association Rare Diseases Croatia presented the first quantitative data on rare diseases in Croatia revealing sociodemographic characteristics and the health and social profile of persons with rare diseases, which marks the first step in systematizing and analyzing the state of rare diseases, which has previously been missing in Croatia.¹¹²

MENTAL HEALTH

173. Mental disorders represent one of the most urgent challenges in public health. According to the World Health Organization's estimates of the total disability burden (DALYs), mental and behavioral disorders rank third in Croatia, behind cardiovascular and malignant diseases. Mental disorders are also the leading group in terms of days spent in hospital treatment.¹¹³

174. Widespread stigmatization of persons with mental health disorders is still present, often leading to social isolation and discrimination against individuals. Although it has been years since the National Strategy for the Protection of Mental Health has been announced, it was not yet adopted in 2020 even though it has been drafted by an expert body appointed by the Ministry of Health. This resumes the persisting lack of destigmatization programs, mental health information, prevention programs and the development of outpatient treatment programs.

175. Measures introduced to prevent the spread of the coronavirus also reflected on all aspects of citizens' lives and consequently their mental health. Preliminary research by the Zagreb Child and Youth Protection Center¹¹⁴ indicates

112 Ibid.

113 Croatian Institute of Public Health, Mental Disorders in Croatia, available at: <https://www.hzjz.hr/sluzba-epidemiologija-prevencija-nezaraznih-bolesti/odjel-za-mentalne-poremecaje/>

114 Polyclinic for the Protection of Children and Youth of the City of Zagreb, Some aspects of mental health during the COVID-19 pandemic (preliminary research results), April 2020, available at: https://www.poliklinika-djeca.hr/wp-content/uploads/2020/04/Izvjestaj-o-COVID-19-istrazivanja_10-travnja-2020_fin.pdf

that persons who have spent time in self-isolation are significantly more anxious, depressed and stressed than persons who have not been in self-isolation. Although preliminary, the results confirm the assumption that the COVID-19 epidemic causes an increase in fear and concern. Unfortunately, there is no research on the negative impact of imposed social isolation on elderly persons, persons with disabilities and persons with chronic illnesses, nor on the impact of mental health on the course of their underlying conditions.

176. Although there has been a growing awareness in society of the need to reorganize the treatment of persons with mental disorders by establishing a connection between inpatient and outpatient systems, developing different outpatient services and providing mobile team services, this concept of community mental health services has not been implemented at the systemic level.

177. Although several projects by civil society organizations and the Psychiatric Hospital Vrapče have demonstrated the effectiveness of treating persons with severe mental disorders through a mobile team, this service has not yet been implemented in practice.

178. Although the list of services that can be provided in psychiatry was prescribed by a regulation¹¹⁵ in 2020, there has been no progress in practice when it comes to the payment and contracting of these services by the Croatian Health Insurance Fund, even though the services in question are basic and essential. As a result, Croatian citizens are still at a disadvantage compared to EU citizens because the lack of basic psychiatric services violates their right to adequate treatment and guaranteed community support.

115 Ministry of Health, Decision on the adoption of the Plan and Program of Health Care Measures 2020-2022 (OG 142/20), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_142_2753.html

179. Associations for the protection of mental health received numerous calls from citizens being treated for mental disorders that confirmed discrimination in employment. According to them, employers ask persons being hired to submit a certificate confirming that they do not suffer from mental disorders for jobs that are not subject to health check.

180. Svitanje – Association for Protection and Promotion of Mental Health received numerous calls from patients from different parts of Croatia that indicate that patients who sign a voluntary consent to treatment are restricted in their right to free movement, even though they are not admitted to treatment under legal provisions on involuntary hospitalization on the basis of posing a danger for themselves or others and endangering their own or someone else's health, as laid down by the Law on the Protection of Persons with Mental Disorders.

Human Rights and the Environment

181. The Ministry of Environmental Protection and Energy has become part of the Ministry of Economy and Sustainable Development through the reorganization of institutions after the July 2020 parliamentary elections. Such an organizational structure jeopardizes the development of an integrated environmental policy given that the development of the economy is the Government's priority and traditionally prioritized over environmental issues.¹¹⁶

182. The negative consequences of the 2019 merger of the scope of the Croatian Agency for the Environment and Nature with the scope of the Ministry of Environmental Protection and Energy were evident in the lack of dissenting opinions of the independent institution responsible for the protection of nature and natural resources in environmental procedures, especially in the procedure of assessing the acceptability for the ecological network, which significantly reduced their transparency.

183. After years of announcements, preparations for the implementation of the construction project for the Kosinj hydropower system began in 2020 by sending residents bids for the purchase of land before the acquisition procedure officially began, although, as far as is known, the financial framework for the completion of the project had not yet been finalized. This project was planned almost 50 years ago and will have major consequences for the environment and the population, while alternative locations have never been explored.¹¹⁷

116 Friends of the Earth Croatia, Merging the environmental and economy sectors is harmful and unacceptable!, July 2020, available at: https://zelena-akcija.hr/hr/opcenito/priopcenja/spajanje_sektora_zastite_okoli-sa_i_gospodarstva_je_stetno_i_neprihvatljivo

117 Energetika-net.com, Realization of HES Kosinj-Senj has started, October 2020, available at: <http://www.energetika-net.com/vijesti/energetsko-gospodarstvo/pocela-je-realizacija-hes-kosinj-senj-31098>

- 184.** Aggravating factors in conducting public consultations on environmental impact assessments, such as the inability to comment on spatial plans online, further discourage and hinder citizen participation in decisions of public interest, especially in the context of epidemiological measures restricting movement and social distancing recommendations.
- 185.** Conducting environmental proceedings before administrative courts remains problematic because the courts rely solely on the credibility of conducted studies, while the refusal of expert reports and the absence of evidentiary proceedings have become routine court practice.
- 186.** The development of technology and the increasing profitability of investing in wind energy led to the 'revival' of some of the old wind farm projects approved in the procedures initiated before Croatia ascended to the European Union. Their compliance with the EU acquis is questionable. So far, no strategic assessment of the impact of wind potential development in Croatia on the environment has been conducted, which would make the selection of areas suitable for investment significantly easier.
- 187.** The functioning of the system for assessing the acceptability of wind farms for the ecological network in Croatia is not in line with the EU acquis. Given that Croatia did not systematically comply with the Habitats Directive in the process of approving changes to coastal wind farm projects, the European Commission initiated proceedings against Croatia in May 2020¹¹⁸ and called for a proper implementation of environmental impact assessments. In addition to the existing damage to the environment, Croatia is facing large fines if it fails to eliminate the identified deficiencies.
- 188.** Measures to effectively prevent damage to the environment and public health have still not been taken, namely adequate measures to reduce the Adriatic Sea pollution and air pollution. According to the air quality index, Zagreb was at the very bottom of global rankings on several occasions in the course

118 European Commission, May infringements package: key decisions, May 2020, available at: https://ec.europa.eu/commission/presscorner/detail/hr/inf_20_859

of 2020.¹¹⁹ Negative trends of illegal interventions in the environment, such as land reclamation, reduction of greenery, unsustainable forest management, etc. also continue.

- 189.** Due to the unsustainability of existing landfills, the danger they pose to the environment and the health of the local population, as well as to the fact that citizens are insufficiently informed about the practice and importance of waste separation, waste management is a continuous problem in Croatia. Improper disposal of used disposable protective equipment (masks and gloves), the use of which has significantly increased since the outbreak of the COVID-19 epidemic, poses a new threat to environmental protection. In addition to inadequate waste management systems, insufficient infrastructure for wastewater disposal and treatment poses an additional problem.
- 190.** Croatia did not sufficiently engage in cross-border cooperation with neighboring countries for the purpose of environmental protection in 2020 either. Obsolete thermal power plants in neighboring countries are still operational, affecting the environment and human health in Croatia and other EU countries.
- 191.** After an agreement failed to be reached between Croatia and Slovenia on joint storage of nuclear waste from the Krško NPP, the former Čerkezovac barracks in the border municipality of Dvor, one of the poorest municipalities in Croatia, is being mentioned as the most likely location for future radioactive waste storage. The process of selecting the nuclear waste disposal site is non-transparent and the local community was not consulted on the matter.
- 192.** Due to several months of public pressure and citizens' systematic opposition to the announced changes to Zagreb's General Urban Plan at the beginning of 2020, the City Assembly did not adopt the announced changes to the GUP. The planned changes would have converted numerous green and recreational zones into residential and commercial ones.

119 IQair, Air quality in Zagreb, available at: <https://www.iqair.com/us/croatia/zagreb>.

Education and Human Rights

- 193.** The epidemic has significantly affected the availability and quality of education, and 2020 was marked by distance learning in often changing and uncertain circumstances.
- 194.** Access to distance learning has been difficult for some students who belong to vulnerable groups. Non-existent or limited access to technology restricted access to classes to students of unfavorable socio-economic status and some students in detention and institutional care.¹²⁰ In this context, the data from the European Commission's Report on Croatian schools having far poorer digital connectivity and inferior equipment compared to the EU average is a cause for concern, as is the data on students' access to a virtual learning environment that is significantly below the EU average at all school levels, both in school and at home.¹²¹
- 195.** Due to the inadequacy or unavailability of adapted content, access to education was limited or disabled for students belonging to minorities, especially the Roma minority, students whose first language is not Croatian, students with developmental and/or learning disabilities, refugee and migrant students and some students with physical disabilities.¹²² A survey conducted in 65 schools attended by Roma

120 Center for Peace Studies and GOOD Initiative, Report from the panel Access to Education - Distance learning, students on the margins, June 2020, available at: <http://oz.goo.hr/wp-content/uploads/2020/06/Tematski-iz-vje%C5%A1taj-Kako-da-nastava-na-daljini-ne-bude-nastava-u-daljini.pdf>

121 European Commission, Education and Training Monitor 2020 - Croatia, available at: <https://op.europa.eu/webpub/eac/education-and-training-monitor-2020/countries/croatia.html>

122 GOOD Initiative, Why are some children kept at a proper distance?, May 2020, available at: <http://goo.hr/zasto-su-neka-djeca-ostavljena-na-pri-stojnoj-udaljenosti/>

students showed that more than 30% of Roma students in as many as 30% of these schools did not participate in distance learning. The reasons for this are various – from poverty to lack of adequate support from the family.¹²³ These limitations and indicators point to additional inequalities in access to education and to the gap in educational outcomes possibly widening.

- 196.** For some students and families living in poverty or at risk of poverty, as well as children belonging to marginalized and vulnerable groups, the closing of schools has led to the loss of various forms of assistance and support they otherwise received through the school system, such as school meals, psychological support or learning support.
- 197.** The epidemiological measure of keeping students from different classes separate, adopted in a large number of schools, aggravated the implementation of supplementary and additional classes and extracurricular activities, which affected the quality of education, especially for gifted students and those with developmental difficulties.
- 198.** The rate of early school leaving in Croatia is among the lowest in the EU, while the quality of education still lags behind. Students' basic skills are below the EU average, with large gender gaps.¹²⁴ The quality of education is also negatively affected by an insufficient number of class hours in primary and secondary schools, a short duration of compulsory education of only eight years, schools' infrastructural deficiencies, a lack of equipment and a lack of teachers for certain subjects.¹²⁵

123 REYN-Croatia / Roma Early Years Network, Roma children kept at an educational distance through distance learning, April 2020, available at: <http://www.reyn-hrvatska.net/index.php/2020/04/23/djeca-romi-ko-ja-su-nastavom-na-daljini-ostala-na-obrazovnoj-distanci/>

124 European Commission, Education and Training Monitor 2020 – Croatia, available at: https://op.europa.eu/webpub/eac/education-and-training-monitor-2020/countries/croatia_hr.html

125 Ibid.

- 199.** The number of class hours, and thus the quality of education, is also conditioned by school shifts: 837 schools in Croatia operate in two shifts, 12 of them in three shifts and 21 schools do not operate in shifts but continuously throughout the day.¹²⁶ The introduction of full-day classes should address these challenges, as proposed by the Strategic Framework for the Introduction of Full-Day Classes¹²⁷ adopted in June 2020.
- 200.** Educators lack continuous professional development in information-communication skills; compared to the rest of the EU,¹²⁸ this area shows the most significant lack of continuous professional development. There is a need for further development of infrastructure and materials for digital education and training, as well as the development of digital skills of teachers, students and adults.¹²⁹
- 201.** Especially in the circumstances caused by the epidemic, the lack of systematic and effective investment in teachers as the bearers of the educational process, along with uneven and outdated infrastructure and inadequately equipped schools, continue to be the key obstacles to achieving equal access and quality of education for all students.
- 202.** 175 schools and kindergartens in Zagreb were damaged in the earthquake, and the damage per building amounts to between HRK 100 thousand and nine million. About 6,500 students attend classes in other schools and some schools

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

127 Ministry of Science and Education, Strategic Framework for the Introduction of Full-Day Classes, June 2020, available at: https://mzo.gov.hr/UserDocsImages/dokumenti/Vijesti/2020/23-6-2020/Strateski%20okvir%20za%20cjelodnevu%20nastavu_final%2022_6.pdf

128 European Commission, Education and Training Monitor 2020 – Croatia, available at: https://op.europa.eu/webpub/eac/education-and-training-monitor-2020/countries/croatia_hr.html

129 Council of the European Union, Council Recommendation of 20 July 2020 on the 2020 National Reform Programme of Croatia and delivering a Council Opinion on the 2020 Convergence Programme of Croatia (2020/C282/11), available at: [https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32020H0826\(11\)&from=EN](https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32020H0826(11)&from=EN)

will be under reconstruction until the fall of 2022.¹³⁰ The earthquake in Sisak-Moslavina County damaged 56 school buildings, of which 9 are unusable and 23 are temporarily unusable or usable with a recommendation.¹³¹ Damage to schools also affects the quality and availability of education, especially in cases in which the reconstruction is lengthy and slow.

- 203.** Participation in the adult education system remains very low. In May 2020, after four years of delay, the proposal of the Adult Education Act entered into public debate but has not yet been adopted for unknown reasons.
- 204.** Although the rate of participation in early childhood and preschool education in Croatia from the age of four until the start of compulsory education is on the rise, it remains among the lowest in the EU. Obstacles to children's participation in early and preschool education include a lack of professional staff, infrastructural deficiencies and flaws, as well as insufficient awareness and education of parents about the importance of preschool education. Given that the funding of early childhood and preschool education is in the domain of local government, its availability and quality are significantly affected by the large gap between richer and poorer regions.¹³²
- 205.** According to the analysis of inequalities in preschool education, Croatia ranks 24th out of 41 EU and OECD member states. Of all the countries analyzed, Croatia has the highest level of inequality in access to preschool education

130 Jutarnji list, Post-earthquake issues: Another 13 schools to be reconstructed, costs for only one amount to 110m kuna, November 2020, available at: <https://www.jutarnji.hr/vijesti/zagreb/problemi-nakon-potrosanja-jos-13-skola-ceka-na-obnovu-trosak-samo-jedne-od-njih-je-110-mil-kuna-15031087>

131 Ministry of Science and Education, Earthquake – activities within the scope of the MoSE, available at: <https://mzo.gov.hr/vijesti/potres-aktivnosti-iz-djelokruza-mzo-a/4125>

132 European Commission, Education and Training Monitor 2020 – Croatia, available at: https://op.europa.eu/webpub/eac/education-and-training-monitor-2020/countries/croatia_hr.html

according to the criterion of household income – only 22% of the poorest children attend kindergarten, compared to three times more children from the richest households (70%). In urban areas in Croatia, four out of five children over the age of 3 attend kindergarten, while in rural areas only one in three children attends kindergarten.¹³³

- 206.** The results of a research on working conditions in early childhood and preschool education confirmed the widespread disregard for the National Pedagogical Standard for Preschool Education and Care, not only in regard to the total number of children but also the number of included children with disabilities. At the same time, most educators participating in the research estimated the number of children in groups to be too large.¹³⁴
- 207.** Civic education is implemented in primary and secondary schools as one of the 6 cross-curricular subjects. This model of implementation of civic education does not provide enough time in the curriculum for the quality development of civic competence in students. Systematic and quality professional development of teachers for teaching civic education is also lacking. Such an approach calls into question the achievement of quality learning outcomes in the areas of democratic citizenship and human rights.

133 UNICEF, An Unfair Start: Inequality in Children's Education in Rich Countries, available at: <https://www.unicef-irc.org/publications/995-an-unfair-start-education-inequality-children.html>

134 SOMK and BRID, Working in Kindergartens: Results of the Research on Working Conditions in Early and Preschool Education, June 2020, available at: https://somk.hr/system/document/file/52/SOMK_uvjeti_rada_RPOO_final.pdf

VULNERABLE GROUPS:

Women's Rights

- 208.** According to the EIGE's Gender Equality Index for 2020,¹³⁵ Croatia, as in 2019, again made a minor shift in the field of gender equality and is now ranked 20th in the EU. In addition to gender-based violence, the most significant problems include the prevalence of sexism in everyday speech, media articles and political discourse, the lack of political participation of women and the pronounced imbalance in social power of men and women.
- 209.** The gender analysis of the 2020 parliamentary elections¹³⁶ indicates a 10% increase in the number of women MPs, but this is a relative increase compared to the record low share of women MPs of 13% in the previous Croatian Parliament Assembly. In 2020, 34 women MPs were elected to Parliament, which makes up a still worryingly low share of 23%.

135 European Institute for Gender Equality, 2020 Gender Equality Index, available at: <https://eige.europa.eu/gender-equality-index/2020>

136 Gender Equality Ombudswoman, Gender Analysis of the 2020 Parliamentary Elections, July 2020, available at: [https://www.prs.hr/application/images/uploads/Rodna_analiza_parlamentarnih_izb.%20\(prs\).pdf](https://www.prs.hr/application/images/uploads/Rodna_analiza_parlamentarnih_izb.%20(prs).pdf)

GENDER-BASED VIOLENCE AND DOMESTIC VIOLENCE

- 210.** In 2020, there was an increase in violence due to the epidemic and lockdown, but also a decrease in reports of violence. The Gender Equality Ombudswoman reported that the number of domestic violence offenses in the first half of 2020 increased by more than 40% compared to 2019.¹³⁷ According to the data of the Ministry of the Interior¹³⁸ from the period between 2011 and 2019, the number of reports dropped from 18,000 to 9,000, and as low as 7,000 in 2020. The discrepancy between the number of reported cases of domestic violence and the actual numbers stems from a fear of repeated victimization and the possibility of the perpetrator taking revenge, as well as from a lack of trust in the support and assistance of competent institutions.
- 211.** In 2020, there was also a downward trend in the implementation of protective measures. The predominant stay at home made it possible for abusive partners to establish greater control over victims, while the limited operation of support services made it difficult to access information and social services (such as free legal and psychological aid).
- 212.** During 2020, civil society organizations recorded an increase in reports of victims of sexual violence. Although ratifying the Istanbul Convention committed Croatia to providing a sufficient number of crisis centers for victims of sexual violence, there is still only one specialized Center for Victims of Sexual Violence¹³⁹ that is based in Zagreb.

137 Gender Equality Ombudswoman, Public announcement on the occasion of 25 November – International Day for the Elimination of Violence against Women, November 2020, available at: <https://www.prs.hr/cms/post/223>
138 Ministry of the Interior, Review of Basic Security Indicators in the Republic of Croatia for January to November 2020, available at: <https://mup.gov.hr/UserDocsImages/statistika/2020/Pokazateljji%20javne%20sigurnosti/Pregled-osnovnih-sigurnosnih-pokazatelja-I-XI-2020-HR.pdf>
139 Center for Victims of Sexual Violence – Women’s Room, available at: <http://zenskasoba.hr/hr/centar-za-zrtve-seksualnog-nasilja/>

- 213.** Drafting of the National Strategy for the Suppression of All Forms of Sexual Violence as a strategic document that would systematically address the issue of sexual violence did not begin in 2020 either.
- 214.** In 2020, amendments to the Criminal Code,¹⁴⁰ the Act on Protection against Domestic Violence¹⁴¹ and the Criminal Procedure Code¹⁴² entered into force to bring national legislation in line with the EU acquis in order to strengthen the protection of victims of domestic violence.
- 215.** ‘A state of long-term suffering’ has been added to the Criminal Code as a new characteristic of the criminal offence of domestic violence (Article 179a). Additionally, the special minimum imprisonment has been increased to one year of imprisonment for the criminal offense of domestic violence, while the prescribed maximum of three years of imprisonment has not changed.
- 216.** However, the 2020 amendments to the Criminal Code did not change the provision according to which the criminal offense of sexual harassment would be prosecuted *ex officio*, as opposed to on a motion as is still prescribed by Article 156 of the Criminal Code.
- 217.** Amendments to the Act on Protection against Domestic Violence introduced stricter penalties for perpetrators of domestic violence, clarified the distinction between criminal offenses and misdemeanors prescribed by the Act and added an item that extends the definition of domestic violence to include the use of physical force which did not result in bodily harm. Also, the circle of persons to whom this law applies has

140 Act on Amendments to the Criminal Code (OG 126/19) in force 1 January 2020, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2529.html
141 Act on Amendments to the Act on the Protection against Domestic Violence (OG 126/19) in force since 1 January 2020, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2531.html
142 Act on Amendments to the Criminal Code (OG 126/19) in force 1 January 2020, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2530.html

been expanded to include first- and second-degree relatives by marriage. However, intimate partner violence is still not defined as a form of domestic violence.

- 218.** The establishment of a 24-hour national SOS hotline for victims of domestic violence implemented by the Ministry of Labor, Pension System, Family and Social Policy marks a positive step taken in 2020.¹⁴³
- 219.** As in previous years, the problem of dual arrest and misdemeanor punishment of both the victim and the perpetrator of domestic violence persists. The police still often fail to distinguish between the perpetrator of violence as the primary aggressor and the victim.
- 220.** Insufficient sensitization and training of judicial, police and other professionals in working with victims of violence remains an issue. There is no interdisciplinary approach in combating gender-based violence and domestic violence, which would include cross-sectoral cooperation in working with victims of violence and quality educational prevention programs. Trainings and attempts to establish cross-sectoral cooperation in this area are carried out mainly as part of projects funded by the European Union and/or from other sources.
- 221.** Of particular concern is the conduct of social welfare centers in parental care proceedings in which perpetrators of violence and victims are treated equally. The perpetrator and the victim continue to be invited to centers for mandatory counseling and are forced to participate in the mandatory counseling process in the same room together, as opposed to separately, as they should in cases of reported domestic violence. This problem is even more pronounced in court decisions on parental care in which the parental competence of the victim is completely equated with that

143 Ministry of Labor, Pension System, Family and Social Policy, 24/7 National SOS hotline launched for victims of domestic violence, shelters soon available in two counties, November 2020, available at: <https://mrosp.gov.hr/vijesti/za-zrtve-obiteljskog-nasilja-pokrenut-0-24-nacionalni-sos-telefon-uskoro-i-sklonista-u-dvije-zupanije/12117>

of the perpetrator, even in cases where one of the parents committed violence to the detriment of a minor child.

- 222.** Of the six temporary shelters for victims of violence that the Government had promised to secure by the end of 2019,¹⁴⁴ only one was opened in 2020.
- 223.** Still present are issues in the geographical distribution of shelters, as well as stable and sustainable funding from public sources. Although the Victims' Rights Directive stipulates that access to support and assistance services must not be subject to official reporting of any kind, a large number of safe houses still insist on reporting violence to the competent authorities as a precondition for being placed in a shelter in accordance with funding arrangements conditioned by the state.

REPRODUCTIVE RIGHTS, PREGNANCY AND MOTHERHOOD

- 224.** There was no necessary progress in protecting women's reproductive health in 2020. There is a lack of systematic implementation of health education in schools, while access to contraception and abortion remains difficult due to uneven prices and conscientious objection practiced by health professionals and pharmacists.
- 225.** Primary gynecological care is still unavailable in many areas of Croatia, and the lack of gynecologists and gynecological teams remains a major problem. At the beginning of 2020, Croatia lacked 61 gynecological teams,¹⁴⁵ while

144 Faktograf.hr, Safe houses not yet opened in counties where there were none, October 2020, available at: <https://faktograf.hr/2020/10/20/sigurne-kuce-u-zupanijama-koje-ih-nisu-imale-jos-nisu-otvorene/>

145 Net.hr, The real situation in gynecology revealed: Zadar is not the only problem: 'Croatia lacks 61 gynecological teams', January 2020, available at: <https://net.hr/danas/hrvatska/otkrili-stvarno-stanje-u-ginekologiji-isti-cu-da-nije-problem-samo-zadar-hrvatskoj-nedostaje-61-ginekoloski-tim/comment-page-1/>

13,000 women, of which 600 were pregnant, did not have a primary gynecologist in Zadar County alone.¹⁴⁶ Another significant problem is the lack of gynecological services on islands, which is why women continue to give birth on the way to the maternity hospital on the mainland (emergency childbirth in a car, on a boat, helicopter, etc.).

- 226.** The worrying practice of illegally charging for regular check-ups for pregnant women practiced by certain primary gynecologists continued in 2020.¹⁴⁷
- 227.** The lack of gynecological examination chairs with a universal design prevents women with disabilities from having regular gynecological examinations.
- 228.** According to the Gender Equality Ombudswoman's report, legally induced abortion is not available in 8 out of 29 authorized health care institutions, which further reduces the availability of abortion compared to the previous two years when the service was not available in only two health care institutions (Clinical Hospital Sveti Duh, General Hospital Našice).¹⁴⁸
- 229.** Although the UN Special Rapporteurs called on Croatia in 2019 to urgently combat violence and protect the rights of women seeking gynecological care, the Government has still not taken concrete steps towards improving the situation in gynecology and obstetrics wards.¹⁴⁹

146 N1, Another 13,000 women left without a doctor, 600 of them pregnant, January 2020, available at: <https://hr.n1info.com/vijesti/a474381-andquot-tjos-13000-zena-ostalo-je-bez-lijecnika-od-njih-je-600-trudnicaandquot/>
147 Parents in Action – Roda, Earning money off-the-books at the expense of pregnant women, September 2018, available at:

<https://www.roda.hr/udruga/dokumentacijski-centar/reakcije/lijeccnici-hzzo-a-zaraduju-na-crno-preko-leda-trudnica.html>

148 Report on the Work of the Gender Equality Ombudswoman for 2020, April 2021, available at: https://www.prs.hr/application/images/uploads/IZVJESCE_O_RADU_2020_Pravobranit.pdf

149 Parents in Action – Roda, UN calls on the Government of the Republic of Croatia to urgently combat violence and violations of women's rights, February 2019, available at: <https://www.roda.hr/udruga/projekti/prekinimo-sutnju/tijela-un-a-pozvala-vladu-rh-da-hitno-reagirana-svjedocanstva-iz-akcije-prekinimosutnju.html>

- 230.** The results of a study on the availability of women's reproductive health care during the COVID-19 epidemic,¹⁵⁰ published in November and conducted by the Gender Equality Ombudswoman and the Association Parents in Action – RODA, point to the negative impact of the epidemic on women's reproductive rights and health. Namely, highlighted problems include difficult access or complete unavailability of certain health care services, medical practices that are not in line with contemporary professional standards, as well as disparities between approaches at different health care institutions.

- 231.** The prohibition from having a companion during childbirth, separating newborns from mothers, limited availability or complete unavailability of examinations and tests, poorer breastfeeding support, performing C-sections without medical indication and unavailability of information are just some of the issues that women faced when accessing reproductive health rights in 2020.¹⁵¹

- 232.** Restrictions aimed at preventing infection made it difficult for women to access health care, prenatal courses and medically assisted reproduction. The aforementioned research¹⁵² showed that, in the epidemic, pregnancy courses were temporarily suspended and accompaniment during childbirth was generally not allowed. Additionally, pregnant women received less health care, examinations were less frequent, and more than a third of respondents were not able to perform all recommended medical examinations. Regarding childbirth experiences, 78% of respondents stated that they were denied the right to accompanied childbirth, 50% had to buy protective equipment, and 30% had to wear a mask during childbirth.

150 Results of the research by the Parents in Action Association and the Gender Equality Ombudswoman on the availability of care for women's reproductive health during the COVID-19 pandemic, September 2020, available at: https://www.prs.hr/application/images/uploads/Rezultati_istra%C5%BEivanja_o_dostupn.pdf

151 Ibid.

152 Ibid.

- 233.** Reduced breastfeeding support during stays in maternity hospitals during the lockdown period indicates a decline in standards in baby-friendly maternity hospitals in Croatia. According to the results of the research, only 19.48% of newborns had skin-to-skin contact with their mother for at least 1 hour immediately after birth, while 36.38% of mothers stated that the child was not separated from them during their stay in the maternity hospital. A significant difference was recorded in the success of breastfeeding depending on the child's place of birth, with children of mothers who live in Zagreb having a 20% higher chance of being exclusively breastfed than children born in rural areas or smaller cities.¹⁵³
- 234.** An action plan for women's reproductive rights was not drafted in 2020 either, the importance of which has been stressed by civil society organizations and international human rights bodies.
- 235.** Midwifery care in Croatia was available exclusively within maternity hospitals in 2020 as well, while outpatient delivery is not part of the health care system, which often results in mothers and children being denied health care and imposed with aggravated administrative obligations. For example, hospital pediatricians, but also those in primary health care, often refuse to examine newborns born outside health care institutions, which entails vaccinating the child after birth as well as performing screening tests and other similar problems.¹⁵⁴
- 236.** The process of amending the Act on Medically Assisted Reproduction was not initiated in 2020 either. The Act continues to exclude lesbians and women who are not married or in common-law marriages from access to medically assisted reproduction, which is discriminatory against women based on their sexual orientation or marital or partnership status. In

153 Ibid.

154 Parents in Action – Roda, Roda and the Chamber of Midwives: We ask that childbirth outside maternity wards exits the gray zone, March 2021, available at: <https://www.roda.hr/udruga/dokumentacijski-centar/reakcije/roda-i-komora-primalja-trazimo-da-porodaj-izvan-rodilista-iza-de-iz-sive-zone.html>

exceptional cases, a woman without a partner may undergo the procedure of medically assisted reproduction if she can prove infertility. There is still a lack of ova and sperm banks, which can be crucial for the treatment of some infertile individuals.

- 237.** Legal provisions are still very vague regarding destruction of embryos, and the existing possibility of embryo donation is not exercised in practice.¹⁵⁵ As in previous years, the fact that patients' requests to stop storing frozen embryos remain unprocessed and unanswered is a matter of concern as such embryos continue to be stored without patients' consent. Consequently, even in the event of divorce or death of one of the spouses, patients are not able to access or decide on their biological reproductive material.
- 238.** Artificial fertilization procedures in human reproduction clinics were suspended during lockdown for a period of up to 2 months and even longer in some centers. Patients were often left without adequate information on the possibility of continuing the treatment and possible consequences on their mental health. Based on data from the Croatian Health Insurance Fund, there were more than 60% fewer medically assisted reproduction procedures in the period from March to June 2020 than the previous year, and 200 fewer children are expected to be born via MAR procedures in 2021.¹⁵⁶
- 239.** Croatia remains among the EU member states in which men (fathers) use paternity and parental benefits the least, which is a consequence of ingrained patriarchal roles and stereotypes that discourage men from using parental leave.¹⁵⁷

155 Parents in Action – Roda, Call to persons with frozen embryos – inability to freeze embryos, March 2021, available at: <https://www.roda.hr/udruga/programi/medicinski-potpomognuta-oplodnja/poziv-osobama-koje-ima-ju-zamrznute-zametke-nemogucnost-unistavanja-zametaka.html>

156 Results of the research by the Parents in Action Association and the Gender Equality Ombudswoman on the availability of care for women's reproductive health during the COVID-19 pandemic, September 2020, available at: https://www.prs.hr/application/images/uploads/Rezultati_istra%C5%BEivanje_o_dostupn.pdf157

157 Report on the Work of the Gender Equality Ombudswoman for 2020, April 2021, available at: https://www.prs.hr/application/images/uploads/IZVJESCE_O_RADU_2020_Pravobranit.pdf

WOMEN IN THE LABOR MARKET

- 240.** In 2020, there were still more unemployed women than men. The Central Bureau of Statistics recorded an increase in the number of unemployed persons of 4% compared to the same period the previous year, with the number of unemployed women increasing by 5%. The registered unemployment rate in March 2020 was 8.6% and 10% for women.¹⁵⁸
- 241.** The disadvantaged position of women in the labor market is caused by discrimination in employment. Croatia still does not have adequate mechanisms for combating discriminatory employment practices. For example, the Croatian Employment Service's online employability assessment tool¹⁵⁹ indicates that women with a child aged 0-2 are about 15% less likely to be employed than men with a child of the same age. Women are also more likely to take care of elderly persons, which in many cases implies temporary absence from the labor market or early retirement.
- 242.** The Gender Equality Ombudswoman's report for 2020 shows that most complaints related to labor, employment and social security come from women. Women do not have equal opportunities for advancement (there are still no appropriate measures to effectively encourage women's participation in economic decision-making positions) and have lower salaries and pensions. Namely, the gender pay gap amounts to about 13.3% and the gender pensions gap is at 22.3%. According to the report, age and motherhood

158 Central Bureau of Statistics, Persons in paid employment by activities in March 2020, April 2020, available at: https://www.dzs.hr/Hrv_Eng/publication/2020/09-02-01_03_2020.htm

159 Croatian Employment Service, My Employability, available at: <https://mojazaposljivost.hzz.hr/>

remain the biggest challenges in gender discrimination against women in the labor market.¹⁶⁰

- 243.** Older women are still an economically deprived group of the population. According to the Central Bureau of Statistics,¹⁶¹ the at-risk-of-poverty rate for women aged 65 and over is 31.3%, which is a significantly higher percentage than the risk rate for men of the same age, which is also high at 23.5%.

160 Gender Equality Ombudswoman, the Ombudswoman submitted the 2020 Report to the Croatian Parliament, March 2021, available at: <https://www.prs.hr/cms/post/392>

161 Central Bureau of Statistics, Women and Men in Croatia, 2020, available at: https://www.dzs.hr/Hrv_Eng/menandwomen/men_and_women_2020.pdf

Children's Rights

- 244.** The social welfare system had difficulty operating during 2020 due to the epidemic and earthquakes that hit Zagreb and Banija. In the first months of the epidemic, certain support systems for children, youth and families at risk, as well as for foster parents and other alternative care providers were completely blocked.
- 245.** The situation of children placed in alternative care institutions was further aggravated by the limited operation of social welfare centers, especially in the first two months of the epidemic and following the earthquakes in Zagreb and its surroundings. Namely, due to the damage to the buildings of the institutions in which they had been placed, children were returned to their biological families which they had been separated from, resulting in the loss of mechanisms of control and protection of children in families at risk. All of the above has led to a further decline in the quality of care for children at risk of separation from families and children without adequate parental care who have already been separated from their families.
- 246.** Additionally, reform processes directed at further deinstitutionalization of alternative care institutions have been suspended. The merger of the Ministry of Demographics, Family, Youth and Social Policy with the Ministry of Labor and Pension System led to an administrative halt and contributed to the suspension of reform.
- 247.** According to the Children's Ombudswoman's report, the number of children without adequate parental care placed in institutional care increased by 6% in 2020 compared to the previous year.¹⁶²

162 Report on the Work of the Children's Ombudswoman for 2020, April 2021, available at: <https://dijete.hr/izvjesca/izvjesca-o-radu-pravobranitelja-za-djecu/>.

- 248.** In June 2020, visits to patients in hospital care were restricted in the city of Zagreb and four other counties.¹⁶³ Parents were denied visits and stays with their children while they were being treated, which constitutes a serious violation of children's rights. The lack of clear instructions for visits and stays of parents with children was also criticized by the Children's Ombudswoman, who called on the Ministry of Health to adopt uniform guidelines.¹⁶⁴
- 249.** The main strategic document in the field of children's rights, the National Strategy for Children's Rights for the period from 2014 to 2020, expired at the end of 2020. There was no data on and evaluation of the implementation of stipulated measures, and preparatory activities for the development and adoption of the new strategy for children's rights have not started.
- 250.** The Children's Council, the main advisory body of the Government of the Republic of Croatia in charge of monitoring the implementation of the Strategy, met only once in 2020.¹⁶⁵
- 251.** There were delays with and non-publishing of announced calls for proposals in the area of financing social services that support deinstitutionalization and families at risk, increasing the uncertainty surrounding the financing and sustainability of extra-institutional services for children and families at risk.
- 252.** Establishing personal relationships between children and parents who do not live together was difficult in 2020. The conditions of the epidemic provided more room for the manipulation of parents in the exercise of parental care, which violated the child's right to see a parent with whom they do not live.

163 Koronavirus.hr, Instructions for healthcare staff, patients and visitors, available at: <https://www.koronavirus.hr/upute-za-djelatnike-zdravstvenih-ustanova-pacijente-i-posjetitelje/713>

164 Children's Ombudswoman, The Ombudswoman supported Association Roda's initiative for parents' stay with their child in the hospital, July 2020, available at: <https://dijete.hr/pravobraniteljica-podrzala-akciju-udruga-rod-a-za-boravak-roditelja-uz-dijete-u-bolnici/>

165 Central State Office for Demography and Youth, The 6th Session of the Children's Council Took Place, June 2020, available at: <https://demografijaimladi.gov.hr/vijesti-4693/odrzana-6-sjednica-vijeca-za-djecu/5584>

- 253.** As in previous years, it is concerning that free basic health care remains unavailable to children who were born in Croatia but do not have Croatian citizenship, i.e., children whose parents have lived in Croatia since the 1990s.

CHILDREN'S MENTAL HEALTH

- 254.** On the occasion of World Mental Health Day, the Croatian Institute of Public Health reported that more than 5% of 16-year-olds in Croatia are depressed, one in four is considering self-harm, and one in ten has attempted suicide. There has been a significant increase in depressive symptoms in young persons aged sixteen in the past twenty years. These alarming data show that stronger and more comprehensive steps need to be taken in the field of mental health of children and youth.¹⁶⁶
- 255.** Croatia does not have an early intervention strategy or action plan for children with developmental risks, developmental deviations, developmental disabilities and behavioral or mental health needs. Early intervention programs are not equally accessible to all families depending on place of residence and unequally cover families living in poverty or belonging to minority ethnic groups. Namely, most early intervention programs are clustered in urban areas, i.e., in the wider area of Zagreb and other large cities. Insufficient services are provided in rural, remote and island areas, as well as in minority communities, especially Roma communities. Additionally, there are long waiting lists for most early intervention programs, and experts are reluctant to work in remote rural and island locations.¹⁶⁷

166 Croatian Institute of Public Health, World Mental Health Day: Let's support investing in mental health of youth in Croatia!, October 2020, available at: <https://www.hzjz.hr/sluzba-promicanje-zdravlja/svjetski-dan-mentalnog-zdravlja-podrzimo-ulaganje-u-mentalno-zdravlje-mladih-u-hrvatskoj/>
167 UNICEF Croatia, Early Childhood Intervention, Analysis of the Situation in the Republic of Croatia, May 2020, available at: <https://www.unicef.org/croatia/media/5001/file/Rana%20intervencija%20u%20djetinjstvu%20-%20analiza%20stanja%20u%20Republici%20Hrvatskoj.pdf>.

VIOLENCE AGAINST CHILDREN AND ITS PREVENTION

- 256.** Epidemic circumstances, namely isolation and self-isolation, restriction of movement, social distancing and other measures implemented to combat the epidemic during 2020 resulted in an increased risk of domestic violence, as well as child abuse and neglect.¹⁶⁸
- 257.** Corporal punishment, which is prohibited by law, is still present in many families as a discipline method, although there is a high degree of public agreement on the unacceptability of all forms of physical violence against children.
- 258.** Professional services in local communities that provide additional assistance and support to parents in developing parenting skills, as well as strengthening the family as a whole, were not sufficiently available in 2020.
- 259.** In addition to corporal punishment, there is a large number of cases of emotional abuse, emotional neglect and child manipulation, especially in cases of high conflict divorces and terminations of common law marriages between parents. In such cases, system responses are generally slow and ineffective, especially in recognizing and responding to child manipulation. A major problem is the length of court proceedings and the lack of political readiness for the organization of family courts as part of judicial reform.
- 260.** There is still a lack of experts working in this field of child protection, i.e., the existing staff is overburdened, leading to slow decision-making in this area that requires acting

168 Ministry of Labor, Pension System, Family and Social Policy, Statement on conduct in a situation of increased risk of domestic violence, child abuse and neglect due to stricter isolation measures to combat the Covid-19 epidemic, April 2020, available at: <https://mrosp.gov.hr/vijesti/priopcenje-o-postupanju-u-situaciji-pojacanog-rizika-od-nasilja-u-obiteljima-i-zlostavljanja-i-zanemarivanja-djece-zbog-pojacanih-mjera-izolacije-radi-suzbijanja-epidemije-covid-19/11809>

quickly and without delay. In addition, there is no quality continuous professional development nor systematic professional support.¹⁶⁹

261. An increase in the number of identified and reported criminal offenses in the field of criminal protection of children and families is worrying. The number increased by 16% in the first ten months of 2020.

262. Sanctions for perpetrators of criminal offences against children, including trafficking in human beings, are extremely mild. The Children's Ombudswoman states that the proceedings take too long and that imposed penalties are closer to minimum than maximum sanctions.¹⁷⁰ Applying inappropriate regulations, overly lenient penalties, a lack of imposing protective measures and an inefficient system of monitoring perpetrators remain issues that endanger children's rights.¹⁷¹

263. At the beginning of 2020, the Action Plan for the Prevention of Violence in Schools for the period from 2020 to 2024¹⁷² was adopted with the aim of raising awareness and public opinion on the importance of violence prevention in society. The Action Plan emphasizes cooperation of all competent state bodies, schools and NGOs towards protecting children from violence in the education system.

169 Report on the Work of the Children's Ombudswoman for 2020, April 2021, available at: <https://dijete.hr/izvjesca/izvjesca-o-rad-u-pravobranitelja-za-djecu/>

170 Report on the Work of the Children's Ombudswoman for 2019, March 2020, available at: <https://dijete.hr/izvjesca/izvjesca-o-rad-u-pravobranitelja-za-djecu/>

171 Report on the Work of the Children's Ombudswoman for 2020, April 2021, available at: <https://dijete.hr/izvjesca/izvjesca-o-rad-u-pravobranitelja-za-djecu/>

172 Action Plan for the Prevention of Violence in Schools 2020-2024, January 2020, available at: <https://mzo.gov.hr/UserDocsImages//dokumenti/StrucnaTijela//Akcijski%20plan%20za%20prevenciju%20nasilja%20u%20skolama%20za%20razdoblje%20od%202020.%20do%202024.%20godine.pdf>

FOSTER CARE AND ADOPTION SYSTEM

264. The large number of over 4,000 children without adequate parental care remains a concern. Over half of the children are placed in foster families and the rest in SOS children's villages or homes for children without adequate parental care.¹⁷³

265. The adoption process remains lengthy, characterized by slow decision-making from social welfare centers and courts, keeping children without adequate parental care in the system for several years. Even when the conditions for adoption are met, children are often of an age at which it is more difficult to find a family, or they do not want to be adopted.

266. The problem of adopting children from larger families, i.e., several siblings, and children with various health difficulties is still present because a support system for adopters has not been developed. Children go through long waits for specialist examination appointments and/or to receive the therapy they need. In addition, these adoptions are associated with increased financial needs (expenditures), while financial support programs for adoptive parents who are willing to adopt more children or a child with a health problem have not been developed.

267. In 2020, no amendments were made to the Maternity and Parental Benefits Act, which would provide adoptive parents of a child over the age of eight with parental leave for a period of 6 months (the same as parents of a child under eight years of age) and ensure the time necessary for developing a bond and establishing quality family relationships that are a prerequisite for the child's further healthy

173 24sata.hr, Children's homes overcrowded: 'There are no calls for adoptions, we beg for them to take them but there is no room', March 2021, available at: <https://www.24sata.hr/news/djecji-domovi-krcati-ne-zo-vu-za-posvajanja-preklinjemo-da-ih-prime-ali-nema-mjesta-753259>

development, especially their self-esteem, self-confidence and life-long coping mechanisms.

268. During 2020, no amendments were made to the Family Act or the Personal Identification Number Act that would enable those children who had been adopted before the 2015 Family Act entered into force to change their Personal Identification Number (OIB), which is possible only for children adopted after the amendments from 2015. Therefore, children adopted before 2015 encounter numerous unnecessary obstacles and difficulties in various areas of life,¹⁷⁴ such as discrimination, breaches of privacy and numerous risks of disclosing personal data, as well as the possibility of their biological parents finding them and disrupting their security and stability.

269. Although Croatia is a signatory to the Hague Adoption Convention, according to which it is obliged to determine if children from other countries who are being adopted had been victims of trafficking in children, this is not practiced. Courts in Croatia automatically recognize certificates of adoption from countries that are not signatories to the Hague Convention without checking if the preconditions for adoption are met.

270. Despite the progress made in the development of foster care for children and the transformation of children's institutions, an unjustifiably large number of children in Croatia still spend their childhoods in the institutional care system. The ratio of 80% of children in foster families to 20% in institutional care has still not been reached, even though this has been part of various deinstitutionalization plans for years.¹⁷⁵

174 Report on the Work of the Children's Ombudswoman for 2020, April 2021, available at: <https://dijete.hr/izvjesca/izvjesca-o-radu-pravobranitelja-za-djecu/>

175 UNICEF Croatia, Foster Care, available at: <https://www.unicef.org/croatia/udomiteljstvo-djece>

271. In addition to the category of children without adequate parental care, children with disabilities and children with behavioral problems (and associated difficulties) in the care system as well as their number are rarely or never mentioned and most often remain 'invisible.' These are groups of children whose vulnerability is further deepened by these specific needs, in addition to the fact that they are children without adequate parental care, placed in homes for children with behavioral problems, developmental difficulties or in traditional foster families. For example, the process of home transformation and deinstitutionalization of children with behavioral problems envisaged the deinstitutionalization of 40% of children with behavioral problems, and specialized foster care was defined by the 2019 Foster Care Act to support this goal. However, no specialized foster carers have been registered in the previous 2 years.

272. In 2020, the existing problems in foster care became even more pronounced, and the epidemic revealed additional difficulties in terms of a decrease in the number of foster families, an increase in the number of children in institutional care and an increase in the number of requests for placement in institutional care. Additional difficulties encountered by the staff of social welfare centers, homes and foster families¹⁷⁶ are uneven territorial coverage of foster families and specialized foster parents additionally educated to provide care for children with specific physical or mental disabilities, an insufficient number of foster families for accommodating children in crisis situations and children up to the age of three, high age and low educational structure of foster parents paired with insufficient support that foster parents, children and biological parents receive and insufficient control over services provided by foster families.

176 Report on the Work of the Children's Ombudswoman for 2020, April 2021, available at: <https://dijete.hr/izvjesca/izvjesca-o-radu-pravobranitelja-za-djecu/>

273. As in previous years, there was no systematic approach to creating clearer deadlines and criteria on how to help biological parents and at what point should children be separated from the family. In the process of separation from their biological family and placement in a foster family, children are insufficiently informed about foster care, including the period of stay in foster families, and insufficient care is taken of their needs and wants.

274. The education system remains insufficiently sensitized to children in the social welfare system, including adopted children. School textbooks offer stereotypical representations of family, which leads to stigmatization of adopted children and children in the care system.

Youth

275. Although, in the context of the epidemic, youth is not the social group that is most at risk, difficult access to education and employment opportunities, participation and social interaction significantly affected the exercise of their rights, with probable adverse consequences for their future socio-economic rights.

276. A comprehensive youth policy has not been adopted in the three years following the expiration of the previous National Youth Program in 2017. Public consultation on the new National Youth Program was completed in early 2020, but the program has not yet been adopted. The evaluation of the previous National Youth Program showed that only 36% of the measures were fulfilled,¹⁷⁷ which points to the need to adopt a focused, feasible and better new youth program.

277. Given that a large number of youth work on short-term contracts, for low wages and in precarious jobs, it is clear that a significant proportion of young persons is not creditworthy, and current housing policy measures are aimed at buying a home through loans. This is one of the reasons why Croatia is at the very top of Europe with 62% of youth still living with their parents, and unlike the European average of 26.2 years, young persons in Croatia leave the parental household on average no sooner than at 31.8 years of age.¹⁷⁸

177 Croatian Youth Network, Discussion on the proposal of the National Youth Program 2020-2024, February 2020, available at: https://www.mmh.hr/uploads/document/doc/3/Bilje%C5%A1ka_-_rasprava_o_prijedlogu_Nacionalnog_programa_za_mlade_2020._-2024_MMh.pdf

178 Eurostat, Estimated average age of young people leaving the parental household, available at: https://ec.europa.eu/eurostat/databrowser/view/yth_demo_030/default/table?lang=en

278. The data on the youth unemployment rate in Croatia is worrying. Youth unemployment was significantly higher in Croatia than in the EU at the end of 2020 – while 17.1% of young persons in the EU are unemployed, data from Eurostat shows that the youth unemployment rate in Croatia is as high as 23.6%.¹⁷⁹ Although the rate of unemployed young persons aged 15 to 29 who are no longer in the education system and are not in the training system (NEET) is in decline in Croatia compared to previous years, it is still at 14.2% according to the latest Eurostat data, which is still slightly higher than the European average.¹⁸⁰

279. Working with youth is an area that is not sufficiently recognized and valued in Croatia. Croatia still does not recognize youth work as a profession, and youth work lacks financial and institutional support to ensure quality and continuity.

179 Srednja.hr, Youth unemployment at a worrying level, Croatia below the European average, November 2020, available at: <https://www.srednja.hr/novosti/nezaposlenost-mladih-zabrinjavajucoj-razini-hrvatska-gora-europskog-prosjeka/>

180 Eurostat, Young people neither in employment nor in education and training by sex, age and educational attainment level (NEET rates), available at: https://ec.europa.eu/eurostat/databrowser/view/yth_empl_160/default/table?lang=en

The Rights of Elderly Persons

280. In Croatia, almost a third of persons over the age of 65 are at risk of poverty, and women in that age group are at an even higher risk (33.6%).¹⁸¹ In addition, 60% of persons over the age of 65 report having at least one chronic illness, which is above the EU average, and the availability of health care for elderly persons strongly depends on the distance between health facilities and their place of residence.¹⁸²

281. In May 2020, the National Allowance for the Elderly Act was passed for Croatian citizens over the age of 65 who have no income.¹⁸³ The national pension is granted on the basis of clear criteria that need to be met, such as a minimum of 20 years of residence in Croatia. Additionally, this pension of only HRK 800 per month can be granted only to persons with less than HRK 800 per household member.

282. Measures implemented in response to the epidemic have had a significant impact on senior citizens, especially residents of nursery homes, whose freedom of movement was disproportionately restricted for reasons of public health protection. Namely, users of social care homes were collectively and non-selectively banned from leaving institutions,

181 Central Bureau of Statistics, Poverty and Social Exclusion Indicators for the Republic of Croatia, October 2020, available at: https://www.dzs.hr/Hrv_Eng/publication/2020/14-01-01_01_2020.htm

182 Office of the Ombudswoman, International Day of Older Persons 2020 – What is it like to be an elderly person in Croatia?, October 2020, available at: <https://www.ombudsman.hr/wp-content/uploads/2020/10/Kako-je-biti-starija-osoba-u-Hrvatskoj-pregled-problema-i-preporuka.pdf>

183 National Allowance for the Elderly Act (OG 62/20), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_05_62_1233.html

while visits were also prohibited throughout the epidemic in 2020, with shorter periods of relaxation.¹⁸⁴

- 283.** The ban on leaving institutions and the prohibition on visits particularly affected elderly persons who do not have access to the Internet or do not use technology, which had a significant and negative effect on their social exclusion.
- 284.** During the epidemic, the Croatian Pensioners' Union and the association Third Age Croatia warned of neglect of elderly and infirm persons in family and private care homes, as well as of denial of their rights, regular health and social protection and support.¹⁸⁵
- 285.** Systemic problems remain present in elderly care, including a lack of capacity to accommodate elderly persons, lack of effective supervision of service providers, non-transparency in admissions to public nursing homes, lack of a legislative framework but also insufficient support for those caring for elderly and infirm persons. In 2020, two tragic fires broke out in family homes, further revealing the lack of supervision, irregularities and illegal operation of some family homes, while proper operation of care homes and the application of appropriate protective measures to combat coronavirus were called into question when 19 residents died of coronavirus in a nursing home in Split.¹⁸⁶

184 Ombudswoman for Persons with Disabilities, Review of individual epidemiological measures for users of accommodation services in the social welfare system and patients in medical rehabilitation in special hospitals, September 2020, available at: <https://posi.hr/wp-content/uploads/2020/09/Preispitivanje-pojedinih-epidemiolo%C5%A1kih-mjera-za-korisnike-usluga-smje%C5%A1tja-u-ustanovama.pdf>

185 Tportal, Croatian Pensioners' Union: Users of foster homes are denied basic human rights, December 2020, available at: <https://www.tportal.hr/vijesti/clanak/suh-korisnicima-domova-za-starije-uskacuju-se-temeljna-zivotna-prava-20201202>

186 Ombudswoman's Report for 2020, February 2021, available at: <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6058781009b821616410640>

- 286.** Access to health and social care, which is already difficult for many elderly persons, especially in rural areas, has been further limited by epidemiological measures.

- 287.** There is still insufficient capacity to accommodate patients in need of palliative care, as well as hospices that would enable dying with dignity.¹⁸⁷

- 288.** It is worrying that Croatia has a higher suicide rate for persons over the age of 65 than the EU.¹⁸⁸

187 Croatian Pensioners' Union, 17th session of the National Council, Pensioners call for third adjustment!, March 2020, available at: <https://www.suh.hr/index.php/fb/1995-umirovljenici-traze-trece-uskladjivanje>

188 Croatian Institute of Public Health, Suicides in Croatia 2020, September 2020, available at: <https://www.hzjz.hr/aktualnosti/izvrsena-samoubojstva-u-hrvatskoj-2020/>

The Rights of Persons with Disabilities

- 289.** Insufficient information and transparency regarding guaranteed rights resulting from a large number of regulations governing this area remains a continuous obstacle to the exercise of the rights of persons with disabilities in Croatia. Another issue is the inconsistency of data on persons with disabilities within several systems in which they appear as users and the lack of an adequate exchange of information between sectors.
- 290.** In 2020, there were still significant discrepancies in the accessibility of services for persons with disabilities in urban and rural areas. Additionally, possibilities of exercising the rights of persons with disabilities and the quality of services depend on the cause of disability. Systemic problems still include a lack of quality diagnostics and the unavailability of early intervention.
- 291.** The concept of independent living in the community continues to be hindered by a number of problems, such as the lack of social services, the unregulated issue of personal assistants and the unavailability and inadequacy of public transport, which makes independent living difficult in practice.
- 292.** A continuous problem that is difficult to eradicate is the use of incorrect terminology in referring to persons with disabilities, which is still widely present in the media, legislation, among health professionals and the general public. Despite constant warnings, this problem remains unresolved.
- 293.** For the benefit of the beneficiaries, civil society organizations continue to take on the role of institutional support providers for persons with disabilities, providing social services instead of state institutions and consequently neglecting their work on advocacy activities.

- 294.** The deinstitutionalization process remains slow and inefficient. There has been no significant progress in increasing the number of persons leaving institutions, while persons with physical disabilities who do not receive adequate hours of personal assistance still go to institutions.
- 295.** The inaccessibility of public transport, various facilities, and especially cultural, tourist and other activities remains a prominent problem for persons with disabilities. Even in 2020, there were no systematic efforts to provide persons with disabilities equal access to all facilities and content.
- 296.** Persons with disabilities continue to face discrimination in all aspects of social life. Due to difficult access to employment, their work potential remains untapped. Difficult access to employment in certain state and public sector bodies is of particular concern.¹⁸⁹
- 297.** Although the position of persons with disabilities is often used in election campaigning, their right to participation in political life is often not exercised in practice, as evidenced by the underrepresentation of persons with disabilities in political life. In addition, persons with disabilities continue to have difficulty accessing their right to vote. Many polling stations are still architecturally inaccessible, and election materials and the voting system are not fully adapted to all types of disabilities. Another issue is that the exercise of the right to vote is greatly hindered for residents of social care homes and persons in health care institutions.¹⁹⁰
- 298.** The epidemic has further aggravated the enduring unfavorable situation in the human rights of persons with disabilities. The main issues that persons with disabilities

189 Summary of the Report on the Work of the Ombudsman for Persons with Disabilities for 2019, April 2020, available at: <https://posi.hr/wp-content/uploads/2020/04/SA%C5%BDETAK-Izvje%C5%A1%C4%87e-o-radu-PO-SI-za-2019.pdf>

190 Report on the Work of the Ombudsman for Persons with Disabilities for 2020, April 2021, available at: <https://posi.hr/wp-content/uploads/2021/04/Izvjesce-o-radu-Pravobranitelja-za-osobe-s-invaliditetom-za-2020.-godinu.pdf>

faced in the course of 2020 were the discontinuity and denial of various medical services, unavailability of information due to inadequate reporting for persons with sensory impairments and intellectual disabilities, inefficient implementation of the process of deinstitutionalization, restrictions and denial of the right to freedom of movement for users of social welfare institutions and the increased risk of domestic violence.¹⁹¹

299. In addition to other difficulties caused by sudden changes in the daily functioning of the community, the coronavirus epidemic further highlighted flaws in the system of protection of the rights of persons with disabilities, children with developmental difficulties and their families, while more frequent violations of their rights during the crisis point to an urgent need for adapting the system to users' needs and further developing the network of social services in the community.¹⁹²

300. Employed persons with disabilities and parents of children with developmental difficulties and adult children with disabilities who cannot work from home due to the nature of their work have faced major challenges due to the reorganization of work aimed at combating the spread of coronavirus. Parents/guardians do not have the option of entrusting their children to the care of competent institutions, while the care of adults with disabilities remains a problem as well.¹⁹³

191 Human Rights House Zagreb, Annual Conference on Human Rights: Discussion 'Impact of the COVID-19 epidemic on human rights in Croatia', December 2020, available at: <https://www.kucaljudskihprava.hr/2020/12/31/godisnja-konferencija-o-ljudskim-pravima-utjecaj-epidemije-covid-19-na-ljudska-prava-u-hrvatskoj/>
192 Ibid.

193 Ombudsman for Persons with Disabilities, Work from home for employed parents of children with difficulties and adults with disabilities, employed persons with disabilities and family members/guardians caring for persons with disabilities, March 2020, available at: <https://posi.hr/wp-content/uploads/2020/03/Rad-od-ku%C4%87e-za-roditelje-djece-s-te%C5%A-1ko%C4%87ama-i-zaposlene-osobe-s-invaliditetom.pdf>

THE RIGHTS OF PERSONS WITH SENSORY IMPAIRMENTS

301. The problem of communication between health care staff and deafblind persons is still present. Medical staff are insufficiently acquainted with the role of translators for deafblind persons, and the needs of deafblind persons are often not taken into account. Deafblind persons are denied the right to services as well as the right to be fully informed about their health condition and course of treatment.

302. Difficulties in exercising the rights of deaf, blind and deafblind persons are manifested in denial of reasonable adjustments, disrespect for deafblind persons' expertise, inability to participate in political and public life and insufficient number of interpreters in meetings, which puts those groups at a disadvantage.

303. Deafblind persons have difficulties in finding employment, and when they respond to a job posting that corresponds to their competencies and abilities, they are rejected due to the specific way of communication and the need for an interpreter who needs to be paid for their services.

304. Deaf, blind and deafblind persons of mature years are generally not qualified for independent living and depend on care which is often provided by parents. An alternative is to go to care homes for elderly and infirm persons that are not adapted to the needs of deafblind persons and do not have an adequate solution for sign language communication, which leaves deafblind persons alone, isolated and at greater risk of inadequate treatment and denial of rights. An additional problem is the lack of space in nursing homes, resulting in deafblind persons being placed in psychiatric institutions, which does not suit their needs.

305. In 2020, no legislation was passed that would regulate the status of translators for deafblind persons in educational institutions at the national level. There is no uniformity in hiring and classifying translator jobs or aligning transla-

tors' salaries, which negatively affects the systematic and quality establishment of a translation system for deafblind students.

- 306.** The Act on Preschool Education does not recognize the possibility of hiring an interpreter in kindergartens. In practice, whether a child gets an interpreter in kindergarten depends on the resources of the local self-government. There are also no verified or uniform programs for the implementation of courses for sign language translators.
- 307.** Progress has been made in raising awareness of deafblindness and in educational institutions consulting professional civil society organizations in order to accommodate deafblind persons' needs and educate children and employees on how to approach deafblind persons.
- 308.** HRT's Department for program adjustments for persons with sensory disabilities informed the Croatian Association of the Deaf and Hard of Hearing that the Department closed on March 23 due to the epidemic and would no longer be able to adjust HRT's program to the needs of the deaf and hard of hearing.¹⁹⁴ After a reaction from the Croatian Association of the Deaf and Hard of Hearing, which emphasized that denying information of vital importance indicates unequal treatment of this group of citizens, HRT continued broadcasting most of its programs with subtitles on March 25, noting that it would not be able to subtitle all programs due to objective circumstances and that it would maximally adjust content to the deaf and hard of hearing.¹⁹⁵

194 Croatian Association of the Deaf and Hard of Hearing, At a time when accessible information is of vital importance, the subtitling service is discontinued, March 2020, available at: <http://www.hsgn.hr/2020/03/23/u-vrijeme-kada-su-pristupacne-informacije-od-zivotne-vaznosti-ukida-se-usluga-titlovanja/>

195 Croatian Association of the Deaf and Hard of Hearing, Subtitles for HRT programs available again starting from today, March 2020, available at: <http://www.hsgn.hr/2020/03/25/od-danas-ponovno-titlovi-na-hrt-emisijama/>

THE RIGHTS OF PERSONS WITH AUTISM

- 309.** The lack of an adequate legislative framework regulating minimum services for achieving equal opportunities for all persons with autism and the lack of a single interdepartmental expert body that would enable persons with autism to enter the health and social care system are continuing problems that have not been systematically addressed for years.
- 310.** Persons with autism continue to face a lack of necessary services and large discrepancies in their availability. During 2020, there was no progress in quality diagnostics, availability of early intervention and adjustment of the healthcare system to the needs of persons with autism.
- 311.** Croatia continues to lag far behind the rest of the EU in terms of early intervention, which remains inaccessible to a large proportion of children in Croatia. According to the findings of a recent study, there are no early childhood intervention services in seven Croatian counties, with a quarter of the existing early intervention programs located in the wider Zagreb area. Only one in eight potential recipients of early childhood intervention services aged 0-5 receives those services, which are too far away for 85% of families. Taking into account that early intervention is one of the foundations of childcare that enables their later inclusion in the education system and equal participation in society, it is especially devastating that there are no rules for inclusion in early childhood intervention at the national level.¹⁹⁶
- 312.** Adaptation for and integration of persons with autism in educational institutions still to a large extent depend on

196 Alliance of Autism Associations of Croatia, Poor intervention, October 2020, available at: <https://www.autizam-suzah.hr/2020/10/27/jadna-intervencija/>

individual efforts of school principals and staff, indicating that there has been no progress in addressing the lack of a standardized and uniform system.

- 313.** The inadequate response of state institutions and bodies to the effects of the crisis caused by extraordinary circumstances has led to a further deterioration of the system of providing support and services to persons with autism and their families, who have been deprived of many vital services.
- 314.** Given that the epidemic has led to changes in the regular operation of the health care system, decisions on individual protocols did not take into account the specificities of autism, resulting in some measures within the system directly preventing persons with autism from gaining equal access to basic health services. Despite appeals from organizations that protect persons with autism, no necessary steps were taken during 2020.
- 315.** Following the outbreak of the coronavirus epidemic, organizations promoting and protecting the rights of persons with autism encountered limited and closed channels of communication with key government actors in the autism services sectors and, despite intensive efforts, failed to successfully advocate for the necessary changes.
- 316.** The suspension of a large number of health, social, rehabilitation and educational services for all citizens due to the outbreak of the coronavirus epidemic has had a particularly negative impact on the quality of life and rights of persons with autism throughout Croatia. Compared to previous years, there was a further increase in the isolation of the population of persons with autism and their families, while their communication with competent institutions was further hindered, leaving the families of persons with autism to their own devices to an even larger extent.

THE RIGHTS OF PERSONS WITH INTELLECTUAL DIFFICULTIES

- 317.** Depriving persons with intellectual disabilities of legal capacity remains a continuous problem in 2020 and directly results in their inability to exercise civil and political rights, to non-transparent management of their property, inability to choose social service providers and permanent admission of adults to foster care facilities.
- 318.** Contrary to the UN Convention on the Rights of Persons with Disabilities, the foster care system in Croatia applies to adults as well as children. Even though foster care for adults with intellectual disabilities should only be used as a temporary solution, it is carried out permanently and often in poor and inadequate conditions.

The Rights of LGBTIQ Persons

- 319.** Discrimination against LGBTIQ persons most commonly takes place in the workplace and when accessing public services (primarily administrative and health services). Namely, LGBTIQ persons often experience discrimination and/or violence in the workplace and/or in the hiring process, which often remains unrecognized by the employer.
- 320.** According to civil society organizations, the COVID-19 epidemic lockdown had a negative effect on LGBTIQ persons as many were forced to live in the same household as their often unaccepting and homo/bi/transphobic family members, which also caused an increase in violence and abuse against LGBTIQ persons. Psychosocial support services and other LGBTIQ-specific services were unavailable, which also adversely affected the LGBTIQ community.
- 321.** As in previous years, LGBTIQ persons were a target of hate crimes in 2020. There is still a discrepancy between reported hate crimes and the actual number of committed hate crimes. LGBTIQ persons often do not report discrimination and/or violence based on sexual orientation, gender identity or gender expression for fear of repeated stigmatization and marginalization in their social environment, for fear of forced outing (i.e., being revealed to be lesbian, gay, bisexual or transgender) and out of distrust towards institutions.
- 322.** According to preliminary results of the 'Brutal Reality II' research study conducted by Zagreb Pride among LGBTIQ persons in Croatia on their experiences of violence and discrimination, less than 10% of persons who experienced violence reported it to the police or other competent au-

thority, while 36% of respondents report adjusting their behavior for fear of discrimination or violence.¹⁹⁷

- 323.** LGBTIQ youth do not have access to information on whom to contact in schools in case of peer violence and consequently remain reluctant to report violence. Unlike in other cases of violence, the problem in this case is even greater in the sense that LGBTIQ youth often cannot complain to their parents who might be homophobic or transphobic themselves.
- 324.** As in previous years, discrimination against transgender persons frequently happens in procedures undertaken as part of medical and social transitions. Access to health services for transgender persons was not adequately addressed in 2020 either. Namely, given that gender reassignment procedures are still considered aesthetic interventions, their costs are not covered by health insurance, and the person must cover the costs of the transition themselves. The cost of mastectomy had been subsidized by the Croatian Health Insurance Fund until 2017, but this was then abolished without explanation or change in legislation.
- 325.** There is still no medical team in Croatia that could perform the surgical procedures of phalloplasty and vaginoplasty, which is why performing a medical transition is still not possible in Croatia. This means that transgender persons have to undergo medical procedures in neighboring countries with extremely high medical expenses. Additionally, the gender reassignment procedure is preceded by obtaining a diagnosis of gender identity disorder, which is contrary to the right to self-determination.
- 326.** Transgender persons also found themselves at a disadvantage due to the COVID-19 epidemic. The legal gender recognition procedure had been completely suspended

197 Zagreb Pride, You don't report that because no one will take you seriously, May 2020, available at: <https://www.zagreb-pride.net/hr/to-se-ne-pri-javijuje-jer-te-nitko-nece-ozbiljno-shvatiti/>

for a period of time. Namely, the National Health Council, which issues a final opinion on 'gender reassignment' or 'life in another gender identity' that serves as a basis for changing the gender marker in the birth registry, did not hold sessions, and requests for changing the gender marker in documents were not processed. Additionally, during lockdown, psychiatrists from the List of Experts did not receive new patients or issue opinions (which are necessary for the continuation of the procedure) to persons who had already started the gender recognition process. All of the above further complicated the already slow and lengthy process of realizing status and other rights.

327. An electronic marriage registration service (e-Prijava vjenčanja) was introduced in 2020, enabling the registration of marriage without a visit to the registry office, but the service was not made available to persons wishing to enter into a same-sex life partnership. This discriminates against gays and lesbians on the basis of sexual orientation and puts them at a disadvantage compared to spouses.¹⁹⁸

328. Access to adoption of children was not granted to life partners in 2020 either. However, after a years-long legal battle, a same-sex couple was granted their request to foster children, but not the right to adoption.¹⁹⁹

198 Zagreb Pride, E-citizens becomes a new tool for the Croatian Democratic Union Government's discrimination against actual citizens, July 2020, available at: <https://www.zagreb-pride.net/hr/e-gradani-postali-novi-alat-ko-jim-vlada-hdz-a-diskriminira-stvarne-gradanke-i-gradane/>

199 Rainbow Families, Official Confirmation: After three years of legal battles, life partners Mladen and Ivo became foster parents and provided a home for two children, September 2020, available at: <https://www.dugine-obitelji.com/sluzbena-potvrda-nakon-tri-godine-pravnih-bitaka-zivotni-partneri-mladen-i-ivo-postali-su-udomitelji-i-pruzili-dom-za-dvoje-djece/>.

The Rights of Homeless Persons

329. The National Strategy for Combating Poverty and Social Exclusion expired in 2020. Despite its provisions aimed at protecting and improving the welfare of homeless persons, its expiration did not mark a significant progress in combating and preventing homelessness in Croatia.

330. The current legal definition of homelessness is insufficiently broad and not in line with the ETHOS typology of homelessness and housing exclusion. It does not include persons living in inadequate living spaces or secondary and tertiary forms of homelessness, which prevents the creation of appropriate prevention policies. Homelessness does not encompass persons living in homeless shelters, very precarious housing conditions, inadequate housing or those facing the risk of homelessness due to uncertain tenancy rights.

331. Croatia still does not possess accurate data on the number of homeless persons, which is vital for the creation of welfare measures and policies. There are 14 homeless shelters in Croatia, all of them in larger cities with a total accommodation capacity of up to 420 users, while the needs are multiple times greater. Although the number of homeless persons in official statistics ranges between 300 and 500, the actual number is much higher according to estimates on the ground, while the number of citizens living at risk of homelessness exceeds several thousand.

332. Despite large cities and county seats having a legal obligation to allocate funds from their budget for serving food in soup kitchens and providing accommodation in homeless shelters and night shelters, a large number of cities in Croatia still lacks homeless care programs. Soup

kitchens and welfare self-service stores are often the result of initiatives by civil society, humanitarian and religious organizations, rather than structural national policies.

- 333.** The 2014 Social Welfare Act does not provide users of accommodation or organized housing services the right to a guaranteed minimum benefit, except for homeless persons who are users of overnight accommodation, which deprives these categories of citizens of the right to social integration.
- 334.** Problematic is the lack of professional staff in homeless shelters and night shelters. Recruitment of new professional staff is hindered by a lack of financial resources, and the lack of continuous support and supervision of professional workers in direct contact with homeless persons is concerning because these workers face unpredictable situations which require professional knowledge and skills that they often do not possess.
- 335.** Croatia does not have a strategy for preventing and combating homelessness or a strategy for social housing. Given that homelessness is an extreme form of poverty and social exclusion that requires a special approach, there is a need to devise specific frameworks and social policy measures for homeless persons at the national level. The lack of a national homelessness strategy and a protocol on the treatment of homeless persons affects the quality of services of all providers and the cooperation on homelessness with competent authorities.
- 336.** Poor cross-sectoral coordination between service providers, social welfare centers, judicial and health care institutions was an issue in 2020, especially in terms of care for persons leaving health care and judicial institutions after a long time.
- 337.** The exercise of the right of residence remains a continuing problem for homeless persons. The process of registering residence at the address of the night shelter or the competent social welfare center is hindered by the unre-

sponsiveness of institutions, resulting in many homeless persons being left without registered residence and unable to access numerous public services, including the right to health care.

- 338.** During the coronavirus epidemic, homeless persons were at an increased risk due to a lack of accommodation capacities and poor information on the development of the crisis. Perennial and emerging problems have once again highlighted the need to adopt national strategic documents in order to ensure continued protection of homeless persons, especially during crises.
- 339.** Due to the coronavirus epidemic and the devastating earthquakes that hit continental Croatia in 2020, the number of persons without adequate housing increased, and the existing spatial, protection, staffing and other capacities were not sufficient to provide adequate care for all those in need.
- 340.** Night shelters and shelters for homeless persons became potential high-risk places in the epidemic. This was due to citizens being insufficiently informed, insufficient testing and a lack of clear rules of conduct to prevent the spread of infection, as well as a lack of adequate self-isolation facilities. The processing of direct urgent requests for accommodation after leaving health care facilities, communes, prisons, etc. was further aggravated in the circumstances of COVID-19 due to limited accommodation capacities and limited possibilities of testing and self-isolation. Organizations working with homeless persons provided a certain amount of hygiene supplies and protective equipment from their own budgets, without financial assistance from institutions, also securing 24/7 operation to protect beneficiaries. Civic solidarity and significant voluntary involvement of citizens in the delivery of food and assistance came to light in the crisis. The situation also revealed the importance of welfare self-service stores in the community, despite the fact that these are not defined as one of the social services.

- 341.** Association MoSt and the Croatian Homeless Network pointed out the poor implementation of the Homeless Care Plan for the Republic of Croatia and the Homeless Care Plan in Extreme Winter Circumstances, which also served as the Homeless Care Plan during the COVID-19 epidemic, and as the plan for the organization of soup kitchens.²⁰⁰ Namely, many organizations listed in the Plan as those meant to support shelters and night shelters were not aware of the Plan's activation, nor were additional accommodation capacities activated, especially in cities where there is no temporary accommodation service for homeless persons. The Plan should also specify the obligation of work on the ground and fieldwork, both in the case of competent social welfare centers and organizations that provide services.
- 342.** No standard of work has been established for shelters and night shelters. There are large discrepancies in the resources allocated by local and/or regional self-government units for the operation of shelters/night shelters, while these service providers are subject to increasing administrative demands, calls for a larger number of beneficiaries and for the development of activities and innovative social services.
- 343.** No call for proposals has been put out for the provision of field services for homeless persons who do not use accommodation services, even though it was envisaged in the competent Ministry's Plan for calls for proposals.

200 Association MoSt, Appeal to help homeless persons in Croatia, April 2020, available at: <https://www.most.hr/blog/apel-za-pomoc-beskucnici-ma-u-hrvatskoj>

The Rights of Refugees

- 344.** Croatia still does not have a valid migration nor integration policy in place.
- 345.** The Action Plan for the Integration of Persons Granted International Protection for the period from 2020 to 2022 was not adopted during 2020. Given the changes in the state budget due to the epidemic and the alignments with the EU integration framework, the new action plan is expected to be adopted in 2021.
- 346.** At the end of 2020, the new Aliens Act²⁰¹ was adopted, containing numerous flaws and opening the door to discriminatory practices. The main deficiencies of the adopted act include its incompatibilities with the Schengen Borders Code, the inability to appeal against the decisions of the Ministry of the Interior that further burden the judicial system, allowing for arbitrariness in conducting security checks and making it difficult to grant temporary residence on humanitarian grounds. Although civil society organizations pointed out problematic provisions of the draft act during the public consultation, their suggestions were not taken into account during the adoption of the act.²⁰²

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

202 Center for Peace Studies, CPS: Aliens Act is flawed and allows for discrimination, September 2020, available at: <https://www.cms.hr/hr/pravna-pomoc-azil-i-statusna-pitanja/cms-prijedlog-zakona-o-stranci-ma-je-manjkav-i-omogucava-diskriminaciju>

ACCESS TO THE RIGHT TO INTERNATIONAL PROTECTION

- 347.** Only 42 international protections were granted in 2020 (36 asylums and 6 subsidiary protections), which is the lowest rate since the beginning of the refugee wave in 2015 (43 international protections were granted in 2015).²⁰³
- 348.** There are still those who have been waiting to be granted international protection for over two years. The organization Are You Syrious recorded a case of a person who, after years of waiting, received a negative decision based on the opinion of the Security and Intelligence Agency, even though there was a basis for subsidiary protection. The decision was annulled following a lawsuit in the administrative court, but the file was returned to the Ministry of the Interior, implying a prolongation of the waiting period for the person.
- 349.** The lack of information available to refugees and other migrants on the possibilities of obtaining free legal aid and legal information is worrying and often leads to the expiration of deadlines and the loss of opportunities for action. The Center for Peace Studies states that, when exercising the right to primary free legal aid, refugees and other migrants report difficulties in accessing reception centers, detention centers and reception/transit centers where refugees and migrants are located. Preventing civil society organizations providing primary free legal aid from entering these facilities makes it difficult for potential beneficiaries to access legal aid and legal information, and the situation has been further aggravated when measures to combat the epidemic were introduced in 2020.²⁰⁴

203 Ministry of the Interior, Statistical indicators of persons granted international protection in the Republic of Croatia until 31 December 2020, available at: https://mup.gov.hr/UserDocsImages/statistika/2021/Medjunarodna_zastita/statistika_medjunarodna_zastita_2020.pdf

204 EU Fundamental Rights Agency, Buletin Migration: Key fundamental rights concerns 1.1.2020 – 31.3.2020, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-2_en.pdf

- 350.** Access to information for foreigners living in Croatia is also problematic. Foreigners are often unable to obtain correct and complete information from the Zagreb Police Department, with the information often provided in Croatian rather than English. This makes it much more difficult to navigate and collect the necessary paperwork and the like. The Center for Peace Studies cites cases of police officers providing information at police station counters only to give different (accurate) information in the presence of an attorney.
- 351.** Unaccompanied minors remain in a particularly vulnerable position in Croatia, as the state has not yet restructured its reception system for this group. Unaccompanied minors continue to be placed in homes for children without adequate parental care and homes for upbringing of children and youth, while minors over the age of 16 are often placed in the Reception Centre for Asylum Seekers. The measure of placing unaccompanied minors in foster homes is not adequate, and some minors have very little or almost no contact with the caregivers assigned to them.²⁰⁵
- 352.** Refugee rights organizations state that the right to access education, health care and family reunification are the biggest obstacles faced by unaccompanied minors. There is still an inadequate system of identifying vulnerable groups within reception centers for asylum seekers and reception centers for foreigners.

205 EU Fundamental Rights Agency, Buletin Migration: Key fundamental rights concerns 1.7.2020 – 30.9.2020, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-4_en.pdf

ACCESS TO CROATIAN TERRITORY AND ILLEGAL PUSHBACKS

- 353.** Compared to previous years, illegal pushbacks have become more violent and frequent, while independent and effective investigations are still not conducted.²⁰⁶ Recorded pushbacks include those of pregnant women, children and infants, forced undressing of minors and a case of raping a man with a branch.^{207 208}
- 354.** Police conduct at the border and in the depths of Croatian territory, i.e., illegal and often collective pushbacks and the practice of denying access to the asylum system, is not in accordance with the Aliens Act nor with the Act on International and Temporary Protection and it violates the Constitution of the Republic of Croatia, the Schengen Borders Code and the EU and international (refugee) law in general.
- 355.** Refugee rights organizations state that the most prominent forms of ill-treatment by the Croatian police include the use of physical force (such as violence, disproportionate force or electric shock), psychological violence, humiliation and threats (such as forced undressing or firearm threats) and brutality during detention or transport (such as informal detention in rooms without sanitary facilities, food and water).²⁰⁹
- 356.** Almost 30% of cases recorded by the Border Violence Monitoring Network refer to chain pushbacks of victims

206 Border Violence Monitoring Network, Torture and cruel, inhumane or degrading treatment of refugees and migrants in Croatia in 2019, January 2020, available at: <https://www.borderviolence.eu/wp-content/uploads/CORRECTEDTortureReport.pdf>

207 Border Violence Monitoring Network, Black book of pushbacks, December 2020, available at: <https://www.borderviolence.eu/launch-event-the-black-book-of-pushbacks/#more-16565>

208 The Guardian, Croatian police accused of 'sickening' assaults on migrants on Balkans trail, available at: <https://www.theguardian.com/global-development/2020/oct/21/croatian-police-accused-of-sickening-assaults-on-migrants-on-balkans-trail-bosnia>

209 Border Violence Monitoring Network, Torture and cruel, inhumane or degrading treatment of refugees and migrants in Croatia in 2019, January 2020, available at: <https://www.borderviolence.eu/wp-content/uploads/CORRECTEDTortureReport.pdf>

from Italy or Austria, via Slovenia, and then finally from Croatia, i.e., the territory of the EU. The organization Are You Syrious states that this process usually begins with an official return based on bilateral readmission agreements between Slovenia and neighboring countries. After being handed over to Croatian authorities, the victims are placed in police vans and banished from Croatian territory without undergoing any appropriate procedure, far from official border crossings at the so-called green border. Particularly concerning is the fact that, according to their own testimonies, some persons have been returned from Croatia to mined areas in Bosnia and Herzegovina, mostly in the vicinity of Bihać and Velika Kladuša.

- 357.** In 2020, the Border Violence Monitoring Network alone recorded 110 testimonies on illegal pushbacks referring to 1,656 pushed-back persons. In more than half of the cases, the pushed-back persons expressed their intention to seek asylum in Croatia, and in 39% of cases the pushed-back persons were under the age of 18, i.e., children. Some form of torture or degrading treatment was recorded in almost 90% of cases of illegal pushbacks from Croatia in 2020.²¹⁰
- 358.** In 2020, the Danish Refugee Council recorded 16,425 illegal pushbacks from Croatia to Bosnia and Herzegovina,²¹¹ and refugee rights organizations estimate that the actual number exceeds 20,000. During 2020, The Ministry of the Interior continued to deny the Ombudswoman of the Republic of Croatia access to data during visits within the framework of her mandate as the National Preventive Mechanism.²¹²

210 Border Violence Monitoring Network, Black book of pushbacks, December 2020, available at: <https://www.borderviolence.eu/launch-event-the-black-book-of-pushbacks/#more-16565>

211 Danish Refugee Council, BiH country facts, monthly reports available at: <https://drc.ngo/our-work/where-we-work/europe/bosnia-and-herzegovina/>

212 Ombudswoman's Report for 2020, February 2021, available at: <https://www.ombudsman.hr/hr/download/izvjesce-puc-ke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6038a8291f2261614325801&fbclid=IwAR28WLzBLM1K-A924PpRqDeD-gLmPgvKmRguYJESieKW8aCUssOegf4Y2tE>

359. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited Croatia in August²¹³ to investigate the treatment of persons arrested by the police as they were trying to enter the country. During the visit, the delegation held consultations with representatives of state institutions, the National Preventive Mechanism and NGOs active in the areas of interest to the CPT and visited several temporary reception centers and informal migrant settlements in northwestern Bosnia and Herzegovina. To date, the Croatian Government has not published the Committee's report, contrary to previous practice and despite appeal from the Council of Europe Commissioner.²¹⁴ In 2020, the Center for Peace Studies alone filed a total of four criminal charges referring to illegal pushbacks accompanied by torture and inhuman treatment.²¹⁵

213 Council of Europe, Council of Europe anti-torture Committee carries out rapid reaction visit to Croatia to examine treatment of migrants, August 2020, available at: <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-carries-out-rapid-reaction-visit-to-croatia-to-examine-treatment-of-migrants>

214 Council of Europe, Croatian authorities must stop pushbacks and border violence and end impunity, October 2020, available at: https://www.coe.int/en/web/special-representative-secretary-general-migration-refugees/newsletter-october-2020/-/asset_publisher/cVKOAoroBOtI/content/croatian-authorities-must-stop-pushbacks-and-border-violence-and-end-impunity?

215 Center for Peace Studies, CPS filed a criminal complaint with the State Attorney's Office: Systematic torture and humiliation of refugees is a criminal offense!, June 2020, available at: <https://www.cms.hr/hr/azil-i-integracijske-politike/cms-predao-kaznenu-prijavu-dorh-u-sustavno-mucenje-i-ponizavanje-izbjeglica-je-kazneno-djelo>; Center for Peace Studies, CPS filed a criminal complaint, What is the link between police and armed bullies in black?, July 2020, available at: <https://www.cms.hr/hr/azil-i-integracijske-politike/cms-podnio-kaznenu-prijavu-koja-je-poveznica-policije-i-naoruzanih-nasilnika-u-crmom>; Center for Peace Studies, New criminal complaints on Human Rights Day, CPS requests an investigation into the connection between the Ministry of the Interior and men in black uniforms with balaclavas!, December 2020, available at: <https://www.cms.hr/hr/azil-i-integracijske-politike/na-dan-ljudskih-prava-nove-kaznene-prijave-cms-trazi-istragu-povezanosti-mup-a-i-muskaraca-u-crnim-odorama-s-fantomkama>

THE PROCESS AND ASPECTS OF INTEGRATION INTO SOCIETY

360. The socio-economic and health security of refugees and other foreigners in Croatia was additionally endangered during 2020 due to the epidemic and the consequences of the earthquakes. According to refugee rights organizations, a number of refugee families and singles found themselves in a very unfavorable situation during the first lockdown in Croatia in the first half of the year when they were at risk of homelessness due to dismissal, difficulty finding work due to their refugee status and ethnic origin, as well as expiration of the two-year state housing support. Institutions did not recognize the vulnerable position of refugees within the crisis despite appeals from civil society organizations that work on the protection of the rights of refugees.

361. In March, in accordance with a decision of the Ministry of the Interior,²¹⁶ all operators carrying out activities who had signed contracts with the Ministry of the Interior were banned from entering the facilities of the Reception Centers for Asylum Seekers in Zagreb and Kutina in order to combat the spread of the epidemic. Organizations implementing integration activities emphasize that limited access to the Reception Center had a negative impact on the quality of life and integration opportunities. This had a particularly negative effect on the integration of children of asylum seekers, who lost access to support in language learning, writing assignments and integration activities carried out by civil society organizations in the Reception Center. Organizations carrying out integration activities also point out an additional problem of the lack of free Internet in the Reception Center, which came to the fore especially after the introduction of epidemiological measures.

216 Ministry of the Interior, Seekers of international protection are not infected by coronavirus, March 2020, available at: <https://mup.gov.hr/vijesti/trazitelji-medjunarodne-zastite-u-rh-nisu-zarazeni-koronavirusom/286104>

- 362.** Refugee rights organizations report that access to the health care system remains difficult for asylum seekers, who are still entitled only to emergency medical care and essential treatment. Unemployed persons under international protection are not insured through the Croatian Health Insurance Fund. Instead, they are under direct authority of the Ministry of Health and consequently without a health card or the identification number of the insured person. This results in doctors being unfamiliar with the rights of persons under international protection and them refusing to receive patients because they believe that they do not have the right to health care. Pharmacies are also not informed about the procedure of issuing medicines to persons under international protection and therefore often refuse them.
- 363.** Refugee rights organizations state that, at the end of the year, cases of discrimination against refugees on the basis of national origin were recorded at several Croatian banks. Discriminatory practices of banks are reflected in the fact that, in various banking operations (opening an account, withdrawals, etc.), persons under international protection are not recognized as persons with refugee protection but as third-country nationals. As a result, banks restrict their access to services, seek out unnecessary or sometimes non-existent documentation and ask invasive questions.
- 364.** In addition to the problems associated with or more pronounced during the epidemic in 2020, the continuing problem of the Croatian system of integration of refugees and other foreigners remains the implementation of Croatian language courses for persons granted international protection. According to refugee rights organizations, courses are not continuously available but depend on long public procurement processes, are insufficiently adapted to the specific group for which they are intended and their duration is limited, i.e. insufficiently long for achieving high enough level of proficiency for work requirements, routine social demands, etc.

- 365.** Refugee rights organizations report that persons in the process of seeking international protection do not receive Croatian language lessons, while courses for foreigners in language schools are often very expensive and therefore inaccessible to many foreigners in the country. Therefore, in practice, language courses are taught by volunteers and employees of civil society organizations, which often depends on project funds, and are consequently limited in capacity and duration.
- 366.** The organization Are You Syrious noted that an extremely small number of asylum seekers were included in the education system in 2020, indicating non-compliance with the 30-day legal framework for enrolling children who are asylum seekers or under international protection.
- 367.** The same organization points out the administrative barrier to enrolling in secondary school faced by children who have not spent at least 4 years within the Croatian education system and do not have documents confirming their previous schooling (and attending English language classes) that entails taking an additional English language exam in order to be able to enroll in any high school program.
- 368.** According to the Ordinance²¹⁷ of the Ministry of Science and Education, schools are obliged to organize preparatory classes for students who lack Croatian language skills. Practice has shown that the process of organizing preparatory classes is extremely long, often leading to children waiting for months before their participation in preparatory classes is approved. Additionally, the organization Are You Syrious states that some children were forced to take preparatory classes at another school, causing them to miss regular classes in their own school. On top of this, the number of preparatory classes is not enough to enable students to participate in regular classes. Preparatory

217 Ordinance on the implementation of preparatory and supplementary classes for students not or insufficiently proficient in the Croatian language and classes in the mother tongue and culture of the country of students' origin (OG 15/13), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2013_02_15_252.html

classes were not organized online or in another form after the transition to online classes, which means that children who speak foreign languages (including refugees) lost a year of formal Croatian language learning.

- 369.** Refugee rights organizations report that refugees still have difficulty accessing employment, especially due to a lack of adapted procedures for the recognition of qualifications and nostrification of university diplomas. Additionally, re-training and additional training programs are insufficiently available as they require Croatian language skills, the lack of which leads to the inability to participate.
- 370.** Refugee rights organizations point out that the issue of housing needs to be seen in the broader picture of the general rise in housing prices and the consequences of the Zagreb earthquake on the refugees and other foreigners who suffered damages, together with the fact that refugees looking for apartments continue to face prejudice, racism and intolerance from potential landlords. Supporting refugees by providing for their accommodation during a two-year period is, according to their estimates, generally not enough due to the non-functioning of other integration measures. The earthquake in Banija destroyed the homes of some persons with international protection, while others' were damaged to a greater or lesser degree, leaving them once more in a situation of insecurity and homelessness.
- 371.** The issues of the majority population's prejudice, fear, racism and xenophobia towards refugees and other migrants, especially those of a visibly different skin color or with clearly visible religious symbols, remain present. The prevalence of such attitudes is a significant obstacle to achieving quality integration and the creation of an intercultural and interconnected society.

The Rights of National Minorities

- 372.** In 2020, no significant progress was made in the implementation of the Constitutional Act on the Rights of National Minorities, especially regarding the right to priority employment of persons belonging to national minorities in public institutions. Its implementation is hampered mainly by the lack of adequate sanctions for non-compliance with the provisions of the Act.
- 373.** In 2020, the report on the implementation of the Constitutional Act on the Rights of National Minorities and on expenditure of means ensured in the state budget for the needs of national minorities was not adopted. The same is the case with the summary report on the implementation of Operational Programs for National Minorities.
- 374.** At the end of 2020, the Committee of Ministers of the Council of Europe said that Croatia should do more for minority languages learning and promoting the languages of minority communities in education, public administration and the media. The Council stated that the weekly number of hours of learning a minority language or teaching in a minority language is insufficient and called for equal and official use of minority languages in more municipalities that have enough speakers of a particular minority language.²¹⁸
- 375.** In 2020, the Government still did not draft the amended Law on the Official Use of Languages and Scripts of National Minorities and submit it for parliamentary procedure, which directly violates the Constitutional Court's decision²¹⁹

218 Committee of Ministers of the Council of Europe, Recommendation CM/RecChL(2020)7 on the application of the European Charter for Regional or Minority Languages for Croatia of 8 December 2020, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a0a393
219 Decision of the Constitutional Court of the Republic of Croatia No. U-VIIR-4640/2014 of 12 August 2014 (OG 104/14), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2014_08_104_2021.html

and prevents the exercise of the right of national minorities to equal official use of the national minority language and script in the area of Vukovar.

- 376.** Public television programs offering content in minority languages are of limited duration, with some minority languages being unevenly represented in minority programs.²²⁰
- 377.** The number of hate crimes and misdemeanors committed out of hatred is on the rise. There were 90 cases of hate-motivated criminal offences and misdemeanors²²¹ in 2020, which is a significant increase compared to 48 cases from 2019.²²² Since official statistics report only the total number of cases, it is not possible to discern the social groups to which the victims of these hate crimes belong. Due to this flaw, i.e., primarily to the non-disclosure of segregated data on hate crimes, it is not possible to monitor whether there has been an increase in hate-motivated violence or criminal and misdemeanor offences on national or ethnic grounds, which in turn makes it difficult to adopt policies to combat such acts.

220 Report of the Committee of Experts presented to the Committee of Ministers of the Council of Europe in accordance with Article 16 of the European Charter for Regional or Minority Languages in relation to the application of the Charter by Croatia, March 2020, available at: <https://rm.coe.int/croatiaecrml6-en-rm2-docx/16809ec2e9>

221 Office for Human Rights and the Rights of National Minorities, Suppression of Hate Crimes, available at: <https://ljudskaprava.gov.hr/suzbija-nje-zlocina-iz-mrznje/602>

222 OSCE ODIHR Hate Crime Reporting, Croatia, available at: <https://hatecrime.osce.org/croatia?year=2019>

ROMA NATIONAL MINORITY

- 378.** The National Strategy for Roma Inclusion expired at the end of 2020. The final year of its implementation has not been used to achieve defined goals, nor has the report on its implementation for the previous year been adopted. A majority of local and regional self-government units in which a significant number of Roma live again failed to develop or implement local action plans for the implementation of the Strategy in their areas in 2020.
- 379.** In October, a Working Group was established for drafting the National Plan for Roma Inclusion for the period from 2021 to 2027 and the Action Plan for its implementation for the period from 2021 to 2022.²²³
- 380.** Members of the Roma national minority continue to face a number of obstacles to the exercise of their rights, especially in employment and access to services. The concerning data on inadequate living conditions of the Roma national minority shows that, depending on the methodological approach, between 59% and as many as 78% of Roma households are housing deprived.²²⁴
- 381.** Many Roma families living in segregated settlements receive social assistance. Given that the existing legislation does not allow car owners to receive social assistance, the benefit is discontinued for beneficiaries who own a car or are found to be driving a car. This mechanism increases segregation because these families have difficulty getting

223 Government Office for Human Rights and the Rights of National Minorities, Decision on the Establishment of the Working Group for the Development of the National Plan for Roma Inclusion, October 2020, available at: <https://pravamanjina.gov.hr/UserDocsImages/NPUR%202021-2027/Odluka%20o%20osnivanju%20RS.pdf>

224 Government Office for Human Rights and the Rights of National Minorities, Inclusion of Roma in Croatian Society: Spatial Planning, Housing and Environmental Protection, 2020, available at: <https://ukljucivanje-roma.com/pso.html>

groceries, visiting doctors or driving their children to kindergarten.²²⁵

382. Members of the Roma national minority are a target of hate speech on the Internet.²²⁶ Of additional concern is the sensationalist and stereotypical reporting on the Roma in certain media outlets, which fosters prejudice and strengthens the image of the Roma as a problem of society.

383. The earthquake that hit Banija at the end of 2020 further aggravated the lives of a significant number of members of the Roma community living in the area. More Roma families lost their homes or their homes were significantly damaged, but the absence of more serious examples of discrimination in obtaining humanitarian assistance is encouraging.

384. The COVID-19 epidemic has further aggravated the situation of the Roma national minority, in particular a significant part of the Roma community whose income depends on gray economy or manual labor and which requires freedom of movement and contact with others.²²⁷ Additionally, children belonging to the Roma national minority have not been provided with the use of their minority language and other minority educational content after the transition to indirect forms of education in the spring of 2020.

225 European Commission, Civil society monitoring report on implementation of the national Roma integration strategy in Croatia assessing the progress in four key policy areas of the strategy, available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-croatia-2018-eprint-fin.pdf>

226 European Commission, Countering illegal hate speech online: 5th evaluation of the Code of Conduct, June 2020, available at: https://ec.europa.eu/info/sites/info/files/codeofconduct_2020_factsheet_12.pdf

227 EU Fundamental Rights Agency, Coronavirus pandemic in the EU – impact on Roma and Travellers communities - Bulletin 5, Report for Croatia – author: Center for Peace Studies, June 2020, available at: https://fra.europa.eu/sites/default/files/fra_uploads/hr_report_-_covid-19_impact_on_roma_en.pdf

385. The main problems faced by the Roma population in the context of the epidemic include loss of employment, inability to engage in informal work (such as collecting secondary raw materials, daily agricultural work), limited access to public services due to restrictions on movement, limited access to health and social services, challenges related to online learning, temporary unavailability of protective equipment and risks associated with poverty and poor housing conditions (possibility of maintaining social distance, limited access to water).²²⁸

386. Roma children continue to attend segregated education, and their rights have been further violated through distance learning because they have not had the opportunity to attend additional classes in the Croatian language.²²⁹ Housing conditions and low education levels lead to a widening gap in educational outcomes between Roma children and their peers. Roma children often follow an adapted curriculum, rarely due to their developmental difficulties but because Croatian is not their first language. They are not adequately evaluated during education and subsequently have a limited choice of high schools.

387. Due to the limited availability and inadequacy of distance learning content, an even greater gap is expected in terms of expected educational outcomes between Roma children and their peers.

228 Ibid.

229 Center for Peace Studies and GOOD Initiative, How can distance learning not be learning in the distance?, June 2020, available at: <http://oz.goo.hr/wp-content/uploads/2020/06/Tematski-izvje%C5%A1taj-Ka-ko-da-nastava-na-daljini-ne-bude-nastava-u-daljini.pdf>

SERBIAN NATIONAL MINORITY

- 388.** The legal obligation of the official use of the language and script of the Serbian minority continues to be disregarded in practice, although it exists in relation to over 20 local self-government units in Croatia. At the end of 2020, the Committee of Ministers of the Council of Europe warned about the underuse of the Cyrillic script in municipalities and on signs indicating the names of settlements, which is missing in most cases.²³⁰
- 389.** In 2020, for the second year in a row, the Vukovar City Council decided not to expand the rights of members of the Serbian national minority to the usage of their national language and script in Vukovar.^{231 232} The full application of this right is conditioned by the city Statute and future annual assessments of the city authorities, depending on the degree of understanding, solidarity, tolerance and dialogue achieved.
- 390.** Many Serb returnees live in underdeveloped rural areas, cut off from transport infrastructure, isolated and in poor living conditions, still unable to exercise their property rights, which leaves their property exposed to usurpation and devastation. In addition to this, the earthquake that hit Banija at the end of 2020 further aggravated the al-

230 Report of the Committee of Experts presented to the Committee of Ministers of the Council of Europe in accordance with Article 16 of the European Charter for Regional or Minority Languages in relation to the application of the Charter by Croatia, March 2020, available at: <https://rm.coe.int/croatiaecrml6-en-rm2-docx/16809ec2e9>

231 City of Vukovar, 34th session of the City Council of the City of Vukovar, October 2020, available at: <https://www.vukovar.hr/gradsko-vijece/sjednice-gradskog-vijeca/14943-odrzana-34-sjednica-gradskog-vijeca-grada-vukovara-2>

232 Mayor of the City of Vukovar, Proposal of Conclusion on the achieved level of understanding, solidarity, tolerance and dialogue between the Croatian citizens of the City of Vukovar and members of the Serbian national minority, October 2020, available at: <https://www.vukovar.hr/gradsko-vijece/sjednice-gradskog-vijeca/14943-odrzana-34-sjednica-gradskog-vijeca-grada-vukovara-2>

ready difficult socio-economic situation of all its residents. A significant number of members of the Serbian national minority live in Banija, which is one of the poorest parts of the country.

- 391.** Considering that the HRK 800 allowance for elderly persons, granted on the basis of the National Allowance for the Elderly Act,²³³ requires the beneficiaries to have had permanent residence in Croatia for a continuous period of 20 years, in addition to meeting certain social and property conditions, a significant number of returnees will not be granted the right to the national allowance even though they meet other social and property criteria.²³⁴
- 392.** Physical assaults, verbal threats, destruction of property and preventing members of the Serbian minority from using their own property were again recorded in 2020. On the day of the parliamentary elections, a bilingual sign from the building of the Serb National Council of the City of Varaždin was stolen and destroyed, which is not the first such case.
- 393.** Some members of the Croatian Parliament continued to express extreme and degrading views in debates directed at members of the Serbian minority. Of particular concern are messages within the political discourse in which the nationality of politicians is used as an argument for political confrontation.
- 394.** Hate speech, extremist messages and historical revisionism are still present in some marginal media outlets, in reader comments and posts on social networks, as well as in the form of graffiti on buildings and in public spaces. A positive step was a quick reaction of some local authorities aimed at removing hateful graffiti and messages.

233 National Allowance for the Elderly Act (OG 62/20), available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_05_62_1233.html.

234 Serb National Council, SNV Bulletin # 20: Historical Revisionism, Hate Speech and Violence Against Serbs in 2020, April 2021, available at: https://snv.hr/wp-content/uploads/2021/04/SNV_bulletin_20_ONLINE.pdf

395. The ubiquity of Ustasha symbols in public as the most obvious example of historical revisionism continues to be a cause for concern. Hate speech in public spaces is closely linked to Ustasha symbols and salutes and prevalent in the context of sporting events where killings and violence against Serbs are often openly incited.

396. Conflicts between supporters' groups containing elements of international hatred that have been happening for the past 2 years continued in 2020. A number of physical incidents on a national basis associated with the Bad Blue Boys supporters' group²³⁵ took place in Vukovar. Additionally, the supporters' group hung a hateful banner aimed at Serbian women and children in Zagreb's neighborhood of Kustošija to mark the completion of a fan mural. A graffiti of identical content appeared in Split in July on the day of the parliamentary elections.²³⁶

235 Ibid.

236 Ibid.



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