

NATIONAL PROGRAMME OF PROTECTION AND PROMOTION  
OF HUMAN RIGHTS FOR THE PERIOD 2013–2016

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NATIONAL PROGRAMME  
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# HUMAN RIGHTS

FOR THE PERIOD 2013 – 2016



THE GOVERNMENT OF THE REPUBLIC  
OF CROATIA  
OFFICE FOR HUMAN RIGHTS  
AND NATIONAL MINORITY RIGHTS



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1 Gendered words and concepts [in the original Croatian text (translator's note)] refer equally to the male and female gender, notwithstanding the specific gender used in laws and other regulations – article 43 of the Gender Equality Act (OG 82/08).

# I. Introductory Remarks

*The National Programme of Protection and Promotion of Human Rights for the Period 2013-2016* (hereinafter: the National Programme) is a strategic document by means of which the government of the Republic of Croatia, based on a situation analysis, sets priorities, proposes measures and directs its efforts to improve the protection and promotion of human rights in the Republic of Croatia.

The goals of the National Programme are the protection, promotion and enhancing human rights in the Republic of Croatia and raising public awareness regarding the importance of understanding and exercising one's human rights.

The National Programme encompasses the protection and promotion of human rights at all levels: local, national, regional and international<sup>2</sup>; takes a systematic approach to the protection and promotion of human rights by means of goals and measures to be undertaken by the competent bodies of state administration in the four year period from 2013 to 2016.

This National Programme builds on the first *National Programme of Protection and Promotion of Human Rights from 2008 to 2011*, adopted by the Government of the Republic of Croatia at a session held on 2 November 2007<sup>3</sup>, with which the Republic of Croatia accepted the recommendation of the United Nations' Vienna Declaration (1993)<sup>4</sup> to draft a national plan of action and implementation measures for the protection of human rights, as well as activities to promote human rights.

In this National Programme, the priority areas are: gender equality, combating racial and other discrimination, building an anti-discriminatory environment, missing persons in the Republic of Croatia, rights of active participants and victims of the

2 The local level: through municipal working and advisory bodies (e.g. national minority councils), county coordinating bodies for human rights, other committees and boards, and state administration offices in the counties, along with the support and active cooperation of civil society organisations; the national level: including all bodies of state authority; the regional and international level: international and regional cooperation of the Republic of Croatia in the field of human rights (the United Nations, the Council of Europe and the process of accession to the European Union).

3 OG 119/07.

4 The Vienna Declaration, art. 71, section II. General assembly of the United Nations, document A/CONF.157/23 (the Vienna Declaration and Programme of Action) of 12 July 1993. The Vienna Declaration and the Programme of Action were adopted by United Nations member states, including the Republic of Croatia.

Homeland war, rights of national minorities, the right to free legal aid, the right of access to information, the right to protection of personal data, religious rights and freedoms, freedom of the media, protection of the rights and dignity of workers, special protection of the family, protection of the rights of children, protection of the rights of the young, human rights of particularly vulnerable groups of citizens: protection of the rights of persons with disabilities, persons with mental disorders and/or intellectual disabilities, elderly persons, homeless persons, drug addicts, HIV positive persons, persons deprived of their liberty, protection of victims/witnesses, the rights of asylum seekers, asylees and persons under subsidiary protection, sexual and gender minorities, the right to a healthy life and environment, combating corruption, combating human trafficking, security and human rights; education for human rights and democratic upbringing and human rights in the educational system. Likewise, the National Programme creates the conditions for good cooperation with civil society organisations in the area of protection and promotion of human rights.

The identified priority areas partly follow the structure of the previous National Programme, while recognising the real possibilities of applying certain goals and measures. The National Programme begins with the positive examples derived from the previous Programme, but also the perceived deficiencies and difficulties in implementing individual measures. Besides, the measures and goals in this National Programme give special consideration to the *Recommendations to the Republic of Croatia According to the Universal Periodic Review of the State of Human Rights* (UPR.).

Other national policies, programmes and strategies that define the goals and prescribe the measures to further human rights in the Republic of Croatia, especially those rights that require that the solving of some existing problems be given priority status, also make up the strategic framework for the protection and promotion of human rights. The goals and measures of this National Programme are aligned with other strategic and implementing documents in the field of protecting and promoting human rights, while avoiding unnecessary repetition.

In the previous period, progress has been achieved in certain priority fields, while others still require the investment of additional effort and resources in order to attain a satisfactory level of realisation of human rights. Alongside the large changes that occurred over the previous four-year period in the field of protecting the human rights of the citizens of the Republic of Croatia, such as, for instance, the enactment of the Anti-Discrimination Act<sup>5</sup>, the Free Legal Aid Act, the new Gender Equality Act, the Law on the National Preventative Mechanism for the Prevention of Torture and Other Forms of Cruel, Inhuman and Degrading Treatment or Punishment<sup>6</sup> and the changes to the Constitution of the Republic of Croatia, it is worth mentioning a series of other shifts that go towards making the human rights protection system more complete.

Above all, the progress that has been achieved has been systematic, spanning the fields of sensitising the public to different problems that national minorities face,

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5 OG 85/08.

6 OG 18/11.



problems of housing returnees in/outside areas of special state concern; sanctioning hate crimes; children, persons with disabilities and other vulnerable groups; protection for asylum seekers, asylees and persons under subsidiary protection and introducing human rights-related syllabuses into the Croatian education system.

Based on the annual reports on the implementation of the previous National Programme, as well as the *European Commission's 2010 Progress Report on Croatia*, the following tasks have been set: to achieve additional progress in the field of processing war crimes; to facilitate access to the judiciary and to enhance the implementation of the system of free legal aid; to reduce overcrowding in prisons/penitentiary institutions; to enable adequate representation of members of national minorities in state administration bodies, the judiciary and local and regional self-government units; to enhance the rights of the Roma national minority (questions of status, housing, education, health and social protection and employment); to enhance the system of keeping statistical data on judicial proceedings related to discrimination and hate crimes; to improve the position of women in the labour market, as well as their representation in political and economic decision-making bodies; to improve the implementation of children's rights, as well as the rights of persons with disabilities (especially in the field of social care, health protection and pension insurance), to enable access to education to children with developmental disabilities; to strengthen the position of persons with disabilities in the labour market, to strengthen labour inspections in the context of protecting workers' rights, to give special attention to the integration of persons who are approved protection in the Republic of Croatia, and specifically to the protection of illegal minor migrants; to put in effort to implement the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus convention), to enhance access to information and justice in questions related to the environment, as well as collaboration with civil society organisations active in the field of protection of the environment.

The *European Commission's 2010 Progress Report on Croatia* has re-identified certain challenges that the government of the Republic of Croatia needs to surmount: to continue the process of reforming the judicial system, to achieve additional progress in the field of processing war crimes; to monitor the reform of the human rights protection system, to continue strengthening the position of particularly vulnerable groups (women, children and persons with disabilities); to strengthen the protection of the rights of members of national minorities and refugees; to enhance the system of maintaining statistical data on judicial proceedings related to discrimination and hate crimes; to continue to improve the system of free legal aid and cooperation with civil society organisations; to strengthen the integration of asylees in society (the issues of housing, healthcare and education); to protect the rights of illegal minor migrants; to continue activities focused on the social inclusion of vulnerable groups.

The previously identified challenges and results achieved so far were taken into consideration in determining the goals and measures in the National Programme.



## II. The Legal Foundations for the Protection and Promotion of Human Rights in the Republic of Croatia

### Protection of Human Rights and Fundamental Freedoms in the Croatian Constitutional Order

The Historical Foundations of the *Constitution of the Republic of Croatia* (hereinafter: the Constitution)<sup>7</sup> emphasise that the Republic of Croatia is a sovereign and democratic state, which guarantees and safeguards the equality, freedoms and human rights. The highest values of the constitutional order are: freedom, equality, national equality and gender equality, safeguarding peace, social justice, respect for human rights, inviolability of private property, preservation of nature and the environment, the rule of law and a democratic, multi-party system.

More than a third of the constitutional text<sup>8</sup> pertains to the guarantees of human and civic rights and freedoms, which means that an exceptionally significant place is granted to the protection of human rights. The constitution guarantees the fundamental human freedoms, personal and political liberties and rights, as well as an entire series of economic, social, cultural and environmental rights, encompassing first, second and third generation rights. The catalogue of constitutional guarantees of human and civic rights and freedoms was not designed as finite and sealed. This catalogue is completed by provisions in international treaties to which the Republic of Croatia is party, which, according to art. 141 of the Constitution, constitute a part of the internal constitutional order of the Republic of Croatia, and have legal priority over national legislation. The rights and liberties guaranteed by the Constitution of the Republic of Croatia are interpreted through basic constitutional principles.

The principle of equality as the fundamental principle of human rights is defined by art. 14 of the Constitution, which guarantees the equality of all citizens before the law.<sup>9</sup> Article 15 of the Constitution especially guarantees the equality of members of all national minorities, and indicates that concrete protection of the rights of national

7 OG 56/90, 8/98, 113/00, 124/00, 28/01, 41/01, 76/10, 85/10.

8 57 articles of the Constitution of the Republic of Croatia, art. 14-70, the chapter *Protection of Human Rights and Fundamental Freedoms*.

9 Art. 14 of the Constitution: "All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, natural or social origin, property, birth, education, social status or other characteristics."

minorities will be regulated by a special constitutional law.<sup>10</sup> The Constitutional Act on the Rights of National Minorities<sup>11</sup> was adopted on the basis of art. 15 of the constitution, as were the special laws that guarantee national minorities their cultural autonomy and regulate the participation of minority representatives in representative and other bodies.<sup>12</sup> The aforementioned articles of the Constitution indicate the recognition of the value of equality of all citizens before the law, but also the need for additional protection of national minorities' rights.

Constitutional rights can only be limited by law in order to protect the freedom and rights of other people, as well as the legal system, public morality and health, while any limitation of freedom or rights must be proportional to the nature of the need for limiting them in each individual case.<sup>13</sup> Entrepreneurial and property rights may also be constrained in order to protect the interests and security of the Republic of Croatia, protect nature and the human environment and to protect human health.<sup>14</sup> The limitations need to be prescribed by law, but they must also respect the principle of proportionality.

The Constitution determines that two institutions are tasked with guaranteeing the implementation of human rights guaranteed by the Constitution: the Ombudsman and the Constitutional Court. The Ombudsman is the person authorised by the Croatian Parliament to promote and protect human rights and freedoms. Anyone can bring their complaints regarding the functioning of state bodies, local and regional administration bodies and bodies with public authorities to the Ombudsman if they believe that these bodies' illegal or irregular functioning has violated their constitutional or legal rights. The Constitutional Court of the Republic of Croatia is the highest body that constitutionally guarantees the protection of human rights and fundamental freedoms of citizens. The rights and freedoms guaranteed by the Constitution may be protected before the Constitutional Court by means of a constitutional complaint.

After 1997, the Constitutional Court has followed the practice of the European Court of Human Rights in applying constitutional rights. It has thus contributed to better protection of the rights of the individual in the Republic of Croatia compared with the earlier situation, to maintaining its reputation in the international community and to avoiding financial penalties. Thereby, the Constitutional Court opens the path towards the globalisation of Croatian constitutional law in terms of its convergence with European integration law.

The fundamental rights contained in the Constitution have been elaborated in a greater number of special laws, among which the most important are: the

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10 Art. 15 of the Constitution.

11 OG 155/02, 80/10.

12 Laws that regulate national rights are adopted by a two third majority of votes of all members of the Croatian Parliament, which means that in terms of legal priority, these laws stand between the Constitution and other organic laws.

13 Art. 16 of the Constitution.

14 Art. 50 of the Constitution.

Constitutional Act on the Rights of National Minorities<sup>15</sup>, the Gender Equality Act<sup>16</sup>, the Same Sex Union Act<sup>17</sup>, the Labour Act<sup>18</sup>, the Civil Servants Act<sup>19</sup>, the Anti-Discrimination Act<sup>20</sup>, and the Criminal Code<sup>21</sup>.

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15 OG 155/02, 80/10.

16 OG 82/08.

17 OG 116/03.

18 OG 149/09, 61/11 and 82/2012.

19 OG 92/05, 142/06, 77/07, 107/07, 27/08, 49/11.

20 OG 85/08, 112/12.

21 OG 110/97, 125/11.

## Application of International Standards of Human Rights Protection in the National Legislation

On the basis of the notification of succession on 8 October 1991, the Republic of Croatia adopted the international instruments of its predecessor state into its legislation, thus becoming party to a significant number of multi-party treaties in the area of human rights.

In the period from 2008 to 2011, the Republic of Croatia has drafted and presented several reports on the implementation of certain international instruments for the protection of human rights. A particularly important report in the area of human rights was the Report following the UN Convention on the Elimination of All Forms of Racial Discrimination.

In accordance with article 9, paragraph 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, and based on the notification on succession (1991), the Republic of Croatia has accepted the obligation to submit reports on legislative, judicial, administrative or other measures undertaken in accordance with the Convention. The report of the Republic of Croatia on the implementation of the Convention for the period 2001-2006 (VI, VII and VIII) was drafted by the Office for Human Rights of the Government of the Republic of Croatia. The discussion about the report was held in Geneva, on the 26th and 27th February 2009. On the basis of the report, the Committee on Eliminating All Forms of Racial Discrimination has identified the key challenges for the Republic of Croatia in this area: In the upcoming period, it will be necessary to clearly explain the methods used to gather data related to ethnicity, including whether, and how, these methods reflect the principle of self-determination; to strengthen the implementation of the laws and policies aimed to combat discrimination, especially at the local level; to ensure that the new Criminal Code is wholly in accordance with the provisions in article 4 of the Convention, in the sense that organisations whose goal it is to promote and further racial discrimination be declared illegal and banned; to continue educating local public servants and police officers in the field of combating discrimination; to facilitate access to free legal aid to all members of minority groups; to direct activities towards combating discrimination against the Roma people; to ensure that war crimes are prosecuted fairly and without discrimination, and ensure that all cases of war crimes are effectively investigated and prosecuted, regardless of the ethnicity of the victims and perpetrators; to undertake further measures with the aim of achieving adequate representation of all minority groups in all public bodies, including judicial bodies and county coordinating bodies for human rights, to remove administrative and other obstacles and assist persons whose access to mandatory documentation is limited, such as persons of Roma, Serb or Bosniak descent; to increase efforts aiming to enable the return and reintegration of refugees, especially Serb minority refugees; to continue efforts aiming to create the conditions for sustainable development in areas of special state concern and to continue to foster inter-ethnic harmony and tolerance in the wider public.

Furthermore, in the previous period, the Republic of Croatia drafted and presented the second periodic report of the Republic of Croatia to the United Nations Human Rights Committee in Geneva, at the Committee session that took place on 14 and 15 October 2009.

Moreover, for the first time, the Republic of Croatia has drafted and presented the Universal Periodic Review of the State of Human Rights Report (UPR) at the Human Rights Council session held on 8 November 2010 in Geneva.<sup>22</sup> On this occasion, the Republic of Croatia received 126 recommendations aimed at strengthening the protection and promotion of human rights. Some of the recommendations pertained to activities (86 to be precise) that are already being implemented. The Republic of Croatia submitted the 3rd and 4th periodic report on the implementation of the UN Convention on the Rights of the Child.

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22 The Universal Periodic Review of the State of Human Rights is the United Nations' universal mechanism for reviewing the state of human rights in all the member-states, and is submitted once every four years. Apart from the report by the Republic of Croatia, a so-called shadow report was also drafted by the Human Rights House and independent organisations for the protection of human rights (the Ombudsman, specialised ombudspersons and the Human Rights Centre).

## The Republic of Croatia and the Functioning of the European Court of Human Rights

The Republic of Croatia has ratified the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: the Convention) on 5 November 1997. Beside the Convention, the Republic of Croatia has also ratified all the protocols related to the Convention.<sup>23</sup> By ratifying the Convention, the Republic of Croatia recognised the authority of the European Court of Human Rights in evaluating the claims of any natural person, civil society organisation or group of individuals claiming that they were victims of violations of rights recognised in the Convention, committed by the Republic of Croatia.<sup>24</sup> With this act, the Republic of Croatia has also recognised the compulsory nature of the rulings made by European Court of Human Rights, and accepted the obligation to carry out all final rulings in disputes where it is the defendant. In disputes before the Court, whether as an accused state or as a third party, the Republic of Croatia is represented by an attorney appointed by the Government.

When the European Court of Human Rights establishes that there has been a breach of the Convention rights, two types of obligation emerge for the state responsible – individual and general. The individual measures benefit the claimant, and eliminate the consequences of the human rights violations. The general measures prevent future human rights violations and put a stop to continued violations, that is, resolve a systemic problem.<sup>25</sup> The measures are recommended by the Government itself, in dialogue with the Ministers' Committee of the Council of Europe, which oversees the implementation of the European Court's rulings. In the course of the implementation of the rulings of the European Court for Human Rights, the Republic of Croatia has adopted a number of legal changes (e.g., the changes to the Constitutional Act on the Constitutional Court<sup>26</sup>, the Civil Procedure Act<sup>27</sup>, the Family Act) and carried out a number of practical changes (the renovation of Lepoglava prison).

From the ratification of the Convention to 27 June 2011, the European Court of Human Rights has ruled against the Republic of Croatia in 204 cases. In 80.9% (165 rulings), the Court has established that Convention rights had been violated, while in 4.9% (10 rulings), it has not identified violations of the Convention. Two rulings (1%) concerned determining fair compensation, and in 26 rulings (12.7%), amicable resolution was prescribed. In 18 rulings out of 165 (10.90%) where human rights violations were

23 Some of the protocols added new rights, while some changed the monitoring mechanism.

24 In addition to this authority, the European Court may also judge on the claims made by one state against another, but this is extremely rare.

25 Individual measures, other than fair compensation, may include repeat proceedings in a case that judged not to have been fair, destroying data obtained by violating the right to privacy, carrying out rulings, abrogating decisions on expulsion in cases where there is danger that the person concerned might be subjected to torture, etc. General measures may include changes to the legislation or judicial practice, or even constitutional changes, as well as other kinds of changes, such as renovating prisons, increasing the number of judges or prison staff.

26 OG 13/91, 99/99, 29/02, 49/02.

27 OG 53/91, 91/92, 112/99, 117/03, 84/08, 123/08, 57/11, 148/11.



identified, the Court did not award just compensation, whether because the claimant did not make such a claim, or because it was deemed unnecessary.

In relation to the rulings up to 23 February 2007, the end date for the analysis made in the previous National Programme, we are witnessing a rise in the overall number of rulings and the number of rulings that determined that Convention rights had been violated. Namely, between 23 February 2007 and June 27, 2011, the Court has established that there had been violations of Convention rights in 90 out of 100, or 90% of the rulings. In 7 rulings (7%), the Court did not establish that claimants' rights had been violated. One ruling (1%) pertained to an amicable resolution between the Republic of Croatia and the claimant<sup>28</sup>, and two rulings (2%) pertained to fair compensation. In 10 rulings (11.1%) no compensation was awarded.

In the majority of the rulings, the court determined violations of art. 6 of the Convention (the right to a fair trial): in 99 rulings, art. 6 was determined to have been independently violated, while in 132 rulings the violations of art. 6 were accompanied by violations of other articles, most of which (20 rulings) pertained to articles 6 and 13 of the Convention (the right to effective legal remedy). Third in frequency are violations of art. 8 of the Convention, which pertains to the right to private and family life.

With respect to the previous period (from 5 November 1997 until 23 February 2007), the number of rulings that found violations of art. 6 (independently or along with another article) has somewhat decreased, but is still significant. Notwithstanding the establishment of legal remedies for the long duration of the proceedings, there is still a significant number of rulings in which the Court has established that the right to trial within a reasonable time-limit had been violated. The number of rulings under art. 1 of Protocol 1 (the right to peaceful enjoyment of one's possessions), art. 8 of the Convention and art. 3 of the Convention (the prohibition of torture) – whether independently, or along with another article – has also increased. A large number of cases under art. 1 of Protocol 1 concern former holders of tenancy rights, while a large number of rulings under art. 8 concern the problems of realising contact with one's children, the right to a home and ineffective prosecution of violent offenders. Rulings under art. 3 of the Convention mostly pertain to conditions in detention and inadequate medical care, as well as violence.

In the period between 3 February 2007 and 27 June 2011, the first (three) rulings were made that found violations of art. 2 (the right to life) concerning family violence<sup>29</sup> and ineffective prosecution for war violence, as well as the first (three) rulings that found violations of art. 5 (the right to personal freedom and safety). Moreover, the Marešić ruling was made, which established that art. 4 of Protocol 7 was violated, because the person was sentenced on the basis of the same factual situation both in minor

28 If an amicable resolution is agreed on before the decision on whether the claim is admissible, such an agreement shall be determined by a decision, and not a ruling by the Court. Court decisions have not been examined for the needs of this Programme.

29 One more ruling has been made in the case of domestic violence, where the Court has determined that art. 8 of the Convention has been violated: A. against the Republic of Croatia.

offence and in criminal proceedings, which occurs in a certain number of cases in the Croatian legal system as well – e.g. possession of drugs, domestic violence.

Although in the past few years the Republic of Croatia has made significant advances in the protection of human rights, by adopting a large number of laws and subordinate legislation, as well as changing individual controversial laws and practice, the rulings that were made indicate that there still remains space for improvements in the functioning of the justice system (the length of the proceedings, bias, violating the presumption of innocence); in the prison system (overcrowding, periodic violent incidents and inadequate investigation thereof, inadequate medical care); in eviction proceedings, because the courts do not apply the proportionality test; in prosecuting violent acts committed by private persons, as well as war crimes; in the system of protection from domestic violence; in relation to the multiple criminalisation of same factual situations; and in the issues of realising the rights of the Roma. The Republic of Croatia, in dialogue with the Committee of Ministers of the Council of Europe, has undertaken measures to solve these issues, and the rulings by the European Court of Human Rights represent a motivation to do so.

### III. The System of Human Rights Protection in the Republic of Croatia

#### Public Administration Bodies in the System of Human Rights Protection and Promotion

Respect for and protection of human rights fall under the purview of all bodies of public administration, especially public administration bodies that, in the course of implementing the law, decide upon the rights and obligations of citizens in individual acts, adopt subordinate regulations that elaborate individual legal provisions or establish and determine the practice in public administration bodies, conduct monitoring, prepare draft proposals of regulations, monitor the situation in their purview and draft analyses and other documents. Public administration bodies include state administration bodies<sup>30</sup>, legal persons with public authorities<sup>31</sup> and bodies of local and regional self-government units<sup>32</sup>.

On the basis of their constitutional position, public administration bodies are obliged to guarantee legal security, act in accordance with the law and consistently respect citizens' rights and freedoms. Transparent and open public administration that functions legally and regularly, that efficiently administers public finances and efficiently drafts and implements public policies, that is based on the criteria of professionalism and responsibility, is a guarantee of legal security and protection of human rights and freedoms. The right to good administration, which is based on the principles of impartiality, fair treatment and reasonable time-limit, is also guaranteed by the European Union Charter of Fundamental Rights of 2000 (art. 41)<sup>33</sup> as one from a series of rights that the European Union bodies and institutions are obliged to respect and promote, as well as member state bodies implementing European law.

30 Ministries, state administration organisations, state offices and state administration offices in the counties.

31 Agencies, institutes, registries, centres and similar founded by the state or another territorial unit, or a physical or legal person vested with public authorities. They include more than 70 agencies and other bodies, but also several hundreds legal entities established in the form of (public) institutions such as schools, universities, hospitals, cultural institutions and the similar, as well as public enterprises, both state-owned and municipal ones.

32 20 counties, 126 cities and 429 municipalities, as well as the City of Zagreb.

33 The European Union Charter of Fundamental Rights was first adopted in 2000, and was later accepted as an integral part of European treaties (OJ C 83/389, 30 March 2010).

Under the Constitution of the Republic of Croatia (hereinafter: the Constitution), all individual legal acts by public authority bodies must be based on the law (art. 19, par. 1), and judicial review of these acts is guaranteed (art. 19, par. 2), to be fulfilled before the Administrative Court of the Republic of Croatia. In addition, the right to appeal individual acts is guaranteed, and if the law precludes it in certain cases, there remains judicial review of the legality of public governance bodies' decisions (art. 20).

The Constitution guarantees the equality and equity of all citizens before public authority bodies (art. 26 and art. 14 of the Constitution). A special right guaranteed by the Constitution is the right of citizens to local and regional self-government in whose framework, through elected and administrative bodies, they govern the affairs that are in their direct interest (art. 133-135 of the Constitution). In relation to public administration and authority bodies as a whole, the control mechanisms are based in the Constitutional provisions guaranteeing citizens the right to lodge complaints to the Ombudsman if they believe that illegal or irregular functioning of public authority bodies has violated their constitutional or legal rights (art. 92) and their right to access information in the possession of public authority bodies (art. 38, par. 4; since 2010).

In the period between 2008 and 2011, a certain progress in creating the legal basis for modernising and improving the quality of the the public administration system has been achieved. Following the adoption of the Civil Servants Act of 2005, which furthered the professionalisation of the civil service, the most significant step forward with regard to the regulation of administration practice with the aim of strengthening the principles of legality, protection of parties in administrative proceedings and efficiency was made with the adoption of the General Administrative Procedure Law<sup>34</sup> and the Administrative Disputes Act<sup>35</sup>, which strengthens judicial control over the practice and decisions in public administration bodies, thus allowing a greater degree of human rights protection. A novelty in administrative practice is the opening of opportunities for citizens, civil society and the private sector to become involved in the process of creating regulations, which is legally defined by the Code of Public Consultation in the Procedures of passing Laws and Other Regulations<sup>36</sup> and the Law on Evaluating the Effects of Regulations<sup>37</sup>. In the field of training officials in human rights protection, progress was made with the introduction of a programme that was initially in the framework of the Centre for Training and Specialisation of Civil Servants, and later also through programmes of the State School for Public Administration, which was founded in 2010 with the aim of designing and implementing programmes of training and specialisation for civil servants and officials in local or regional self-government units, as well as those employed in bodies vested with public authority. However, public administration in the Republic of Croatia still needs to develop the

34 OG 47/09, implemented since 1 January 2010.

35 OG 20/10, 143/12, implemented since 1 January 2012.

36 The Code was adopted at the session of the Government of the Republic of Croatia on 21 November 2009, and published in the *Official Gazette*, No. 140/09. The Office for Cooperation with NGOs has drafted and published the Guidelines for implementing the Code in November 2010.

37 OG 90/11, came into force on 1 January 2012.

standards of an efficient and legally based citizens' service that protects human rights and enables the development of individuals, groups and the society as a whole.

In the past ten years, the process of decentralisation has made certain steps to strengthen the roles of local and regional self-government in order to allow citizens more intense participation in decision-making and administering local affairs, as well as providing services of local importance, by implementing the Constitutional principle of local self-government and subsidiarity. Cooperation with civil society organisations in fields of social care, healthcare, upbringing and education, environmental protection and similar is especially encouraged.

The Government of the Republic of Croatia exercises and is responsible for executive power. The structure of executive power in the Republic of Croatia contains a diverse system of bodies whose primary purpose is to protect and/or promote human rights. In addition to the Coordination for Social Activities and Human Rights, the Office for Human Rights (2001) and the Office for National Minorities (1990), which merged in 2012 into the Office for Human Rights and National Minority Rights, the Office for Gender Equality (2004) and the Office for Cooperation with NGOs (since 1998) were established as offices of the Government of the Republic of Croatia. The human rights protection system was enriched with additional institutional mechanisms, such as: the Commission for Human Rights, county coordinating bodies for human rights, gender equality coordinators in state administration bodies and county commissions for gender equality. In 2010, the National Board for Human Rights and Democratic Citizenship Education was re-established.

The bodies in the Republic of Croatia that deal with establishing and controlling systems of human rights protection are: the Croatian Parliament<sup>38</sup>, the Constitutional Court, the Ombudsman and other institutions that protect and promote human rights. The importance of human rights and freedoms is confirmed by a constitutional provision (art. 83) according to which laws elaborating constitutionally established human rights and fundamental freedoms are adopted in the Croatian Parliament not by a simple majority (art. 82), but a majority of votes of all Members of Parliament (absolute majority; art. 83, par. 2), while laws regulating the rights of national minorities are adopted with a two-thirds majority of all MPs (qualified majority; art. 83, par. 1). Of special importance is the institution of the Ombudsman, specially authorised by the Croatian Parliament to promote and protect the human rights and freedoms established in the Constitution, the laws and the international legal acts on human rights and freedoms. The institution was established already in the Constitution of 1990, and was regulated by the Ombudsman Act of 1992, and started operating in 1994. The 2001 changes to the Constitution expanded its purview to all bodies of public administration and local and regional self-government. The

38 *Parliamentary committees* are of particular importance for the system of protecting and promoting human rights. The Committee on Human and National Minority Rights, the Gender Equality Committee, the Labour, Retirement System and Social Partnership Committee, the Committee on the Family, Youth and Sports, the War Veterans Committee, the Judiciary Committee, the Local and Regional Self-government Committee, the Committee for Information, Computerisation and the Media and the Petitions and Appeals Committee.

Ombudsman was further strengthened with the 2010 changes to the Constitution, which gave it jurisdiction over state bodies, as well as certain authorities with regard to legal and physical persons, and also granted it immunity. Special ombudspersons, each in their field, protect and promote the rights of specially protected groups and the values of the legal order (gender equality, children and persons with disabilities). With entry into force of the Anti-Discrimination Act on 1 January 2009, the Ombudsman became the central body authorised to combat discrimination. One of the basic tasks of the Ombudsman as the central body is to act on complaints regarding discrimination. With entry into force of the Law on the National Preventive Mechanism for Suppression of Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment, the Ombudsman took over the tasks of the National Preventive Mechanism. In June 2008, the UN International Coordinating Committee of National Human Rights Institutions accredited the Ombudsman as an “A” status national institution for the protection and promotion of human rights, which entails reporting to and cooperating in the United Nations human rights fora at the highest level.<sup>39</sup>

The Constitutional amendments (2010) and legal framework (2012) created the formal conditions for strengthening the institution of the Ombudsman for the purpose of promoting and protecting human rights and protecting citizens from illegal and irregular functioning of state bodies, both the state administration, local and regional self-government, legal persons with public authorities and the courts in terms of respect for the principle of reasonable time-limit. The Constitutional changes of June 2010 (art. 93) expanded the remit of the Ombudsman from protection to promoting human rights and freedoms (par. 1), and opened the possibility to legally entrust the Ombudsman with certain authorities concerning legal and physical persons (par. 4) in order to protect the fundamental Constitutional rights. The new Law on the Ombudsman<sup>40</sup> has aligned the operation and mandate of the institution of the Ombudsman with the changes made to the Constitution in 2010. The coordination between the Ombudsman and the special ombudspersons (for gender equality, for children and for persons with disabilities) was enhanced. The legal provisions envisage strengthening institutions through an improved appointment procedure, followed by increased powers, including towards the courts, regulating the Ombudsman's practice, and incorporating the Human Rights Centre, which had played a distinguished role in active promotion of human rights since its founding in 2005 until today. In the implementation of the law, it remains to strengthen the institution's capacities in the human, material and organisational sense, in which the subordinate regulations that are to shape the institution will play a significant role. Moreover, based on the

39 In recent years, in accordance with the European legal acquis and the international conventions, its purview was expanded to include exercising the function of the central body responsible for combating discrimination and of the National Preventive Mechanism for Suppression of Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment. Beside the responsibility to submit reports to individual Convention bodies, the Ombudsman is also obliged to actively participate in the Universal Periodic Review of the state of human rights, that each member state of the United Nations must undergo once every four years.

40 OG 76/12.

new legal arrangements, increasing the visibility of the institution in the public, by means of publishing recommendations and reports, monitoring compliance with the recommendations and the influence of the reports on standards in the protection of human rights, represents a special practical challenge.

Despite the efforts to reform public administration, the Ombudsman, based on his work on citizens' complaints, has noted certain difficulties related to the duration of administrative procedures, deficiencies in appellate proceedings, the protracted procedures before the Administrative Court, the inconsistency and incoherence of legal acts. These difficulties may reflect unfavourably on the degree of protection of human rights, and may result in the emergence of corruption. The *2010 Progress Report on Croatia* states that special attention needs to be given to combating corruption in public administration bodies. Therefore, the reform of state administration must be complete, directed at civil servants, but also at public officials working in bodies with public authorities and in local and regional self-government. Likewise, it is necessary to pay greater attention to the recommendations of the Ombudsman. Closer coordination is needed between the key stakeholders at the central, regional and local level, as well as further efforts concerning the completion of the legal framework and its effective implementation. Regulations on preventing conflict of interest need to be effectively implemented. In that sense, it is necessary to continue the consolidation of the national infrastructure for the protection and promotion of human rights, and especially to secure the necessary financial and human resources that are to secure the functioning of the mechanisms of protection and promotion of human rights. It is especially necessary to secure the employment of protected and vulnerable groups in public authority bodies, in accordance with the regulations on national minorities, gender equality and protection of persons with disabilities and war veterans.

**Objective 1.** Improve the legality and promptness in the functioning of public administration bodies

<b>Implementation measure 1.1</b>	Harmonise special laws with the General Administrative Procedure Law
Implementing agency	Ministry of Public Administration
Co-carrier	
Implementation deadline	December 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	– special regulations harmonised with the General Administrative Procedure Law and published in the "Official Gazette"

<b>Implementation measure 1.2</b>	Increase the activities of the administrative inspection
Implementing agency	Ministry of Public Administration in cooperation with other state administration bodies
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– number of administrative inspections carried out</li> <li>– the proportion between applications submitted and the number of inspections carried out</li> </ul>

### Objective 2. Increase the openness and transparency of public administration

<b>Implementation measure 2.1</b>	Improving the integrated portal for consultations with the public in drafting regulations and other acts
Implementing agency	Ministry of Public Administration
Co-carrier	Office for Cooperation with NGOs Legislation Office in cooperation with the Prime Minister's Office – the Public Relations Service and state administration bodies tasked with drafting individual regulations and other acts
Implementation deadline	2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– an established and regularly maintained web-system of current and finalised consultations in procedures of drafting regulations and other acts</li> <li>– number of consultations published</li> </ul>



<b>Implementation measure 2.2</b>	Development of modules of education on implementing public consultations in drafting laws, other regulations and acts and its inclusion in regular curricula of education in the State School for Public Administration
Implementing agency	Office for Cooperation with NGOs State School for Public Administration
Co-carrier	
Implementation deadline	December 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the State School for Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– developing an education module on implementing public consultations in drafting laws, other regulations and acts</li> <li>– module on the implementation of consultations included in regular curricula of the State School for Public Administration</li> <li>– number of participants in the module on the implementation of consultations</li> </ul>
<b>Implementation measure 2.3</b>	Carry out evaluation of efficiency of the mechanisms for preventing conflict of interest
Implementing agency	Ministry of Public Administration
Co-carrier	
Implementation deadline	June 2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– drafting the evaluation of the implementation of the Act on Preventing Conflict of Interest</li> <li>– proposing measures to enhance the system in accordance with European standards</li> </ul>
<b>Implementation measure 2.4</b>	Monitoring the implementation of the Act on the Right of Access to Information* (*OG 25/13)
Implementing agency	Ministry of Public Administration
Co-carrier	Croatian Personal Data Protection Agency Independent state body for the right to access information
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– securing greater openness and transparency of state administration bodies</li> <li>– regulating the right to reuse of public sector information in accordance with European legislation</li> </ul>

**Objective 3.** Increase the level of informedness of officials, professionalism of civil servants in order to increase sensitivity to the standards of inclusive society in state administration bodies

<b>Implementation measure 3.1</b>	Draft a list of necessary competences for civil servants in order to increase the level of professionalism in the Civil Service
Implementing agency	Ministry of Public Administration
Co-carrier	State School for Public Administration
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration and money from European Union funds
Implementation indicators	<ul style="list-style-type: none"> <li>– identifying the necessary competences of civil servants and officials necessary to increase the level of professionalism in the civil services</li> </ul>

<b>Implementation measure 3.2</b>	Develop and organise the implementation of the programme of education in the field of protecting human rights for civil servants and officials
Implementing agency	State School for Public Administration
Co-carrier	Office for Human Rights and National Minority Rights in cooperation with civil society organisations at the local and regional level
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the State School for Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– number of civil servants and officials who took part in the programmes</li> <li>– proportion of civil servants and officials who took part in the programmes in relation to the total number</li> <li>– increased rate of participation in programmes of education in the field of human rights</li> </ul>

<b>Implementation measure 3.3</b>	Draft an annual plan of education and training officials of local and regional self-governance units
Implementing agency	State School for Public Administration
Co-carrier	Ministry of Public Administration in cooperation with associations of cities, municipalities and counties
Implementation deadline	December 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the State School for Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– drafting an analysis of the situation and needs for training and education</li> <li>– drafting the annual plan</li> </ul>

## The Judiciary and Human Rights

In the past six years, reforms in the judiciary were marked by the process of Croatia's accession to the European Union, in which the adoption of highest European standards in the functioning of judiciary bodies, so as to continue to guarantee their independence, impartiality and efficiency, was especially significant. Since the negotiations were first opened in October 2005, the Republic of Croatia has made special efforts to develop the judicial system, paying special attention to the development of independence, impartiality, responsibility, professionalism and efficiency of the judiciary.

The first Judicial Reform Strategy encompassed the period between 2006 and 2010. All measures envisaged in the Strategy have been implemented, and so the Judicial Reform Strategy for the Period 2011-2015 was adopted in December 2010, with the aim of reaching the highest European standards in this field.<sup>41</sup> Currently, the Judicial Development Strategy for the Period 2013-2018 is in effect.<sup>42</sup>

During 2011, the revised Action Plan was implemented, having been adopted within the strategic framework of the Judicial Reform Strategy of 2006, with the aim of ensuring the continuity of judicial reform process, while the application of the new strategic framework for the period 2011-2015 will see the adoption of separate annual action plans with concrete measures, implementation timeliness and competent institutions for their implementation.

In order for the implementation of all the foreseen measures to be as efficient as possible, the institutional framework for monitoring judicial reforms has been strengthened. Thus, in addition to strengthening the Council for Monitoring the Implementation of the Judicial Reform, a special Department for Monitoring the Judicial Reform Strategy was formed, with the task of monitoring the implementation of the foreseen measures and giving administrative and technical support to the Council, which includes the leading judicial officials of the Republic of Croatia.<sup>43</sup>

In the previous period, there has been progress in strengthening independence, impartiality, objectivity, transparency, responsibility and professionalism of the judiciary. The adoption of a series of laws in December 2009<sup>44</sup> and amending the Constitution in June 2010<sup>45</sup> set up the legislative framework for appointment and advancement of judicial officials based on uniform, transparent and objective criteria that can be implemented at the national level. Likewise, the independence and

41 OG 145/10.

42 OG 144/12.

43 The Council for monitoring the implementation of the Judicial Reform was established in 2006. In 2010, it was harmonised with the new institutional framework and functionally and administratively strengthened.

44 The Law on Changes and Amendments to the Law on Courts, The Law on Changes and Amendments to the Law on the State Judicial Council, The Law on Changes and Amendments to the Act on the State Attorney's Office, The Law on Changes and Amendments to the Judicial Academy Act were all published in the Official Gazette, no. 153/10.

45 Amendments to the Constitution of the Republic of Croatia, OG 76/11.

impartiality of the judiciary is additionally guaranteed by the new composition of the State Judicial Council and the State Attorneys' Council, whose members are elected from among the representatives of the profession, while obviating the influence of the executive on their work. In spite of the evident progress, it is necessary to continue to work on greater transparency in the nomination process for judges and securing independence of judges and state attorneys.

The professional development of judicial officials is an important part of the process of judicial reform. Since the beginning of 2010, the Judicial Academy<sup>46</sup> has functioned as an independent institution. Within it, the State School for Judicial Officials functions as a separate organisational unit. The aim of the State School for Judicial Officials is, during a two-year schooling period, to provide the candidates for the positions of judicial officials with the necessary knowledge and skills to perform their judicial duties independently, impartially, responsibly and professionally. From 1 January 2013, the first appointments to positions as judges and deputy state attorneys will only be possible from among the candidates who had successfully completed their education at the State School.<sup>47</sup>

In order to secure the right of citizens to a fair trial within a reasonable time-limit, the Republic of Croatia paid special attention to resolving the problems of overburdened courts and unresolved cases. As a result of the measures implemented, in the past six years, the number of unresolved cases has been reduced by more than 50%.<sup>48</sup> Of all the unresolved cases, special significance is given to resolving cases more than three years old, especially in the most overburdened courts in the largest Croatian cities.<sup>49</sup> Moreover, the changes to procedural laws (the Criminal Procedure Act<sup>50</sup>, the Civil Procedure Act<sup>51</sup>) enable court proceedings to be further accelerated. In spite of the results achieved, it is necessary to invest additional effort in the following year in order to consistently apply the institute of trial within a reasonable time-limit.

Great attention is still paid to alternative methods of resolving disputes. In January 2011, the new Law on Conciliation<sup>52</sup> was adopted, which additionally encourages conciliation as an alternative mode of resolving disputes.

Improving the efficiency of the judiciary is also implemented through the system of computerisation and rationalisation of judicial bodies. Thus, functional rationalisation

46 The Judicial Academy was founded in 2004 as an organisational unit within the Ministry of Justice. In order to secure its independence, the Judicial Academy was separated from the executive branch by the Judicial Academy Act of December 2009, OG 153/09.

47 The first generation of students at the State School for Judicial Officials has started their education in late 2010; it includes 40 candidates for positions as judges and 20 for positions as deputy state attorneys.

48 In 2004, there were 1,640,182 unresolved cases, while at the beginning of 2011, this number was reduced to 781,323.

49 In May 2010, the Government of the Republic of Croatia adopted the Action plan for resolving old cases at the Municipal Civil Court in Zagreb, the Municipal Court in Split and the commercial courts.

50 OG 110/97, 27/98, 58/99, 112/99, 58/02, 143/02, 62/03, 115/06, 152/08, 76/09, 80/11, 121/11.

51 OG 53/91, 91/92, 112/99, 117/03, 84/08, 123/08, 57/11, 148/11.

52 OG 163/03, 79/09, 18/11.

has led to the reduction of the number of courts by 40%<sup>53</sup>, and state attorney's offices by 24%.

For the purpose of modernising the judicial system and further increasing efficiency, judicial bodies are being computerised, and a new Integrated Case Management System is being introduced into the court (the so-called *e-Spis*), as well as a Case Tracking System in state attorney's offices, which will enable systematic monitoring of cases at all stages of the proceedings.

The Republic of Croatia has undertaken necessary steps to turn administrative courts into full jurisdiction courts, in accordance with Article 6 of the European Convention on Human Rights, before its entry into the European Union. A new system of administrative adjudication was established with the adoption of the Administrative Disputes Act<sup>54</sup>, which came into force on 1 January 2012. In the new, two-instance system, administrative disputes will be addressed by four administrative courts, located in Zagreb, Split, Rijeka and Osijek, and at the appellate level, by the High Administrative Court of the Republic of Croatia.

The legislative framework for free legal aid was established in the Republic of Croatia by the adoption of the Free Legal Aid Act<sup>55</sup> in June 2008. Since the Act entered into force, an expert work group was formed, and tasked with monitoring the implementation of the Act, and recommending measures focused on removing the deficiencies within the system of free legal aid. Based on the observed deficiencies, changes and amendments to the Act were drafted, and adopted in July 2011. During two years following its entry into force, the number of requests filed by citizens has visibly risen, as has the number of accepted requests, while the number of dismissed and rejected requests fell. The Ministry of Justice will continue to cooperate with all relevant stakeholders to find opportunities for additional improvements to this exceptionally important instrument. It is necessary to conduct an independent examination of the effectiveness of the Free Legal Aid Act and, depending on the results, undertake measures that are needed to guarantee those most threatened in the population access to efficient, comprehensive and non-discriminating legal aid.

Furthermore, it is necessary to increase efforts to ensure that all war crimes trials are conducted in a non-discriminatory manner, and to effectively investigate and pursue all war crimes cases, regardless of the ethnicity of the victim and perpetrator.

At the same time, it is necessary to remark that the closing of the negotiation Chapter 23, on Judiciary and Fundamental Rights, and the closing of the negotiations on Croatia's accession to the European Union on 30 June 2011 certainly do not signal the end of reforms, but represent additional impetus for further improvements. Regaining citizens' trust in the judiciary and the functioning of the judicial system

53 Functional rationalisation has reduced the number of municipal courts from 108 to 67, magistrates' courts from 114 to 63, county courts from 21 to 15, and commercial courts from 13 to 7. Functional rationalisation will be followed by physical merging of the courts, which will, in line with the prescribed deadlines, be fully implemented by 2019.

54 OG 20/10.

55 OG 62/08, 44/11 – Decision by the Constitutional Court of the Republic of Croatia, and 81/11.

that is capable of handling all the challenges of European Union membership is the ultimate goal, whose realisation should be the aim of the Croatian society as a whole.

**Objective 4.** Strengthen the quality, capacity and efficiency of the judicial system.

<b>Implementation measure 4.1</b>	Reduce the number of unresolved cases in courts
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– consistent implementation of measures from the Judicial Reform Strategy</li> <li>– strengthen the competences of court presidents</li> <li>– expanded authorities of court counsellors</li> <li>– continuous statistical monitoring of the courts' functioning</li> </ul>
<b>Implementation measure 4.2</b>	Strengthen the application of the institute of trial within a reasonable time-limit
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	2014 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– consistent application of the institute of trial within a reasonable time-limit</li> <li>– number of cases resolved annually</li> <li>– analysis of the implementation of the new Law on Courts</li> </ul>
<b>Implementation measure 4.3</b>	Improve the computerisation and technical equipment of courts
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	October 2016
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– completed process of computerisation of judicial bodies</li> <li>– courts equipped for hearings of child witnesses, victims (video-links, filmed statements etc.)</li> </ul>

<b>Implementation measure 4.4</b>	Increase the transparency in the functioning of judicial bodies
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	– implementing the <i>e-predmet</i> application

<b>Implementation measure 4.5</b>	Continue the rationalisation of municipal and magistrates' courts
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	– rationalised network of courts in accordance with the envisaged criteria

#### **Objective 5.** Improve the independence of courts and the State Attorney's Office

<b>Implementation measure 5.1</b>	Adopt a new State Judicial Council Act with the aim of improving objective criteria for electing judges and state attorneys
Implementing agency	Ministry of Justice
Co-carrier	Competent state administration bodies
Implementation deadline	2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	– the adoption of the new Act – establishing objective criteria for electing judges and state attorneys



**Objective 6.** Intensify efforts to prosecute war crimes

<b>Implementation measure 6.1</b>	Continue the cooperation between the Government of the Republic of Croatia and the International Criminal Tribunal for the Former Yugoslavia, especially concerning the delivery of requested documentation in judicial proceedings
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– positive marks for the cooperation by the international organisations and bodies</li> <li>– timely and complete delivery of data</li> <li>– reports on and implementation of required activities</li> </ul>

<b>Implementation measure 6.2</b>	Strengthen the cooperation between the Government of the Republic of Croatia and civil society organisations in uncovering and processing war crimes
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– ensure communication between the Government of the Republic of Croatia and civil society organisations by means of regular meetings (at least twice yearly), inclusion of representatives of civil society organisations in the functioning of the bodies, committees and work groups established by the Government of the Republic of Croatia with the aim of uncovering and processing war crimes</li> </ul>

<b>Implementation measure 6.3</b>	Ensure respect for the principle of non-discrimination in investigations, trials and sanctioning war crimes in the Republic of Croatia, regardless of the ethnicity of the victims and perpetrators of the crimes
Implementing agency	Ministry of the Interior in cooperation with the competent state bodies
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of the Interior
Implementation indicators	<ul style="list-style-type: none"> <li>– drafting a report on the procedures implemented and the most frequent procedural violations, as ascertained by higher judicial authorities, and annual reports on the work of state attorney's offices</li> <li>– drafting the Ombudsman's annual report on his regular jurisdiction and combating discrimination</li> </ul>
<b>Implementation measure 6.4</b>	Secure adequate funds for the Attorney General's Office to prosecute perpetrators of war crimes in the Republic of Croatia
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– securing the funds for the Attorney General's Office to prosecute war crimes perpetrators in the Republic of Croatia</li> </ul>

## IV. The Role of Human Rights in the Association Process and Accession Negotiations Between the Republic of Croatia and the EU

By signing and ratifying the *Stabilisation and Association Agreement* (hereinafter: SAA) in 2004, and initiating negotiations with the European Union in October 2005, the Republic of Croatia has accepted the responsibility to harmonise national legislation with European Union law and to introduce new European standards into national frameworks. The SAA encompasses the field of human rights in the part pertaining to social policy (Articles 69 and 91 of the SAA). With entry into force of the SAA, the Republic of Croatia has embarked on “voluntary harmonisation” of national legislation with the *acquis* of the European Union in the field of social policy.

As regards discrimination and anti-discriminatory norms, as early as three decades ago, European directives and the jurisprudence of the European Court in Luxembourg have introduced new standards and legal frameworks in the protection from discrimination. Thus, concepts such as direct and indirect discrimination, positive discrimination, sexual harassment, burden of proof, gender mainstreaming were introduced, among many others. Although concepts defined this way provide almost ideal protection from discrimination, in practice, the situation is entirely different. Even after many years since entry into force of directives promoting equal opportunities for men and women, the problems of interpreting their substance, understanding, and, finally, their practical application remain.

When speaking about the integration of central and eastern European countries in the legal system of European law as one of the fundamental problems, there arises the question of compatibility of their constitutional systems and their capability for integration. The principle of equal treatment as an important basis and pillar of democracy is contained in the European legal *acquis* in a number of sources of European law.<sup>56</sup> It is also the legal basis for the adoption of secondary legislation, whose reception is also a part of the legal *acquis* of the European Union,

<sup>56</sup> It corresponds to the provisions of the Treaty Establishing the European Community (art. 141), with the Charter of Fundamental Rights of the European Union and Council Directive 75/117/EEC on harmonising member states' legislation concerning implementation of the principle of the pay equality for men and women, Council Directive 97/80/EEC on the burden of proof in cases of gender discrimination, Council Directive 76/207/EEC on the application of the principle of equal treatment of men and women in employment, professional development, promotion and labour conditions. The aforementioned Article from the Treaty Establishing the European Community is binding for all member states of the European Union and constitutes the law with which Croatian law is to be harmonised.

and thus also a condition for joining the European Union. Both the primary and secondary legislation of the European community contains provisions prohibiting discrimination. However, for decades, the European law was limited to combating discrimination based on sex.

The key change for the development of anti-discrimination law occurred in 1997, with the adoption of the Amsterdam Treaty. The Treaty introduces new bases of discrimination into Article 13 of the Treaty Establishing the European Community, and thus into European legislation, for the first time. These new bases of discrimination are: racial or ethnic origin, religion or belief, disability, age, and sexual orientation. Article 13 was also the basis for the adoption of two directives, with which the Croatian legislation was harmonised by the enactment the Anti-Discrimination Act.<sup>57</sup> The main features of the aforementioned Directives are that they prohibit direct and indirect discrimination, harassment, inciting to discrimination and failing to make reasonable adjustments related to disability. Both *ratione personae* and the two Directives apply to all persons (private and physical), in both the private and public sector. Both Directives carry certain exceptions and allow, but do not require positive measures. The key difference between them is that the Directive concerning racial or ethnic origin has a much wider sphere of application. Like Directive 2000/78/EC, it pertains to: access to employment, access to professional qualification and development, labour and labour conditions and membership and activity in employees' or employers' organisations. However, the Directive concerning racial or ethnic origin also pertains to: social protection, including social security and healthcare; social benefits; education and goods and services. The greater strength of this Directive is also manifest in the fact that it is the only one that prescribes the establishment of a body tasked with combating (racial and ethnic) discrimination, while European law currently doesn't require the existence of such a body to combat discrimination on other bases. The change that came about with entry into force of the Treaty of Amsterdam (1999), supplemented the principle of gender equality in a wider context by the application of so-called special measures.<sup>58</sup> The European Court of Justice defined the special measures as binding and justified. The Treaty of Amsterdam confirmed the importance of the principle of equal opportunities, as well as respect for human rights in the process of integration. Certain legal amendments were adopted that would open new opportunities for progress, as were the goals of the Community, including the most important one – promoting equality. It guarantees a high level of social protection and employment, equality of men and women, improving the conditions and quality of life, and mutual economic and

57 Directive 2000/43/EC, concerning racial or ethnic origin and Directive 2000/78/EC, concerning access to employment, access to professional qualification and development, labour and labour conditions and membership and activity in employees' and employers' organisations.

58 The application of special measures is laid out in Article 2 of the Treaty according to the Directive on the application of the principle of gender equality for men and women in employment, vocational training and promotion, and working conditions, number 76/207/EEC, later supplemented by Directive 2002/73/EC, on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, and Council Recommendation 84/635/EEC on the promotion of special measures for women.

social aid amongst member states.<sup>59</sup> In addition to the aforementioned Directives, the legal framework of the European Union contains other binding acts the member states are obliged to take into consideration in the course of negotiations and in the process of harmonising national and European legislation.<sup>60</sup>

Although prior to entry into force of the Lisbon Treaty, the Charter of Fundamental Rights of the European Union (hereinafter: the Charter) did not have binding status within the legal order of the European Union, it nevertheless had great interpretative force in implementing and promoting the principle of equality.<sup>61</sup> Apart from binding European Union institutions in their conduct and decision-making within their purview, the Charter is also binding for member states when they implement European Union law. This obligation also includes member states' central and local government bodies. The Charter guarantees that its provisions and their interpretation won't reduce or adversely affect the already achieved level of protection of fundamental rights guaranteed by European Union law, international treaties and constitutional provisions of member states. Additionally, the substance of the Charter guarantees, which is congruent with the rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: ECHR), will correspond with the provisions of the Convention. Moreover, the Charter sets out clearly that such rights may be guaranteed more comprehensive protection within the European Union than that guaranteed by the ECHR. Member states' courts and the European Court of Justice will have to turn to it in their interpretations, and interpret legal norms in the spirit of the rights guaranteed by the Charter. Such practice, which is commonly accepted in court interpretations of international law, begins with the assumption that national courts have the duty of loyal interpretation, that is, that they are capable and efficient in the protection of the fundamental rights guaranteed in the Charter. The Republic of Croatia is already effectively bound by this duty, since it has signed the Stabilisation and Association Agreement with the European Union and its member states, with which it has expressly committed itself to respecting human rights. Although the Charter won't become an integral part of the national legal order until the Republic of Croatia has become a full member of the Union, it is capable of producing significant indirect effects in the legal order of the Republic of Croatia on the basis of Croatian constitutional law.

59 Article 141 (formerly 119), as the most significant provision of the Treaty Establishing the European Community, provides the legal basis for special measures, elevating them to the constitutional level of the Community. The implementation of these measures is enabled by Council Directive 75/117/EEC, on harmonising member states' legislation concerning the implementation of the principle of pay equality for men and women.

60 These are: Directive 97/80/EC, on the burden of proof in cases of discrimination based on sex, and Directive 75/117/EC on harmonising member states' legislation concerning the principle of equal pay for equal work for women and men, Council Recommendation 96/694/EC on balanced participation of women and men in the decision-making process, Council Recommendation 84/635/EEC on the promotion of positive action for women, Recommendation 92/131/EC on the protection of the dignity of men and women at work and Recommendation 87/567/EEC on vocational training for women.

61 Thus, Article 21 of the Charter prohibits any discrimination based on sex, race, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.



## V. Analysis of the state of human rights in the Republic of Croatia and determining priority areas, goals and measures

In this chapter, we bring a concise account of the appraisal of the state, progress achieved and challenges to come in the protection and promotion of human rights, based on the analysis of the implementation of the measures according to the fields set out in the present *National Programme of Protection and Promotion of Human Rights 2008-2011*.

The National Programme analyses individual fields of protection and promotion of human rights and determines priority areas as follows:

1. Gender equality
2. Combating racial and other discrimination
3. Rights of national minorities
4. Missing persons in the Republic of Croatia
5. Rights of active participants<sup>62</sup> and victims of the Homeland war
6. The right to free legal aid
7. Freedom of the media
8. The right of access to information
9. The right to the protection of personal data
10. Religious rights and freedoms
11. Protection of workers' rights and dignity
12. Special protection of the family
13. Protection of children's rights
14. Protection of the rights of youth
15. Protection of the rights of persons with disabilities
16. Protection of the rights of persons with mental impairments
17. Protection of the rights of the elderly
18. Protection of the rights of the homeless

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62 Gendered words and concepts [in the original Croatian text (translator's note)] refer equally to the male and female gender, notwithstanding the specific gender used in laws and other regulations – article 43 of the Gender Equality Act (OG 82/08).

19. Protection of the rights of drug addicts
20. Protection of the rights of HIV-positive persons
21. Protection of the rights of persons deprived of their liberty
22. Protection of victims/witnesses
23. Protection of the rights of asylum seekers, asylees and persons under subsidiary protection
24. Protection of the rights of sexual and gender minorities
25. The right to a healthy life and environment
26. Combating corruption
27. Combating trafficking in persons
28. Security and human rights
29. Education for human rights and human rights in the educational system
30. Fostering civil society development and exercising the freedom of association



## 1. Gender equality

In the previous period, the Republic of Croatia has strengthened its basic institutional mechanisms and introduced important new legislative changes with the goal of preventing gender discrimination and improving the implementation of equal opportunity policies. By developing a legal anti-discrimination framework and adopting national policies, the Republic of Croatia has continuously shown clear political commitment to the responsibility of creating and implementing policies focused on quickly surmounting the discrepancy between the formal legal and actual gender equality, in accordance with the fundamental positions of the Council of Europe, the European Union and the United Nations.

The most important legislative change was the adoption of the new Gender Equality Act<sup>63</sup>. The Act was harmonised with the provisions of the relevant international standards, as well as European Union Directives in the field of gender equality. It stipulates a general ban against discrimination based on sex, marital or family status and sexual orientation, and especially prohibits discrimination in the spheres of employment and work, and education; obliges the media to further develop public awareness equality of men and women; and introduces the obligation of keeping gender statistics. Likewise, the Act introduces special measures, obliging political parties and others authorised to submit candidate lists to include at least 40% members of the under-represented sex in their electoral lists for all levels of elections.

This is the first time that the role and position of county commissions for gender equality have been legally defined, as bodies tasked with implementing the Gender Equality Act alongside the institution of the Ombudsman for Gender Equality, the Office for Gender Equality of the Republic of Croatia and the coordinators within state administration bodies. Improvements have been introduced in the field of judicial protection from discrimination, such as representative action, shifting the burden of proof and the principle of expedited judicial proceedings. In addition to civil proceedings, victims of discrimination can also ensure their judicial protection through minor offence proceedings.

On 1 January 2009, the Anti-Discrimination Act came into force as the umbrella legislation creating the conditions for the realisation of equal opportunities and regulates protection from discrimination based on sex, as well as race, ethnicity, colour of skin, language, belief, political or other opinion, national or social origin, property status, disability, genetic features, gender identity, expression or sexual orientation.

The aforementioned Act enables persons to participate in legal proceedings in the capacity of intervener, which allows organisations, institutions, civil society organisations as well as the Gender Equality Ombudsman to become involved in judicial protection of the rights of persons who were discriminated against on the basis of sex, sexual orientation, marital or family status.

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63 OG 82/08.

Moreover, in 2009, the new Protection against Domestic Violence Act was adopted, with the goal of improving the work of the bodies responsible for combating domestic violence and harmonisation with the current international guidelines.

The Labour Act has regulated the principle of pay equality for women and men in accordance with the provisions of the primary law of the European Union, that is Article 157 of the Treaty on the Functioning of the European Union, and secondary law provisions, namely the European Parliament and Council Directive 2002/73/EC of 23 September 2002, which amends the Council Directive 76/207/EEC on the implementation of the principle of equal pay for men and women as regards access to employment, vocational training and promotion, and working conditions, and the Council Directive 2000/78/EC, establishing a framework for equal treatment in employment and occupation.

In spite of the legislation, discrimination against women is still present, which is especially evident in their inferior position in the labour market (including lower wages), underrepresentation in the public and political sector and frequency of gender-based violence. It is thus necessary to work on effective implementation of legal norms through raising awareness on the prohibition of sex discrimination and gender-based violence, the need for equal representation of women in political and public life. It is also necessary to undertake measures to ensure better balance between family and professional life.

These needs are recognised both in the Final Document of the Universal Periodic Review of the state of human rights and the National Policy for Gender Equality for the period 2011-2015, the basic strategic document of the Republic of Croatia for establishing gender equality, which was adopted by the Croatian Parliament in July 2011.<sup>64</sup> The National Policy is focused on increasing the level of knowledge and awareness of the anti-discrimination legislation, gender equality and women's human rights; improving the social status of women members of national minorities, women with disabilities, women in rural areas; reducing unemployment and elimination of all forms of discrimination against women in the labour market; strengthening women's entrepreneurship; introducing gender-sensitive upbringing and education across the whole education system, accompanied by the removal of gender stereotypes from textbooks and curricula; achieving balanced representation of men and women in representative and executive bodies of government at all levels; elimination of violence against women; working on acquainting the public with gender equality policies of the European Union and other international organisations; further strengthening the mechanisms for implementing gender equality at the national and local levels; combating gender stereotyping and introducing gender-sensitive

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64 The National Policy contains the Action Plan including 20 goals and 93 measures across the priority fields of operation, by subject matter: promoting women's human rights, equal opportunities in the labour market, gender-sensitive education, balanced participation of men and women in the decision-making process in political and public life, eliminating violence against women, international policies and cooperation, and institutional mechanisms and modes of implementation. A detailed account of the assessment of the situation in the field of gender equality in the Republic of Croatia can be found in the National Policy for Gender Equality 2011-2015.

policies in the media, as well as introducing management of budget funds according to gender concerns and developing methodology of collecting statistical data, with associated gender research. The Gender Equality Office of the Government of the Republic of Croatia is responsible for monitoring the implementation of the National Policy.

Two other national strategies also contain measures focused on promoting gender equality policies: the National Strategy for the Protection against Domestic Violence 2011-2016 and the Strategy for Women's Entrepreneurship Development from 2010 to 2013.

**Objective 7.** Eliminating discrimination against women and establishing genuine gender equality

<b>Implementation measure 7.1</b>	Monitoring and evaluation of the implementation of the activities set out in the Action Plan contained in the National Policy for Gender Equality 2011-2015
Implementing agency	Office for Gender Equality
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Gender Equality
Implementation indicators	– drafting periodic reports on the implementation of the National Policy for Gender Equality for the period 2011-2015

<b>Implementation measure 7.2</b>	Implement activities aimed at combating discrimination against women in the field of employment, promotion and pay
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	Ministry of Labour and Pension System Office for Gender Equality in cooperation with the Ombudswoman for Gender Equality, trade unions, employers' associations and civil society organisations
Implementation deadline	December 2014 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	– number of discussions, seminars and workshops held – number of participants (number of those involved relative to the number of those employed, employees and territorial representation)

## 2. Combating racial and other discrimination

Discrimination against minority groups has become one of the main problems facing European Union states. Special attention is paid to issues of racial, ethnic and gender discrimination and combating it, as well as to the protection of the rights of victims. Moreover, the questions and degree of rights protection have become one of the main conditions for accession to the European Union.

The European Union's ambition is to encourage individual candidate states to create their own anti-discrimination legislation through harmonisation with European Union directives in the field of combating discrimination, which the Republic of Croatia did.<sup>65</sup> The prohibition of discrimination is a constitutional category. The Constitution of the Republic of Croatia prohibits discrimination on the basis of race, colour of skin, sex, language, belief, political or other opinion, national or social origin, property, birth, education, social status or other characteristics.

In the period 2008-2011, during the implementation of the previous National Programme, the Croatian anti-discrimination legislation was enhanced by adopting the Anti-Discrimination Act and the Gender Equality Act.

The Anti-Discrimination Act<sup>66</sup> prohibits discrimination based on race or ethnicity, skin colour, sex, language, belief, political or other opinion, national or social origin, property status, membership of a union, education, social status, marital or family status, age, health status, disability, genetic features, gender identity, expression or sexual orientation. The law in question defines, among others, the concept of discrimination, the forms, fields of implementation, mechanisms of judicial protection, competences of the Ombudsman and other ombudspersons, and introduces a very significant provision, concerning shifting the burden of proof from the plaintiff to the defendant. It is necessary to make special mention of the institute of representative action, which enables associations, bodies, institutions or other organisations with a reasonable interest in the protection of the interests of a certain group to file an action against a person that has breached the right to equal treatment. The Act introduces a central body tasked with combating discrimination – the Ombudsman. In spite of the good legislation, it is necessary to strengthen those initiatives that are specifically focused on the implementation of the National Plan for Combating Discrimination, especially through raising awareness on non-discrimination, harmony amongst communities, mutual respect and tolerance, and to undertake further measures in the campaign against discrimination of minorities and ensure that they are indeed effectively implemented.

The new Gender Equality Act elaborates on the prohibition of discrimination and forms of discrimination; it defines so-called special measures as specific benefits that allow persons of a certain gender equal participation in public life, remove

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65 With the Race Equality Directive and the Council Directive 2000/78/EC, establishing a framework for equal treatment in the field of employment and occupation.

66 OG 85/08.

the existing inequalities or ensure rights they were previously denied, and are introduced as temporary measures to achieve real equality of women and men, and are not considered discrimination. It is necessary to increase efforts to eliminate discrimination against women, including in the labour market, and to implement measures to promote gender equality and non-discrimination, especially in the field of employment.

Along with the aforementioned laws, the Republic of Croatia has also adopted the following laws that prohibit discrimination on any of the following constitutional foundations: the Constitutional Act on the Rights of National Minorities<sup>67</sup>, the Criminal Code of the Republic of Croatia<sup>68</sup>, the Law on Same-Sex Civil Unions<sup>69</sup> and the Labour Act<sup>70</sup>.

The European Commission's Progress Report for 2010 states that there has been partial development with regard to anti-discrimination measures<sup>71</sup>. Progress has been made in the field of sanctioning hate crimes, although the implementation of the newly adopted legal measures is in its infancy. The number of judicial proceedings in cases of discrimination is still relatively small, while judicial protection of the victims is limited. The Progress Report for 2011, like its predecessor, cites the need to continue raising public awareness on combating discrimination.<sup>72</sup> It also cites the limited progress made in the field of combating and sanctioning discrimination. It is very important to implement the principles of tolerance, mutual respect and open-mindedness in the Croatian society. The importance of educating judges is given mention, especially in the field of combating discrimination on the basis of sexual orientation. It demands structured monitoring of discrimination cases. It is mentioned that national minorities are not proportionally represented in state administration bodies at the local and regional level. There is a demand for further harmonisation with the *acquis* in the field of exceptions to discrimination, which was done with the adoption in 2012 of the Act on Amendments to the Anti-Discrimination Act.<sup>73</sup> Consequently, according to the latest European Commission Report for 2012, the Republic of Croatia still faces numerous challenges in the field of combating discrimination. Among other things, it is necessary to promote greater tolerance, understanding and non-discrimination among the majority population towards the rights of national minorities, and to increase efforts in the campaign against ethnic discrimination, especially that directed against the Roma and Serb minorities, and especially in the fields of education, employment, housing, status rights and political participation. Promoting anti-discrimination through campaigns raising awareness on legislation amongst workers, unions, employers and the judiciary is also among

67 OG 155/02, 80/10.

68 OG 110/97, 27/98, 129/00, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11.

69 OG 116/03.

70 It is necessary to point out that the most recent Amendments to the Labour Act (OG 149/09, 61/11) remove the provisions pertaining to specific forms of discrimination, as they are already contained in the Anti-Discrimination Act (OG 85/08), though not the general prohibition of discrimination.

71 The European Commission's 2010 Progress Report for Croatia.

72 The European Commission's 2011 Progress Report for Croatia.

73 The Act on Amendments of the Anti-Discrimination Act, OG 112/12.

the priorities in the coming period of EU accession. It is also important to implement systematic education of all relevant stakeholders on the anti-discrimination legislation.

With the aim of making the functioning of state administration bodies in the field of combating discrimination as efficient as possible, it is necessary to continue to implement the National Plan for Combating Discrimination 2008-2013.

**Objective 8.** Implementation the Anti-Discrimination Act in accordance with the legal acquis of the European Union and good practice of member states

<b>Implementation measure 8.1</b>	Organise expert seminars on the provisions in domestic and European legislation in the field of combating discrimination for judges, lawyers, state attorneys, the police, state officials and representatives of civil society organisations
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	The Judicial Academy Ministry of the Interior – Police Academy Ministry of Public Administration State School for Public Administration
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	– number of seminars organised – number and type of participants in the seminars

<b>Implementation measure 8.2</b>	Organise expert seminars on the provisions of local and European legislation in the field of combating discrimination for representatives of unions and employers
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	the Croatian Employment Service
Implementation deadline	June 2014 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities and funds from projects financed through European Union funds
Implementation indicators	– number of seminars organised – number and type of participants in the seminars

<b>Implementation measure 8.3</b>	Organise expert seminars on the provisions of local and European legislation for representatives of the media
Implementing agency	Office for Human Rights and Rights of National Minorities in cooperation with the Croatian Radiotelevision
Co-carrier	the Croatian News Agency
Implementation deadline	December 2014 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– number of seminars organised</li> <li>– number and type of participants in the seminars</li> </ul>

**Objective 9.** Secure the implementation of legislative provisions prohibiting discrimination

<b>Implementation measure 9.1</b>	Adopt procedural ordinances for discrimination cases in state administration bodies
Implementing agency	Ministry of Public Administration with the relevant state administration bodies, and academic and scientific institutions, civil society organisations and employers
Co-carrier	Ministry of Justice in cooperation with the Office for Human Rights and Rights of National Minorities
Implementation deadline	December 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– adoption and publishing of the ordinances</li> <li>– guarantees of fair treatment in discrimination cases, in accordance with the Law</li> </ul>

**Objective 10.** Introduce a system of monitoring and documenting discrimination

<b>Implementation measure 10.1</b>	Recording statistical indicators on criminal acts of discrimination and criminal offences related to hate crimes
Implementing agency	Ministry of Public Administration
Co-carrier	Ministry of the Interior in cooperation with the State Attorney's Office of the Republic of Croatia
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of the Interior
Implementation indicators	<ul style="list-style-type: none"> <li>– filing the annual report on criminal offences of discrimination and criminal offences related to hate crimes</li> <li>– producing statistical data on criminal offences of discrimination and criminal offences related to hate crimes</li> </ul>

**Objective 11.** Combating stereotypes and prejudice arising from racial and other discrimination

<b>Implementation measure 11.1</b>	Include teaching contents addressing the unacceptability of all forms of discrimination and promoting tolerance and acceptance of differences in educational curricula for children and youth.
Implementing agency	Education and Teacher Training Agency
Co-carrier	Office for Human Rights and Rights of National Minorities in cooperation with the Ombudswoman for Children, Ombudswoman for Persons with Disabilities and civil society organisations
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Education and Teacher Training Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– number of teaching contents in curricula</li> <li>– educative and promotional materials published on the websites of the bodies and organisations and distributed to schools and other educational institutions</li> <li>– number of educational and promotional workshops for children and youth held</li> <li>– number of schools and other educational institutions and the number of pupils that took part in the programmes</li> </ul>



<b>Implementation measure 11.2</b>	Holding expert discussions and seminars and producing promotional materials for educational workers with the aim of combating racial and other discrimination
Implementing agency	Education and Teacher Training Agency
Co-carrier	Office for Human Rights and Rights of National Minorities
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Education and Teacher Training Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– number of expert discussions, seminars and workshops held</li> <li>– number of participants (number of those involved relative to the level of education and territorial representation)</li> <li>– producing publications and promotional materials for educational workers</li> </ul>

**Objective 12.** Strengthening civil society organisations that provide assistance to victims of hate crimes

<b>Implementation measure 12.1</b>	Financing projects of civil society organisations that provide assistance to victims of hate crimes
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– number of projects that were submitted for financing</li> <li>– number of projects approved</li> <li>– total funds awarded for project financing</li> </ul>

### 3. Rights of National Minorities

In accordance with positive law<sup>74</sup>, the Republic of Croatia ensures the fulfilment of special rights and freedoms for members of national minorities, which they exercise individually or jointly with other persons belonging to their respective national minority. Special rights and freedoms involve: expression of membership of a national minority; use of name and surname in the minority language and script; obtaining personal ID in the minority language and script; use of their minority language and script for private, public and official purposes; education in the language and script they use; use of their insignia and symbols; cultural autonomy through the preservation, development and expression of their own culture, and the preservation and protection of their cultural heritage and tradition; the right to practice their religion and establish religious communities together with other members of the same religion; access to public information services and performing public information activities (receiving and disseminating information) in the language and script they use; self-organisation and association in pursuance of their common interests; representation in representative and executive bodies at the state and local levels, as well as in administrative and juridical bodies; participation of members of national minorities in public life and local self-government through national minority councils and representatives; and protection from any activity jeopardising or potentially jeopardising their existence, and the exercise of their rights and freedoms.

With the amendments to the Constitution of the Republic of Croatia of June 2010,<sup>75</sup> the list of national minorities recognised in the text of the Constitution was expanded to include Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs and Albanians, so the Historical Foundations now expressly list the 22 national minorities living in the Republic of Croatia.

74 The Constitution of the Republic of Croatia (OG 85/10 – consolidated text); the Constitutional Law on the Rights of National Minorities (OG 155/02, 47/10, 80/10 and 93/11); the Act on the Use of the Languages and Scripts of National Minorities in the Republic of Croatia (OG 51/00 and 56/00); the Personal Identification Card Act (OG 11/02, 122/02 and 31/06); the Law on Education in the Language and Script of National Minorities (OG 51/00 and 56/00); the Act on the Legal Status of Religious Communities (OG 83/02); the Electronic Media Act (OG 153/09); the Croatian Radio-Television Act (OG 137/10); the Act on Election of Representatives to the Croatian Parliament (OG 120/11 – consolidated text); the Law on the State Administration System (OG 150/11); the Law on Local and Regional Self-Government (OG 33/01, 60/01 – authoritative interpretation, 129/05, 109/07, 125/08, 36/09 and 150/11); the Law on Election of Members of the Representative Bodies of Local and Regional Self-Government Units (OG 33/01, 10/02, 155/02, 45/03, 43/04, 40/05, 44/05 – consolidated text, 109/07); the Law on Election of Heads of Municipalities, Mayors, County Prefects, and the Mayor of the City of Zagreb (OG 109/07, 125/08, 24/11 and 150/11); the Civil Servants Act (OG 92/05, 142/06, 77/07, 107/07, 27/08, 34/11, 49/11, 150/11, 34/12 and 49/12 – consolidated text); the Act on Civil Servants and Employees in Local and Regional Self-Government (OG 86/08); the Courts Act (OG 122/10 – consolidated text, 27/11 and 130/11); the Act on the State Attorney's Office (OG 76/09, 153/09, 116/10, 145/10, 57/11 and 130/11); the Anti-Discrimination Act (OG 85/08); the Criminal Code (OG 110/97) and the Act on the Census of Population, Households and Dwellings in the Republic of Croatia (OG 92/10).

75 OG 76/10.

The same year, the Constitutional Act on Amendments the Constitutional Act on the Rights of National Minorities<sup>76</sup> was adopted, introducing two new models for electing representatives of national minorities to the Croatian Parliament. However, a Decision by the Constitutional Court annulled the provision on the specified models of choosing national minority representatives.<sup>77</sup> In terms of political representation, national minority members have a right to eight representative seats in the Croatian Parliament. Members of national minorities are guaranteed the right to representation in the representative bodies of local and regional self-government units, pursuant to the Constitutional Act on the Rights of National Minorities. In self-government units, where members of national minorities exercise their right to proportional representation in representative bodies, representation in executive bodies is also guaranteed, that is, according to the stipulated conditions, the posts of deputy head of municipality, deputy mayor or deputy county prefect must be filled by the members of national minorities, which has to be regulated in the local unit's statute. If the right to one deputy from among the members of national minorities is not realised, by-elections will be called.<sup>78</sup> Likewise, members of national minorities are guaranteed representation in the administrative bodies of local self-government units, pursuant to the provisions of special law. In spite of this, it is necessary to enhance the existing legal framework in the segment regulating the election of national minority representatives, as well as the method of voting by national minority representatives, while retaining the direct election of national minority representatives by members of national minorities and respect for their rights, as guaranteed by the Constitution and the Constitutional Act on the Rights of National Minorities, as well as international treaties.

With the aim of improving the implementation of the Constitutional Act on the Rights of National Minorities, in 2008 and 2011, the Republic of Croatia has adopted action plans for its implementation. The Action Plan for the Implementation of the Constitutional Act for the period 2011-2013 was adopted with the aim of further strengthening the protection of national minorities, especially in the fields where deficiencies have been detected. In that sense, measures significantly expanding upon those from the former Action Plan were laid down, and concrete goals were set,

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76 OG 80/10.

77 Said amendments to the Constitutional Act also amended the Article 19 of the Constitutional Act on the Rights of National Minorities, so that the Article stipulates that national minorities that make up more than 1.5% of the population of the Republic of Croatia on the day of entry into force of this Constitutional Act, shall be guaranteed at least three representative seats in the Croatian Parliament, elected on the basis of universal suffrage. Meanwhile, those national minorities that make up less than 1.5% of the population of the Republic of Croatia have the right to choose five representatives of national minorities in special electoral units in addition to the universal suffrage. The Decision of the Constitutional Court of the Republic of Croatia of 29th July 2011 repealed the amended provision in Article 19 of the Constitutional Act, and ordered that rules from Article 19 of the Constitutional Act on the Rights of National Minorities, which were in force before entry into force of the Constitutional Law Amending the Constitutional Act on the Rights of National Minorities of June 2010, shall be applied until the issues contained in the repealed provisions are settled.

78 In local and regional self-government bodies, the Serb national minority has 10 deputy county prefects, 16 deputy mayors and 53 heads of municipalities and deputy heads of municipalities.

whose realisation is planned for the period 2011-2013. In defining the aforementioned measures, the recommendations from the European Union Common Position, Chapter 23 (the Conference on Accession) were taken into consideration.

In the Action Plan, special emphasis is placed on the representation of national minority members in state administration bodies, judicial bodies and administrative bodies of local and regional self-government units. The plan contains an exhaustive, statistically backed assessment of the current situation and points to the operative aim of increasing representation of national minority members in the medium term. Another element of the Plan are the forms for unique statistical tracking of the representation of members of national minorities, which should enable regular and continuous evaluation of the representation of national minority members in bodies, pursuant to Article 22 of the Constitutional Act.

The proportion of members of national minorities in state administration bodies and expert and administrative services and offices of the Government of the Republic of Croatia is insufficient. We note that since 2009, the Decision prohibiting new recruitment of civil servants and employees in state administration bodies, expert services and offices of the Government of the Republic of Croatia has been in force (Official Gazette, 153/09). The Decision has uniquely allowed employment in workplaces that have become vacant due to the retirement of a civil servant or employee, if regular tasks cannot be fulfilled by reassignment among the existing civil servants or employees. However, the prohibition does not pertain to the employment of civil servants that are indispensable for the implementation of the accepted obligations towards the European Union, if the funds for their employment have been secured. With the Conclusion of 21 June 2010, the Government of the Republic of Croatia has accepted the criteria for reducing the number of employed in state administration bodies. Therefore, the prohibition of employment from the aforementioned Decision was made more stringent with the adoption of a "2 for 1" clause (one new employee for two departed, which does not apply to the employment of civil servants with professional experience in the implementation of the IPA programme, and for the purpose of carrying out the obligations toward the European Union. The implementation of the Decisions and the Conclusion has resulted in a significant reduction of employment in the civil service in 2011 and 2012, including the employment of members of national minorities. During 2011 and 2012, vacancy announcements regularly contained reference to the right of members of national minorities to invoke primacy in employment, based on Article 22 of the Constitutional Act on the Rights of National Minorities, without having to supply evidence of national identity.

Reports on the implementation of the Constitutional Act on the Rights of National Minorities and accompanying action plans show that steps have been made in the field of promoting cultural autonomy, upbringing and education in the language and script of national minorities, exercise of religious rights, representation in the representative and executive bodies of local units and in the implementation of the National Programme for the Roma and the Decade of Roma Inclusion 2005-2015 Action Plan. However, in the field of official use of national minorities' language

and script, access of national minorities to the public media and representation of national minorities in state administration bodies, judicial bodies and administrative bodies of self-government units, satisfactory progress still has not been made.<sup>79</sup>

It is particularly important to apply measures to increase the participation of members of national minorities in administrative bodies of local and regional self-government in order to consistently implement the provisions of the Constitutional Act on the Rights of National Minorities at the local and regional levels. Municipalities and cities where members of minorities make up more than 15% of the population, and counties where minorities make up more than 5%, that is, units that are required to secure the proportional representation of minority members in their representative bodies, are required to monitor the make-up of administrative bodies of the units by means of the civil service admission plan, and to plan to recruit a sufficient number of national minority members in order to achieve the representation of national minorities in the units' administrative bodies. The Act on Civil Servants and Employees in Local and Regional Self-Government stipulates that, in self-government units, the service admission plan also monitors the filling of posts in administrative bodies with national minorities members, and plans the recruitment of a sufficient number of members of national minorities in order to achieve representation in accordance with the Constitutional Act and the law regulating the system of local and regional self-government. In advertising vacancies, units of local self-government that did not secure the representation of national minorities in their administrative bodies, in accordance with the Constitutional Act, are required to state so in the vacancy announcement, as well as to state that the candidates are required to invoke this right in their job application, and that the candidate, member of a national minority, shall have preference over other candidates only under equal conditions. However, the Advisory Committee of the Council of Europe for monitoring the implementation of the Framework Convention for the Protection of National Minorities has highlighted that, concerning the demands by members of national minorities that a special statement expressly request that their ethnicity be taken into consideration in filling posts for which vacancies have been announced, there has been a series of cases in which such a statement had later been used against the candidate, in spite of the evident underrepresentation of the national minority in question. Vacancies would suddenly be withdrawn, job criteria retroactively altered, or the candidate's ethnicity would simply be ignored.<sup>80</sup>

There can be observed a downward trend of criminal offences motivated by ethnic hatred. In 2012, 5 criminal offences were recorded that were motivated by ethnic hatred, while in 2011, there were 6 such offences.

79 According to research by the Serb National Council, although individuals invoke the same article when applying for posts as judicial officials, members of the Serb national minority do not get appointed to the posts in judicial bodies.

80 Advisory Committee for the Framework Convention for the Protection of National Minorities, *Third Opinion on Croatia, adopted on 27 May 2010*, ACFC/OP/III(2010)005. Strasbourg: Council of Europe.

In the course of 2010, altogether 34 recorded criminal offences were established to have been motivated by ethnic hatred.<sup>81</sup> The number of criminal offences motivated by hatred has slightly increased in 2009, while, as in 2009, the greatest number of hate crimes were motivated by hatred towards members of the Serb national minority. The Ombudsman has established that of the overall number of cases opened based on reports of discrimination in 2010, 41.66% concerned discrimination based on racial or ethnic identity, colour of skin or national origin. The majority of complaints pertain to the field of work and employment. The Ombudsman points out that, despite significant progress in the field of protecting the rights and interests of national minorities, members of national minorities (especially Serb, Roma and Bosniak) face various forms of bigotry and intolerance that are still present in the society.

Among the positive steps in enhancing the position of national minorities, especially Serbs, it is important to emphasise the increased number of investigations and trials in crimes committed against Serbs. The new Criminal Procedure Act allows the State Attorney's Office (but also convicts) to demand a reopening of the criminal proceedings in favour of the convict, notwithstanding whether he/she is present, in which new facts may be brought to light or new evidence submitted. Return of temporarily seized property, that is, houses and apartments under private ownership, has been carried out almost to the full. The remaining thirty or so cases are in court, awaiting judgements. In some fifteen cases, there is the problem of the owners in whose real property was invested in by temporary users, who would later demand in court proceedings that the owner return the funds invested. The outcome of some of these proceedings was unfavourable to the owners, and this injustice is currently in the process of being rectified by means of a procedure through which the Republic of Croatia would take upon itself to repay the debt to the former temporary users.

Overall, in the past 3 years there has been a visible downwards trend in ethnically motivated violence. While it has completely disappeared in the larger centres, it occurs only rarely in returnee areas. The level of police professionalism has also visibly increased – it acts more swiftly, defines problems more clearly, identifies more perpetrators. Since (in May 2008) a new deadline for submitting requests for convalidation (admitting years of service during the wartime period), more than 20,000 were submitted. Around 55% were accepted, and, since there exists the option of appeal and appellate proceedings, and as the situation is usually complex (documentation no longer exists), the whole procedure may be considered successful. The remaining problems require increased efforts by government institutions in order to allow the refugees a dignified return (construction of infrastructure), as in

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81 Of the 34 criminal offences recorded, 29, or 85.79% were resolved. Looking at the motives, 19, or 55.88% of the 34 criminal offences were motivated by ethnicity, while in 15 criminal offences other motives were at work (racial, sexual orientation, origin and others). As regards the national structure of the victims of ethnically motivated criminal offences, the situation is as follows: 12 criminal offences were motivated by hatred towards the Serbs; 5 criminal offences were motivated by hatred towards the Roma; 1 criminal offence was motivated by hatred towards the Albanians and 1 criminal offence had anti-Semitic motives. Report on implementing the Constitutional Act on the Rights of Minorities and the expenditure of funds secured in the State Budget for the Republic of Croatia for 2010.

these regions, public services are inaccessible or very difficult to access – be it health, education, or even economic programmes, which are inadequate.

At the state level, the Republic of Croatia possesses an institutional framework for the protection of national minorities, comprised by the Committee on Human and National Minority Rights of the Croatian Parliament, the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia, the Council for National Minorities of the Republic of Croatia and the competent ministries, whose remit includes the protection of specific rights of national minorities. Besides this, members of national minorities in local and regional self-government units also participate in public life and administration of local affairs through councils and representatives.<sup>82</sup> In practice, despite the progress that has been achieved, in some of the local units, especially in areas of special state concern, there is insufficient inclusion of national minority councils and representatives in public life and administering local affairs, that is, insufficient cooperation with the local units, and insufficient financing of their work.

National minorities have the right to upbringing and education in the national minority language and script that they use. The fulfilment of this right is based on the Constitution of the Republic of Croatia, the Constitutional Act on the Rights of National Minorities and the Act on Education in the Language and Script of National Minorities. In early 2011, in monitoring the conformity of the 27 local self-government units' statutes with the relevant provisions of the Constitutional Act on the Rights of National Minorities and the Act on the Use of the Languages and Scripts of National Minorities, the Ministry of Public Administration, through county state administration offices, has ascertained that the approach to statutory regulation of the established right to equal official use of national minorities' language and script; it was also ascertained that certain units, despite the existing obligation to do so, have not, or have not properly, harmonised their statutes with the relevant regulations.<sup>83</sup> In this respect, on 1 March 2012, the Public Administration Minister issued an Instruction to Consistently Implement the Law on Education in the Language and Script of National Minorities (Official Gazette no. 33/12), which stipulates the methods of regulating the right to equal official use

82 According to the Constitutional Act on the Rights of National Minorities, in local units where members of minorities make up at least 1.5% of the population, in municipalities and cities where more than 200 members of a national minority live, and in counties where more than 500 members of a national minority live, councils of national minorities will be elected, while in units where at least 100 members of a national minority live, a representative of the national minority will be elected. Currently, there are 221 councils and 155 representatives of national minorities active in the Republic of Croatia.

83 Seven units of local self-government did not harmonise their statutes with the appropriate regulation: the County of Karlovac – Plaški municipality (Serbian language); the County of Primorje-Gorski Kotar – the town of Vrbovsko (Serbian language); the County of Lika-Senj – Udbina municipality (Serbian language); the County of Zadar – Gračac municipality (Serbian language); the County of Osijek-Baranja – Erdut municipality (Serbian language) and Punitovci municipality (Slovakian language); and the County of Šibenik-Knin – Ervenik municipality (Serbian language). Report on the implementation of the Constitutional Act on the Rights of National Minorities and expenditure of funds secured in the State Budget of the Republic of Croatia in 2010 for the needs of national minorities (the Government of the Republic of Croatia, July 2011).

of national minority languages and scripts through by-laws, that is, statutes of the local and regional self-government units, and the method of exercising the right to equal official use of national minorities language and script in cases being pursued before first instance state bodies and legal persons vested with public authorities. Carrying out the aforementioned measure created the conditions for appropriate implementation of the laws and all the measures contained in the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities for the period 2011-2013 that pertain to the improvement of the realisation of the right to official and public use of national minorities' language and script.

The upbringing and education of members of national minorities takes place in pre-school, primary and secondary school institutions, with instruction in the language and script of their use, under the conditions and through methods prescribed by a special programme on upbringing and education on the national minorities' language and script, as issued by the relevant Ministry. Upbringing and education of members of national minorities is carried out on the basis of three models of organising and carrying out teaching in schools.<sup>84</sup>

In the field of upbringing and education in the language and script of national minorities in the Republic of Croatia, a high degree of implementation of the Constitutional Act was achieved in traditionally well-organised national minorities, that is, the Czech, Hungarian and Italian national minority. In newly recognised minorities, implementation of education of pupils through curricula that are wholly carried out in the language and script of national minorities (model A) is also successful, while more and more pupils are also becoming involved in learning the language and culture of national minorities (model C). Significant progress was made in improving the quality of the teaching in national minorities' language and script through co-financing the publishing of authored textbooks (in the Czech, Hungarian, Serbian and Italian languages) that correspond to the curriculum, and co-financing the translation of a greater number of textbooks necessary for primary school education (for the Czech, Hungarian, Serb and Italian national minority). It is necessary to emphasise that in the Republic of Croatia, history is taught on the basis of approved textbooks, notwithstanding pupils' nationality or ethnicity, that is, the subject-matter

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84 Model A, under which all teaching is delivered in the language and script of the national minority, with compulsory teaching of the Croatian language in the equivalent number of hours as that given to teaching the minority language. This teaching model is implemented in a special institution, but can also be implemented in institutions where teaching is carried out in the Croatian language, in special departments for teaching in the minority language and script. In primary schools, 3,832 pupils were educated within the framework of Model A.

Under Model B, teaching is bilingual. The natural science subjects are taught in the Croatian language, while social science subjects are taught in the national minority language. Teaching is carried out in an institution where teaching is in Croatian, but in special departments. In primary schools, 8 pupils were educated within the framework of Model B.

Model C, under which teaching is delivered in the Croatian language, with an additional two to five school hours allocated for teaching (nurturing) the national minority language and culture. An additional schedule of five school hours weekly encompasses learning the language and literature of the minority group, geography, history, music and art. 2,527 pupils were educated in primary schools within the framework of Model C.



of history is taught equally to all. This principle also applies to the teaching of history in the Serbian language and Cyrillic script, according to the curricula for national minority members, which were drafted for the purpose of harmonisation with the existing legal regulations. In school year 2010/2011, 9,637 pupils were educated within the three models. Of those, 1,646 were in pre-school education, 6,367 in primary schools (120 primary schools), and 1,624 in secondary schools. In the field of higher education, 230 members of national minorities are studying at the Faculty of Teacher Education. The coverage of Roma children by integrated preschool education has been increased, as well as by preschool programmes. Likewise, the coverage of pupils in regular primary and secondary school education and students in higher education has also increased, as has the number of Roma pupils and students in pupil/student accommodation. Co-financing of the parents' share for children members of the Roma national minority included in integrated preschool upbringing and education has been secured.<sup>85</sup>

The media are especially important to promote national minorities' equality, their coexistence with the majority people and mutual tolerance. It is through the media that the cultural identity of members of national minorities is preserved. The Electronic Media Act<sup>86</sup> has enabled the promotion of programmes of special importance to national minority members by providing financial means through the Fund for the Promotion of Pluralism and Diversity in the Electronic Media. The Croatian Radiotelevision Act<sup>87</sup> stipulates that the Croatian Radiotelevision is obliged to contribute to respect for and promotion of fundamental human rights and freedoms, tolerance, understanding and respect for differences, democratic values and civil society in the realisation of its programmes. In the implementation of its programming duties, the Croatian Radiotelevision is obliged to produce and broadcast programmes aimed at informing members of national minorities, and to inform and educate them on democracy, civil society and culture of public dialogue, as well as to contribute to combating discrimination. According to reports from non-governmental organisations engaged in monitoring hate speech in Croatian media, hate speech can occasionally be found in all kinds of media, but it is still especially pervasive on websites, blogs and internet forums.<sup>88</sup>

Concerning the protection of the rights of the Roma national minority, the Government of the Republic of Croatia has adopted the National Programme for the Roma already in 2003, while in 2005 it joined the Decade of Roma Inclusion 2005-2015 (hereinafter: the Decade), and drafted an Action Plan as well as accepted the responsibility for its implementation for the following 10 years. The Action Plan encourages the resolving of difficulties faced by the Roma population in four fields:

85 The number of Roma children in preschool upbringing and education has risen from 350 in 2005/2006 to 734 in 2009/2010. The number of Roma children in the primary education system has risen four-fold, from 1,013 in 2005/2006 to 4,186 in 2009/2010. All pupils in the secondary education system (283) and higher education system (25) receive scholarships.

86 OG 153/09.

87 OG 17/01, 25/03, 137/10, 76/12.

88 Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Croatia*, 27 May 2010. ACFC/OP/III(2010)005. Strasbourg: Council of Europe.

education, health, employment and housing. There are eleven countries participating in the Decade apart from Croatia<sup>89</sup>, and all have committed themselves to endeavour to improve the social and economic position of the Roma.

Since the adoption of the National Programme for the Roma, there has been progress in the implementation of measures in all fields, especially education.<sup>90</sup> The field of education has seen an increase in the number of Roma children included in the regular educational system.<sup>91</sup> In the field of employment, in 2009 and 2010, 2,397 members of the Roma national minority were included in group informing activities, while 12,940 persons were included in individual counselling. In order to foster the employment of persons belonging to the Roma national minority, the employment of 459 persons was co-financed in 2009 and 2010. During 2011, active employment policy measures covered 542 persons belonging to the Roma national minority, and a total of 7,061,805.27 HRK were expended on co-financing their employment and education. 624 persons were included in measures intended for persons belonging to the Roma national minority in 2012 by 31 October, 594 were included in public works, while 9 persons belonging to the Roma national minority were employed with employment support. In the period between January and June 2012, 901 persons belonging to the Roma national minority were included in group informing activities, of whom 438 were women. In the same period, 4,578 persons were covered by individual counselling, of whom 2,285 were *women*.

Further improvement in the field of education was made in the inclusion of Roma children in the regular school system: the number of Roma children in preschool education has increased to 811 at the start of school year 2012/2013, that is, in the reporting period. In primary education, the number of children was significantly increased (nearly five-fold), to 4,882 pupils belonging to the Roma national minority at the end of school year 2011/2012, while at the start of 2012/2013, there were 5,173 pupils (2,612 male and 2,561 female). In school year 2012/2013, 480 scholarships were secured for secondary school pupils. In higher education, 29 students were receiving scholarships in 2011/2012.

The Government of the Republic of Croatia has adopted the *National Strategy for Roma Inclusion for the period 2013-2020* at a session held on 29<sup>th</sup> November 2012. The Strategy builds on the National Programme for the Roma from 2003, redefining

89 The Republic of Austria, the Republic of Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Montenegro, the Czech Republic, the Republic of Hungary, the Republic of Macedonia, the Republic of Romania, the Slovak Republic, the Republic of Serbia, the Kingdom of Spain. In the framework of the Decade, the Roma Education Fund (REF) and the Decade Trust Fund (DTF) were founded in 2005. The Decade is administered by the World Bank; and its purpose is to finance common activities of the International Steering Committee, to the benefit of all member-states.

90 The number of Roma children in preschool education has doubled, from 350 in school year 2005/2006 to 734 children in 2009/2010. In primary education, the number of children has quadrupled, from 1,013 to 4,186 pupils of the Roma national minority. In 2009, 283 secondary school pupils were receiving scholarships, while accommodation was provided for 71. In higher education, 26 Roma students were receiving scholarships.

91 The data shows that in 2010/2011, there were 4,435 pupils of the Roma national minority in preschool education, while in secondary school education there were 364. 29 students members of the Roma national minority were included in higher education.

national priorities, modes of implementation and taking special measures, in line with the changed social and political circumstances.

The *Action Plan for the Implementation of the National Strategy for Roma Inclusion for the Period 2013-2015* was drafted with the aim to define the modes of implementing the Strategy, and adopted on the 11 April 2013. The Action Plan defines the modes of implementing the general and special goals defined in the Strategy, implementation deadlines, implementing agencies, baseline values, sources and means of collecting data and the funds needed to implement the Action Plan for the three-year period.

The Republic of Croatia is still implementing the programme of housing accommodation and reconstruction of residential units damaged or destroyed in the war, with the aim of effective implementation of the national policy of populating areas of special state concern and making it possible for the population to remain there, and the return of displaced persons and refugees. So far, in the course of the implementation of the aforementioned programme, the return of 221,168 displaced persons and 132,828 refugees was secured (a total of 353,996 returnees registered in the Republic of Croatia).<sup>92</sup> All other displaced persons, returnees and refugees are either being provided permanent housing, or their houses and apartments are in the final stages of reconstruction, be it through their return to their homes in the Republic of Croatia and Bosnia and Herzegovina, or through local integration, which was planned to be largely completed in 2013.

Concerning the programme of repair and reconstruction of war-damaged or destroyed residential units, 149,469 units of housing were repaired or reconstructed, in which 2.3 billion EUR from the state budget were spent. The State Budget for 2013 secures funds amounting to 10.4 million EUR for the programme of repairing an additional 550 family houses.

With the aim of hastening the return, all families of rights beneficiaries also receive aid in the most essential household objects. Work on eliminating the backlog of complaints regarding reconstruction (in 2008, more than 14,000 complaints were registered) is almost complete. There remain some 450 unresolved complaints, most of which were received in the period from 2009 to mid-2012. These are mostly repeated complaints that were negatively resolved by the competent state administration offices in appellate proceedings for determining rights. Likewise, the aim of keeping a high degree of lawfulness, professionalism and impartiality in the process of resolving complaints and in proceedings before the Administrative Court was achieved (more than 98% of the confirmed second-instance decisions of the Ministry of Regional Development and EU Funds). The programme of repairing/reconstruction of devastated objects encompassed altogether 109 family houses.

92 In the Republic of Croatia, there remained 1,553 persons with the status of displaced persons, returnees and refugees in June 2011: 447 displaced persons, 806 refugees and 300 returnees. Of those, 640 persons are in organised housing (the majority in 5 refugee settlements, 3 hotel-type premises, 2 institutions for the elderly and the infirm, and an additional 7 premises – pupils' dormitories, retirement homes and other social care institutions, where they live alongside the regular inhabitants. The costs of their housing are borne by the Ministry of Regional Development and EU Funds.

The programme of housing is implemented in two fields: a) in areas of special state concern, housing is secured for both former holders of tenancy rights and all other beneficiaries. Since the fundamental goal of the Areas of Special State Concern Act<sup>93</sup> is to populate the areas in question<sup>94</sup>, b) outside areas of special state concern, housing is secured only for former holders of tenancy right.<sup>95</sup>

Since housing of former holders of tenancy rights was one of the conditions for meeting the measures related to the negotiations in Chapter 23, “Judiciary and Fundamental Rights”, in June 2008, the Government of the Republic of Croatia has adopted the Action Plan for the Accelerated Implementation of the Housing Accommodation Programme within and outside the Areas of Special State Concern for Refugees – Former Tenancy Rights Holders who wish to return to Croatia for the period 2007-2009. Due to unexpected difficulties in its implementation caused by the economic crisis, in June 2010, the Revised Action Plan for the Accelerated Implementation of the Housing Accommodation Programme within and outside the Areas of Special State Concern for Refugees – Former Tenancy Rights Holders who wish to return to Croatia was adopted. The responsibilities contained in the revised Action Plan, envisaged for 30 June 2011, were all accomplished.<sup>96</sup>

Considering the current state assessment, the issues that demand immediate action are as follows: urgently conclude all unresolved cases pertaining to the return and reconstruction of private property, hate crimes, war crimes and other forms of discrimination based on ethnicity; review practices related to the implementation of the right to proportionate representation of members of national minorities and to adequate representation in state administration bodies, judicial bodies and administrative bodies of self-government units, public administration, local self-governments and public enterprises, in accordance with Article 22 of the Constitutional Act on the Rights of National Minorities; review the legal provisions and administrative practice in relation to the election and functioning of national minority councils in order to eliminate the identified deficiencies pertaining to the representativeness of these organisations, their financing and their cooperation with the local authorities; undertake further efforts in order to prevent, combat and punish unequal treatment of, and discrimination against, the Roma and the segregation of Roma children in schools.

93 OG 44/96, 57/96, 124/97, 73/00, 87/00, 69/01, 88/02, 26/03, 42/05, 83/08, 86/08, 57/11.

94 In the area in question, 64,285 housing requests were filed by June 2011 (9,627 by users-former holders of tenancy rights, and 54,658 by all other users). The majority of the requests were processed, 36,234 accepted and 11,519 dismissed, while 16,532 are still being processed.

95 By the end of June 2011, the official records of this Ministry show that 4,660 requests have been filed. Of these, 1,568 were accepted, 1,994 were dismissed, while 1,098 are still being processed.

96 In addition to the aforementioned Action Plan and Revised Action plan, the Decision on the Sale of Apartments Owned by the Republic of Croatia (OG 109/10) and the Decision on Provision of Housing for Returnees – Former Holders of Tenancy Rights Outside Areas of Special State Concern (OG 29/11) were adopted in the period from 2008 to mid-2011.

**Objective 13.** Increase the representation of national minorities in state administration bodies and administrative bodies of local and regional self-government units

<b>Implementation measure 13.1</b>	Monitor the situation of representation of national minorities in state administration bodies and conduct an analysis of the realisation of the Civil Service Admission Plan for Members of National Minorities for the period 2011-2014. (Official Gazette, no. 65/11)
Implementing agency	Ministry of Public Administration
Co-carrier	
Implementation deadline	2013; March 2014; March 2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– drafting annual statistical reports on the representation of minorities in state administration bodies in 2012, 2013 and 2014, and submitting them to the Government of the Republic of Croatia</li> <li>– drafting analyses of the realisation of the Civil Service Admission Plan for Members of National Minorities for the period 2011-2014 for years 2012, 2013 and 2014</li> </ul>
<b>Implementation measure 13.2</b>	Monitor the state of representation of national minority members in administrative bodies of local units and conduct an analysis of the state of representation for years 2012, 2013 and 2014
Implementing agency	Ministry of Public Administration
Co-carrier	County state administration offices; self-government units
Implementation deadline	2013; March 2014; March 2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– drafting annual statistical reports on, and analyses of, the representation of national minority members in administrative bodies of self-government units in the years 2012, 2013 and 2014, and submitting them to the Government of the Republic of Croatia</li> </ul>

<b>Implementation measure 13.3</b>	Continuous monitoring of the representation of national minorities in judicial bodies
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	– producing an annual statistical report on the representation of minorities in judicial bodies, submitting it to the Government of the Republic of Croatia

<b>Implementation measure 13.4</b>	Drafting annual analytical reports on the measures being implemented in public authority bodies to ensure the representation of minorities in accordance with Article 22 of the Constitutional Act so as to define good practice and draft recommendations to improve the situation, including sanctioning and oversight measures
Implementing agency	Ministry of Public Administration
Co-carrier	Office for Human Rights and Rights of National Minorities
Implementation deadline	2013; March 2014; March 2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– drafting the reports on measures being implemented in public authority bodies to ensure the representation of minorities in accordance with art. 22 of the Constitutional Act</li> <li>– highlighting examples of good practice</li> <li>– draft recommendations to improve the situation</li> <li>– ascertaining the need to adopt regulations to ensure implementation</li> <li>– if need be, drafting and adopting regulations</li> </ul>

**Objective 14.** Conclude the process of return of refugees

<b>Implementation measure 14.1</b>	Resolve the remaining cases of reconstruction of houses and return of property (reconstruction of devastated property and unauthorised investments in occupied property)
Implementing agency	Ministry of Regional Development and EU Funds
Co-carrier	
Implementation deadline	December 2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Regional Development and EU Funds – 78,300,000.00 HRK in 2013 – 40,115,000.00 HRK in 2014 – 20,100,000.00 HRK in 2015
Implementation indicators	– successive increases in the number of cases resolved – amount of funds spent on the reconstruction and return of property

**Objective 15.** Solve the problem of housing former holders of tenancy rights

<b>Implementation measure 15.1</b>	Implement the Government programme for housing accommodation of former holders of tenancy rights without delay or discrimination
Implementing agency	Ministry of Regional Development and EU Funds
Co-carrier	
Implementation deadline	December 2016
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Regional Development and EU Funds; – 116,350,000.00 HRK in 2013 – 131,768,000.00 HRK in 2014 – 117,668,000.00 HRK in 2015 regular funds from the State Budget allocated to the Ministry of Construction and Physical Planning: – 141,260,899.00 HRK from 2013 to 2015 funds to be provided in the Regional Housing Programme from 2013 to 2017: – 119.7 million EUR (21%), of which the Republic of Croatia will participate with 29.9 million EUR, while 89.7 EUR will be contributed by donors
Implementation indicators	– successive increases in the number of requests resolved – amount of funds spent to accommodate former holders of tenancy rights – statistical indicators of the duration of cases and speed of execution of rulings – cases of discrimination reported

<b>Implementation measure 15.2</b>	Ensure that the processing of requests and assigning housing is without delay and discrimination, as delays in returning tenancy rights/right of use have an extremely adverse effect on the general climate when it comes to the sustainable return of members of minorities
Implementing agency	Ministry of Regional Development and EU Funds
Co-carrier	
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Regional Development and EU Funds
Implementation indicators	<ul style="list-style-type: none"> <li>– statistical indicators of the duration of cases</li> <li>– respecting the provisions of the General Administrative Procedure Act</li> <li>– speed of execution of rulings</li> <li>– reported cases of discrimination</li> </ul>

#### **Objective 16.** Expedite the process of war crimes trials

<b>Implementation measure 16.1</b>	Enhance national minorities' right to vote and the election of national minority representatives to the Croatian Parliament
Implementing agency	Ministry of Public Administration
Co-carrier	State Electoral Commission
Implementation deadline	December 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– draft and enact changes to electoral legislation in terms of enhancing national minorities' right to vote and the election of national minority representatives to the Croatian Parliament</li> </ul>



<b>Implementation measure 16.2</b>	Continue to strengthen the cooperation with states in the region with a view to processing all war crimes and eliminating without delay the legislative and other obstacles to such cooperation
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	December 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– number of contacts established</li> <li>– common decisions and declarations</li> <li>– measures implemented to eliminate obstacles to cooperation</li> <li>– report on the war crimes that were processed in the region</li> </ul>

#### Objective 17. Combat ethnic discrimination

<b>Implementation measure 17.1</b>	Enhance national minorities' right to vote and the election of national minority representatives to the Croatian Parliament in order to avoid segregation in electoral lists, and thus in polling stations, and so to prevent violations of the principle of voting secrecy in polling stations
Implementing agency	Ministry of Public Administration
Co-carrier	
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– adoption of changes to the electoral legislation in terms of enhancing national minorities' right to vote and the election of national minority representatives to the Croatian Parliament</li> <li>– positive reports on the implementation of the elections in terms of preventing segregation and protecting voting secrecy in polling stations</li> </ul>

<b>Implementation measure 17.2</b>	Increase efforts in the process of integrating national minorities into society by consistent implementation of the Constitutional Act on the Rights of National Minorities
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carriers	Ministry of Justice Ministry of Social Policy and Youth Ministry of Health Ministry of Regional Development and EU Funds Council for National Minorities in cooperation with local and regional self-government and civil society organisations
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– improvement in living condition, on the basis of positive numeric indicators</li> <li>– number of projects encouraging the integration of national minorities into society</li> </ul>

<b>Implementation measure 17.3</b>	Draft an annual analysis of recorded complaints regarding alleged discrimination against members of national minorities in the exercise of their human rights
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	
Implementation deadline	January 2014 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– drafting the annual analysis</li> </ul>

### Objective 18. Foster multi-ethnic and multicultural education

<b>Implementation measure 18.1</b>	Create the conditions for participation and integration of subject matters that affirm the historic contributions of minorities and their members
Implementing agency	Education and Teacher Training Agency Electronic Media Agency
Co-carrier	Ministry of Culture
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Education and Teacher Training Agency and the Electronic Media Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– report with recommendations</li> <li>– integration of subject matters into curricula</li> </ul>

**Objective 19.** Increase efforts to combat all forms of intolerance, racism, anti-Semitism and xenophobia in the media

<b>Implementation measure 19.1</b>	Ensure that the work of various national minorities active in certain areas is promoted in evaluating submissions of radio and television programmes produced for national minorities that receive financial support from the Fund for the Promotion of Pluralism and Diversity in the Media
Implementing agency	Electronic Media Agency
Co-carrier	Council for National Minorities
Implementation deadline	2013 and continuous
Source of financing and necessary funds	means from the Fund for the Promotion of Pluralism and Diversity in the Media, according to the submitted television and radio programmes
Implementation indicators	<ul style="list-style-type: none"> <li>– awarding financial support according to the amounts, number, broadcasters and minorities for whom the programmes are intended</li> </ul>
<b>Implementation measure 19.2</b>	Promote media pluralism by means of educating minority communities regarding the opportunities provided by the existing legislation and establishing interest for starting new radio and television programmes
Implementing agency	Electronic Media Agency
Co-carrier	Council for National Minorities
Implementation deadline	2014
Source of financing and necessary funds	regular funds of the Electronic Media Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– drafting an analysis of minority communities interest in starting radio and television programmes</li> <li>– number of minority communities and their organisations that participated in promoting media pluralism</li> </ul>

## 4. Missing persons in the Republic of Croatia

Beginning primarily with the right of families to know the truth regarding the fate of their members, the Republic of Croatia has, since 1991, expressed a strong and continuing political will to resolve the issues of missing persons, manifest in the adoption of international conventions and enactment of national regulations, establishment and operation of institutional mechanisms, and securing financial means from the state budget of the Republic of Croatia for resolving the issues of missing persons. Whilst caring about and addressing the destiny of 18,000 persons imprisoned and missing since 1991, the Republic of Croatia was faced with an additional 224 missing persons since 1995.

There are still 1,759 persons missing in the Republic of Croatia (as of 30 June 2012), 984 of whom have gone missing in 1991 (the majority of whom were of Croatian and non-Serb ethnicity), and 775 in 1995 (mostly of Serb ethnicity). Moreover, a request for seeking the return of the remains of 407 deceased persons was opened. Ascertaining and final resolution of the fate of missing persons are among the goals of the Programme strategy of the Government of the Republic of Croatia for the period 2013-2015. It is also necessary to emphasise the agreement at the highest political level regarding the priority need to resolve the issue of missing persons.

The activities and measures that the competent bodies of the Republic of Croatia integrated into the “Croatian Model for Tracing Missing Persons” have undertaken have led to the solving of the majority of the cases of persons imprisoned and missing during the Homeland War.<sup>97</sup>

In the course of the implementation of the National Programme for the Protection and Promotion of Human Rights 2008-2011, further political and implementing efforts were put in, which contributed to a very significant progress in resolving the issues of missing persons in the Republic of Croatia.<sup>98</sup>

It is necessary to highlight that in the process of registering missing persons, as well as in other aspects of the process of tracing, the Republic of Croatia has wholly adopted, and is implementing, the criteria of the International Committee of the Red Cross, as recommended by the United Nations.<sup>99</sup> The Republic of Croatia has

97 7,666 persons were found and exchanged from 64 internment camps and prisons; more than 4,000 persons were repatriated to the Republic of Croatia having been detained in the territory of the Federal Republic of Yugoslavia; 4,716 persons were exhumed from 146 mass graves, 1,200 individual and collective graves; the remains of 3,818 exhumed victims were positively identified and given dignified burials, in accordance with the wishes of their families.

98 From 1 January 2008 to 31 December 2011, the remains of 250 persons were exhumed, while in the same period, the remains of 352 persons were positively identified and given dignified burial. Between 1 January 2008 and 31 December 2011, the fate of 291 missing persons was ascertained and finally resolved, and 121 requests for tracing human remains concluded, primarily through the process of identification, but also through other measures undertaken by the competent bodies of the Republic of Croatia, under the direction of the Commission on Detained and Missing Persons. In the same period, 237 new requests were filed (115 requests for tracing missing persons and 122 requests for tracing human remains).

99 Resolution of the General Assembly of the United Nations 63/183 “Missing Persons”, of 17 March 2009.

also additionally enhanced the standards for collecting data on missing persons, thus expanding the data collected in addition to those related to tracing, to include the data needed for identification (antemortal data and reference samples). The advantages of collecting all-encompassing data on missing persons were recognised as an example of good practice by the competent bodies of neighbouring states and international organisations (the International Committee of the Red Cross, the International Commission on Missing Persons), which incorporated them in their own work methodology in the territories of neighbouring countries affected by war.

The process of tracing missing persons in the Republic of Croatia has gone along irrespectively of the origin of the victims, their nationality, religion, circumstances of their disappearance or any other affiliation, as confirmed by the data on the nationality of the persons found since 2008.<sup>100</sup> Likewise, all missing persons, regardless of their nationality and circumstances of their disappearance, have been registered in the official register of missing persons, the same criteria and instruments having been applied. The veracity of the missing persons register is corroborated by the Book of Missing Persons on the Territory of the Republic of Croatia.<sup>101</sup> Systematic approach, equal treatment (non-discrimination) and transparency have ensured the achievement of the high standards that were the reason international organisations and monitoring mechanisms have entirely discontinued or limited their monitoring of the tracing process. The significance of the issue of missing persons to the Republic of Croatia as a country with direct experience of forced disappearances is also confirmed by the Criminal Code of the Republic of Croatia (2011), which has included enforced disappearance in the category of crimes against humanity.

The Republic of Croatia will continue implementing activities and measures seeking a final resolution of all cases of missing persons from the Homeland War and finding, exhuming, identifying and dignified interment for victims from mass, individual and collective graves.

In the coming period, there will be efforts towards further development of the institutional possibilities and enhancement of the “Croatian Model for Tracing Missing Persons”. The knowledge acquired in this field might be used around the world, in all situations that result in a large number of persons missing: from natural catastrophes, mass accidents; to terrorist actions.

100 70% of the exhumed human remains belonged to persons of mostly Serb nationality killed in 1995, while of the identified persons, about the same number (50%) were killed in 1991 as in 1995.

101 The 3rd updated edition was published in July 2012, in collaboration between the Commission on Detained and Missing Persons, the Croatian Red Cross and the International Committee of the Red Cross.

**Objective 20.** Resolving all cases of persons who had gone missing during the Homeland War (1991-1995)

<b>Implementation measure 20.1</b>	Improve the system of registers and databases on persons gone missing during the Homeland War, as well as persons who were imprisoned, and the exhumed, identified and unidentified remains of deceased persons; regular updating of the data
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	December 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	<ul style="list-style-type: none"> <li>– thorough and integrated system of information to provide support for all actions in the process of tracing missing persons</li> <li>– effective sharing of information and successful cooperation with the families of missing persons, associations, relevant state bodies and international organisations</li> </ul>
<b>Implementation measure 20.2</b>	Gathering reliable information regarding missing persons and unregistered sites of mass and individual graves
Implementing agency	Ministry of Veterans' Affairs in cooperation with the competent bodies of the Republic of Croatia and civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	<ul style="list-style-type: none"> <li>– retain a stable and continuous level of acquired information on missing persons and/or unregistered sites of mass and individual graves</li> </ul>

**Objective 21.** Exhuming, identifying and dignified burial of victims found in mass, individual and collective graves

<b>Implementation measure 21.1</b>	Acting on gathered information regarding missing persons and registered or unregistered burial sites; conducting the process of exhumation, processing and identification, as well as dignified burial of mortal remains; implementation of joint projects with international organisations
Implementing agency	Ministry of Veterans' Affairs in cooperation with the competent bodies of the Republic of Croatia and civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	<ul style="list-style-type: none"> <li>– effective and constant level of activity on exhumation and identification work</li> <li>– maintaining the quota of victims given a dignified burial (according to the wishes of the family)</li> </ul>

## 5. Rights of active participants and victims of the Homeland war

Care for decommissioned veterans, Croatian disabled Homeland War veterans, peacetime disabled soldiers, injured military explosives technicians and their families, families of killed, imprisoned or missing Croatian veterans, protection of their interests and improvement of their rights in order for them to overcome the consequences of the Homeland War and to preserve the dignity of the Homeland War, are still among the priorities of the Government of the Republic of Croatia.

The greatest importance is given to providing psychosocial care, counselling and healthcare, employing unemployed Croatian Homeland War veterans and children of killed Croatian Homeland War veterans, as well as housing and educating the victims of the Homeland War and the children of the killed, imprisoned or missing Croatian Homeland War veterans, as well as the children of disabled Homeland War veterans, and better integration of Croatian veterans and Croatian disabled Homeland War veterans into society.

In the Consolidated Register of Croatian veterans, there are 501,711 Croatian veterans, 61,594 Croatian disabled veterans, 858 peacetime disabled soldiers, 13,150 family members of killed Croatian veterans, mortally injured explosives technicians and mortally wounded peacetime disabled soldiers, and 374 family members of imprisoned or missing Croatian veterans.

The largest proportion of the rights of participants and victims of the Homeland War is stipulated by the Act on the Rights of the Croatian Homeland War Veterans and Members of their Families<sup>102</sup> and regulations from other fields, especially health and pension insurance, and the national programmes. By the end of 2012, the new Amendments to the Act will enter into parliamentary procedure in order to continue improving the care for Croatian veterans and their families.

Croatian Homeland War veterans have the right to precedence in employment, special rights in pension calculations, the rights included in the basic health insurance, the right to shares in the Fund for Croatian Homeland War Veterans<sup>103</sup>, the right to cash benefits, the right to minimum pension, the right to reimbursement for the costs of burial with full military honours. Some of their and their children's rights depend on their age, property status, and the time of their involvement in the Homeland War.

On the basis of the aforementioned Act, certain rights are also guaranteed to Croatian disabled war veterans<sup>104</sup> and family members of veterans who were killed in detention or are missing, on the grounds of physical damage or the loss, imprisonment or disappearance of a family member. Carers for category I Croatian war veterans with 100% physical impairment (485) are allowed wage compensation in the amount

102 OG 174/04, 92/05, 02/07, 107/07, 65/09, 137/09, 146/10 and 55/11.

103 Croatian veterans have shares in the Fund for Croatian Homeland War Veterans and Their Family Members, whose assets amounted to 1,302,561,996.00 HRK on 30 June 2012.

104 From 2008 to June 2012, the acquisition of 597 orthopaedic and other aids for 457 Croatian disabled veterans from group I was co-financed. From 2008 to June 2012, 367 Croatian disabled veterans went through the Programme of Medical or Physical Rehabilitation.



corresponding to personal disability benefits for category I disabled persons; pension and health insurance rights; child benefit and unemployment rights equivalent to those of an employed person, pursuant to special regulations. Families of Croatian veterans who find themselves in a difficult financial or material situation will be allowed to use the right to one-time monetary assistance.<sup>105</sup>

For education to be more accessible to poorer persons, children of victims of the Homeland War are granted scholarships from the Scholarship Fund for Croatian Veterans and Croatian Veterans' Children, and are paid compensation for purchasing textbooks for the needs of regular or part-time education.<sup>106</sup>

The National Programme of Psycho-Social and Health Assistance for Participants and Victims of the Homeland War (the previous one was adopted for the period 2005-2011) is the most important document in the field of providing psycho-social care and healthcare. In line with new needs, a new National Programme is in the process of being adopted. It will expand the category of beneficiaries, enhance the organisation, substance and methods of work. With the aim of availability of various forms of psycho-social and counselling assistance and support, aid is provided in the user's living environment, with the option of visits from expert teams from 21 county psycho-social assistance centres, as well as in 4 regional centres for psychological trauma and the Centre for Crisis Conditions.<sup>107</sup>

In the Republic of Croatia, the Programme for the Improvement of Quality of Life in Families of Slain Croatian Veterans, Croatian Disabled War Veterans and Croatian Veterans Suffering from PTSD was implemented by the end of 2011. It was based on the discovery that Croatian veterans and their families suffer various psychological and somatic disorders more frequently than the rest of the population. Due to the large number of people who were directly exposed to the stress of war, as well as the large number of persons suffering secondary trauma, there is an essential need for organised emotional support, social, psychological and health protection of persons traumatised by war, and for undertaking further measures with the aim of alleviating and eliminating adverse effects.

The Ministry of Veterans' Affairs, in cooperation with the Medical Faculty and the Croatian Institute for Public Health, has carried out an epidemiological study of the mortality and morbidity of the veteran population. The study is conducted by connecting data from the register of veterans with the Croatian Public Health Institute's databases on mortality and morbidity. The study will ascertain the rate of mortality and morbidity of the veteran population in relation to the general population. The

105 From 2008 to June 2012, the families of 2,598 Croatian veterans in difficult financial and material situations were granted lump sums totalling 10,432,185.56 HRK.

106 From 2008 to June 2012, a total of 79,606,980.11 HRK was paid in reimbursements for purchasing textbooks for 62,034 pupils and students. Since the Fund was established in 2006, 50,649 scholarships and fees for postgraduate studies were paid, amounting to 298,337,200.00 HRK.

107 From 2008 to June 2012, a total of 256,444 interventions for 203,319 users were provided, while workers at the Centre for Psycho-Social Assistance carried out a total of 17,117 mobile interventions. Regional psychological trauma centres and the Centre for Crisis Conditions provided 998,263 interventions for 281,316 beneficiaries.

acquired data will be used to create further preventive and healthcare programmes, especially for those groups that are found to record the greatest discrepancy from the norm.

Concerning the long-term unemployment of Croatian Homeland War veterans, as well as the prejudice in potential employers regarding their health condition and working capacity, the problem of their lower employability and low competitiveness in the labour market is still present. The Programme of Professional Qualification and Hiring of Croatian Veterans and the Children of Killed, Detained or Missing Croatian Veterans<sup>108</sup> represents an effort to resolve this issue. The implementation of the measures from the Programme does not only change the number of the unemployed, but also the notion of Croatian veterans as potential employees, as well as successful independent entrepreneurs and small businessmen, who frequently drive the development of their local communities. The successful Programme of Professional Qualification and Hiring of Croatian Veterans and the Children of Killed, Detained or Missing Croatian Veterans was continued with the adoption and implementation of a new programme, for the period 2012-2013.

During the Homeland War, the Government of the Republic of Croatia has initiated the programme of housing accommodation for family members of killed, detained and missing Croatian Homeland war veterans and Croatian disabled Homeland War veterans with any degree of disability.<sup>109</sup>

Family members of killed, detained and missing Croatian Homeland war veterans and Croatian disabled Homeland War veterans with highest degree of physical impairments (80-100% of physical impairment) have the priority in housing accommodation. With the aim of facilitating peacetime life, and in order to allow victims of the Homeland War and their families an appropriate housing standard, the programme of housing care is to be continued in the coming period.

Permanent effects of good quality care for Croatian Homeland War veterans and their family members is also achieved through effective partnership between state institutions and civil society organisations, and thus through continued cooperation with the associations that have emerged from the Homeland War. Various forms of assistance for Croatian veterans and their family members are provided through co-financing of these associations' projects and programmes.

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108 From 2004, when the first Programme was adopted, the employment of 11,026 persons was aided through six measures (the measure of professional qualification, the measure of self-employment, the measure of support for the work of Croatian veterans' cooperatives, the measure of support for Croatian veterans' cooperatives' projects, the measure of expanding existing enterprises and the measure of credits for small and medium enterprises).

109 Through various forms of housing accommodation (assignment and repurchase of residential flats, granting housing credits) 14,782 victims of the Homeland War were provided housing.

**Objective 22.** Enable more effective exercise of the rights of victims and participants of the Homeland War

<b>Implementation measure 22.1</b>	Ensure material support for consistent implementation of the rights from the Act on the Rights of the Croatian Homeland War Veterans and Members of their Families
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	– maintaining continuity in the realisation of the specified rights and reduction of time-frames for the fulfilment of individual rights for all persons who meet the determined conditions

<b>Implementation measure 22.2</b>	Ensure material support for the implementation of programmes aiming to increase the quality of life of Croatian Homeland war veterans and their family members
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	– number of requests for using the rights and measures from individual programmes, the maximum expenditure of the funds provided

<b>Implementation measure 22.3</b>	Ensure material support for the programme of housing accommodation for the victims of the Homeland War
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	– proportion of processed requests for housing accommodation in relation to the number of requests filed (increasing the number of processed requests for housing will reduce the number of victims lacking housing accommodation and improve their housing standard, while increasing the number of sold apartments will reduce the expenses that maintaining the buildings incurs for the Ministry)

**Objective 23.** Improving psycho-social and health protection for participants and victims of the Homeland War and their family members

<b>Implementation measure 23.1</b>	Provide psycho-social and counselling assistance and support, as well as healthcare for the participants and victims of the Homeland War and their families
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	<ul style="list-style-type: none"> <li>– continuous implementation of the National Programme of Psycho-Social and Health Protection for the Participants and Victims of the Homeland War</li> <li>– proportion of crisis situations in the total number of interventions carried out (reduction in the proportion of crisis situations in the total number of interventions carried out and the gradual increase of other interventions as an indicator of providing good quality psycho-social assistance)</li> <li>– proportion of the number of approved requests for the acquisition of orthopaedic and other aids and for medical rehabilitation (an increase in the number of approved requests and reduction of time-frames from filing requests to fulfilling rights according to the needs of persons suffering from illnesses)</li> <li>– proportion of approved requests for co-financing of projects of accessibility for persons with disabilities (increase in the number of co-financed projects of adaptations of buildings, institutions and open public spaces to the needs of persons with the most severe types and degrees of disability)</li> </ul>

<b>Implementation measure 23.2</b>	Gathering empirical data for the scientific research segment of the Programme and drafting the study on the health and psycho-social status of the target population
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	<ul style="list-style-type: none"> <li>– study based on the empirical data on the discrepancies in morbidity and mortality of the veteran population in relation to the general population and risk groups, to serve as a basis for the development of a model for the analysis of health condition and educational curricula regarding care for this population</li> </ul>

**Objective 24.** Foster the employment of Croatian veterans and the children of killed, detained or missing Croatian Homeland War veterans

<b>Implementation measure 24.1</b>	Implementation of the Programme of Professional Qualification and Hiring of Croatian Veterans and the Children of Killed, Detained or Missing Croatian Veterans
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	<ul style="list-style-type: none"> <li>– proportion of incentives disbursed in relation to the total number of incentives approved within the Programme, and the number of evidence on legitimate spending of disbursed funds (education and informing the target group, as well as increasing the availability of information on the Programme measures, increases the number of users who have full insight into the duties tied to the disbursement of payments, which prevents the withdrawal from receiving incentives, in order to increase their competitiveness in the labour market and address unemployment)</li> </ul>

<b>Implementation measure 24.2</b>	Formation and regular updating of a database of the beneficiaries of the Programme measures
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	– accurate and up-to-date data system on the beneficiaries of individual measures from the Programme for the entire period of the implementation of the Programme, to serve to expand the functions of the Programme by additional cooperation with strategic partners

<b>Implementation measure 24.3</b>	Expanding the cooperation between the Ministry of Veterans' Affairs and strategic partners on the marketing of the products of Croatian Homeland War veterans' cooperatives
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	– number of sealed contracts on cooperation with the competent ministry for entrepreneurship and craft, as well as other bodies of state administration, units of local and regional self-government and other legal and natural persons, as well as the processing industries; and the number of contracts sealed with them regarding buying and processing the products of the Croatian Homeland War veterans' cooperatives

**Objective 25.** Support the work of the associations emerged from the Homeland War that carry out programmes related to maintaining the dignity of the Homeland War and various forms of psycho-social and legal support for Croatian veterans and their family members

<b>Implementation measure 25.1</b>	Use annual calls for proposals to award financial aid for projects of associations emerged from the Homeland War
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	– proportion of approved and co-financed projects in relation to the number of projects applied (better awareness of associations on fields of financing with the aim of increasing as much as possible the number of projects applied, to the benefit of the end-users; and financing as large a number as possible of projects that meet the conditions in the call for applications)
<b>Implementation measure 25.2</b>	Provide material support for marking dates of significance for the Homeland War
Implementing agency	Ministry of Veterans' Affairs
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Veterans' Affairs
Implementation indicators	– number of anniversaries marked and commemorative programmes held (increase in the number of commemorative programmes and ceremonies held in relation to the total number of anniversaries)

## 6. The right to free legal aid

The entry into force of the Free Legal Aid Act<sup>110</sup> on 6 June 2008 created a comprehensive system of legal aid for certain categories of citizens, who, due to their material and social situation, cannot afford adequate legal assistance in judicial and other proceedings.

The Ministry of Justice has closely monitored the needs of the system by means of continuous analysis of the situation on the ground, and has promptly reacted and intervened to adapt the mechanisms of the system to needs in the best possible fashion. However, certain deficiencies were observed, and were the subject of evaluation by the Constitutional Court of the Republic of Croatia. In accordance with the Constitutional Court Decision<sup>111</sup>, no. U-I-722/2009, of 6 April 2011, the Amendments to the Free Legal Aid Act were adopted.<sup>112</sup> The Amendments to the Free Legal Aid Act signified the abandonment of the concept of the existential question as one of the conditions for approving free legal aid, and it was undertaken to create a new set of conditions in terms of income level criteria for approving free legal aid; the reasons that may allow attorneys to refuse to provide legal aid were clearly defined; the introduction of primary and secondary legal aid has created a more clearly defined framework for approving legal assistance, in which every type of case in which such aid can be approved is itemised, while providing for an exception that will allow the provision of legal aid in all judicial proceedings; and the procedure of reimbursing the cost of the provided legal aid was clearly and comprehensively defined. Moreover, a series of other, less comprehensive improvements relating to expanding the pool of legal aid providers was introduced into the Free Legal Aid Act; the instruments for verifying the financial status of potential beneficiaries of legal aid were significantly strengthened; administering the system was made more straightforward, while the process of electing members of the Legal Aid Commission from among the members of authorised associations was more precisely defined.

The system of free legal aid is part of the comprehensive framework of legal assistance that also includes the systematic principle of exemption from paying court fees and legal expenses. The fields in question contained significant legal lacunae and overlap between special regulations (the Civil Procedure Act<sup>113</sup> and the Court Fees Act<sup>114</sup>) that were incompatible with the principles of efficiency and legal security. The practice of competent bodies, courts, beneficiaries and other persons involved is now clearly and precisely defined, as well as the advantage the Free Legal Aid Act has in application over other special regulations in issues related to these fields.

Transferring the decision-making to state administration offices makes it possible to conduct systematic oversight over the financial status of applicants and consistent

110 OG 62/08, 81/11.

111 OG 44/11.

112 OG 81/11.

113 OG 53/91, 91/92, 112/99, 88/01, 117/03, 88/05, 2/07, 84/08, 96/08, 123/08, 57/11, 148/11 – consolidated text – and 25/13.

114 OG 74/95, 57/96, 137/02, 26/03, 125/11, 112/12.



practice in the system of free legal aid. Simultaneously, greater fairness and efficiency in exemption from fees and costs is achieved, as waivers will be approved for those who need them most, while the prevention of misuse of these principles is significantly strengthened, considering that the courts, especially overburdened courts, do not have at their disposal adequate mechanisms for efficient checks.

The data detailed in the reports on the realisation of the right to legal assistance and expenditures in 2009 and 2010 shows that the number of beneficiaries of the system has continuously increased.<sup>115</sup>

Although the number of approved requests for using legal aid will continue to grow, it will remain within the planned scope, that is, within the allocated funds from the state budget. Besides, it is expected that there will be a significant rationalisation of exemptions from paying court fees, which will be trimmed down to those who meet the prescribed criteria. This also regulates another important field, where the lack of necessary oversight mechanisms led to uncontrolled waiving of court fees, and thus reducing the state budget revenues. Likewise, the apportioning of costs is more clearly defined, which ensures that part of the costs will be borne by the person who unnecessarily caused the dispute with the beneficiary of legal aid, thus ensuring the redirection of legal aid to those in real need.

As was highlighted in the introduction, the system of free legal aid is turning into an all-encompassing system of legal assistance. Therefore, one of the greatest challenges in this field will be the harmonisation with other special regulations that partly govern the matter of legal aid. Partial harmonisation in this field was achieved with the final revision of the Civil Procedure Act.<sup>116</sup> Likewise it is necessary to secure the uniform application of the Free Legal Aid Act in the entire territory of the Republic of Croatia, thus creating legal security for the citizens for whose benefit the system was intended. Furthermore, the public needs to be further informed about the possibilities that the free legal aid system established by the Free Legal Aid Act provides to citizens.

Likewise, in the course of the implementation of the IPA 2009 Twinning Light project “Improvement of Free Legal Aid System in Croatia”, the system was evaluated by experts from the Republic of Lithuania; owing to the activities planned in the course of the implementation of the project, the system became more comprehensible and familiar to representatives of judicial and administrative authorities, other active subjects of the system, as well as to the wider public. The shared knowledge and newly learned skills in the implementation of this project will help the Ministry of Justice in future enhancements of the system and its further shaping to suit the real needs of its beneficiaries.

115 From 1 January 2011 to 31 December 2011, a total of 5,546 requests for free legal aid were filed in the Republic of Croatia. Of these, 4,675 were approved, 499 rejected and 155 dismissed. 217 cases were aborted. For the period from 1 January 2012 to 31 December 2012, a total of 7,078 requests for free legal aid were filed in the Republic of Croatia. Of these, 6,070 were approved, 620 rejected and 142 dismissed. 246 cases were aborted.

116 OG 53/91, 91/92, 112/99, 117/03, 84/08, 123/08, 57/11.

Consequently, the role of the Ministry of Justice as the central implementing agency of the system is undeniable. However, in view of the recommendations by the Ombudsman, representatives of the academic community and civil society organisations engaged in providing legal aid, the need arises for further active inclusion of other competent agencies within the system in the process of its further strengthening and modernising in line with the requirements of the development of the society as a whole.

**Objective 26.** Continue to enhance the system of free legal aid

<b>Implementation measure 26.1</b>	Increase the visibility of the institute of free legal aid and bring the system closer to all citizens, particularly those in special need, using targeted activities
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– ensure greater visibility of the principle of free legal aid</li> <li>– number of filed requests for free legal aid</li> <li>– number of approved requests for free legal aid</li> <li>– number of rejected requests for free legal aid</li> </ul>
<b>Implementation measure 26.2</b>	Continue to educate judges, civil servants and providers of free legal aid
Implementing agency	Ministry of Justice
Co-carrier	Judicial Academy
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– number of judges, civil servants and providers of free legal aid who completed education on the principle of free legal aid on an annual basis</li> <li>– number, substance and duration of curricula</li> </ul>

<b>Implementation measure 26.3</b>	Drafting promotional and educational materials (brochures, flyers etc.) that will be available in all first-instance courts and from all authorised providers of legal assistance
Implementing agency	Ministry of Justice
Co-carrier	Office for Human Rights and Rights of National Minorities
Implementation deadline	2014 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– number and type of produced materials on the institute of free legal aid</li> <li>– number of materials distributed</li> <li>– number of materials available on the websites of the bodies, authorised providers and civil society organisations</li> </ul>
<b>Implementation measure 26.4</b>	Organising events (public meetings, roundtables, seminars) on the topic of free legal aid
Implementing agency	Ministry of Justice in cooperation with other competent state administration bodies
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– number of events (public meetings and roundtables) held on the topic of free legal aid</li> <li>– number and type of participants in the public meetings and roundtables on the topic of free legal aid</li> </ul>

## 7. Freedom of the media

In today's society, freedom of speech is one of the fundamental human rights, as confirmed by documents of the United Nations and the Council of Europe: the Universal Declaration of Human Rights (art. 19) and the International Covenant on Civil and Political Rights (art. 19), Council of Europe's Declaration on the Freedom of Expression and Information, the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe. At the regional level, the right to freedom of speech is also guaranteed by the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

The Constitution of the Republic of Croatia guarantees freedom of thought and expression, which is especially pertinent to the freedom of the press and other means of mass communication, freedom of public appearance and freedom to establish any institution with the purpose of dissemination of public information. Likewise, censorship is forbidden, and journalists are guaranteed the right to freedom of reporting and access to information. The rights guaranteed by the constitution are elaborated through the Media Act<sup>117</sup>, the Electronic Media Act<sup>118</sup> and the Croatian Radiotelevision Act.<sup>119</sup>

The Media Act stipulates that freedom of the media encompasses the freedom to express one's opinions, freedom to collect, research, publish and disseminate information in order to inform the public, the free flow of information, as well as access to public information, respecting the protection of human personhood, privacy and dignity, as well as the freedom to establish legal entities for performing the service of disseminating public information. Furthermore, the Republic of Croatia has committed to foster the production and publishing of programmes related to the realisation of the right to public informing and informedness of all citizens of the Republic of Croatia, all Croats beyond the borders of the Republic of Croatia and members of national minorities in the Republic of Croatia, as well as programmes related to the realisation of citizens' human rights.

The Electronic Media Act also guarantees the freedom of expression and programming freedom of electronic media. The activity of broadcasting programmes related to the exercise of the right to public information dissemination and informedness of all citizens of the Republic of Croatia, members of Croatian national minorities and communities abroad and the exercise of the rights of national minorities in the Republic of Croatia, as well as the exercise of human and political rights of citizens. Enhancing the rule of law and the welfare state, as well as civil society, is designated in the Act as an activity that is in the interest of the Republic of Croatia.

Furthermore, the Electronic Media Act establishes the *Fund for the Promotion of Pluralism and Diversity in the Electronic Media*, under the auspices of the Electronic

117 OG 59/04.

118 OG 153/09.

119 OG 137/10.

Media Agency, from which funds are annually earmarked for financing various programmes of television or radio broadcasting companies at the local and regional levels that contribute to the improvement and protection of human rights.

The Croatian Radiotelevision Act stipulates that the Croatian Radiotelevision (hereinafter: HRT) shall be obliged to contribute to the respect for and promotion of fundamental human rights and freedoms. The HRT has a responsibility especially to produce, co-produce and broadcast programmes with a focus on exercising human rights, equality and political rights, as well as on objective reporting and drawing attention to the violations of vulnerable groups' human rights. This obligation of the HRT, aside from the other programming obligations of the HRT, is additionally regulated by a contract between the HRT and the Government of the Republic of Croatia.<sup>120</sup>

Certain limitations to the freedom of expression also needed to be introduced into the legal provisions in order to prevent "hate speech" and to protect certain interests of the state and of individuals. In so doing, the Media Act cites that media freedom is allowed to be curbed when it is necessary and to the extent that it is necessary in a democratic society, and only as prescribed by the law. The Electronic Media Act prohibits "hate speech" in all audio-visual and radio programmes as well as electronic publications.<sup>121</sup>

The Media Act protects the privacy of every person. Thus, it stipulates that each person shall have the right to the protection of his/her privacy, dignity, reputation and honour. However, a person who draws public attention to him/herself through his/her public statements, behaviour and other actions related to his/her private or public life cannot demand the same level of protection for his/her privacy as that enjoyed by other citizens. Furthermore, the same Act affords special protection to the privacy, dignity, reputation and honour of children, young people and families regardless of sex or sexual orientation. Likewise, it is forbidden to publish information disclosing a child's identity, if that were to endanger the child's welfare. The media are also obliged to respect the right of witnesses and victims of criminal offences to the protection of their identity, and may not disclose their identity without their consent. It is important to note that the publisher or broadcaster who publishes or broadcasts a programme violating the aforementioned rights of children and young people will be held responsible for infringement.

Children and young people are especially protected by the provisions of the Electronic Media Act that prohibit the publishing of information disclosing the identity of a child of up to 18 years of age involved in any form of violence, whether as a witness, victim or perpetrator, and whether the child attempted or committed suicide; as

120 The Temporary Contract between the Government of the Republic of Croatia and the Croatian Radiotelevision for the period ending with 1 January 2013, which was adopted by a Conclusion at the session of the Government of the Republic of Croatia held on 17 February 2011.

121 The Media Act and the Electronic Media Act stipulate that it is prohibited to incite or glorify any form of inequality in rights, as well as an ideology or state built upon such foundations, by disseminating programmes in the media, as is provoking national, racial, sexual or other antagonism and intolerance, violence and war.

well as publicising details from the family relations and private life of the child. It should especially be emphasised that programmes that could seriously endanger the physical, mental or moral development of a minor, especially those that involve pornography or unwarranted violence are prohibited. Likewise, audio-visual or radio programmes that are likely to endanger the physical, mental or moral development of a minor can only be broadcast when the television or radio broadcaster has guaranteed that, by choice of time slot for the broadcast or by any other technical means, minors will not hear or see such programmes under normal circumstances. The broadcaster is required to issue an appropriate warning before the broadcasting of these programmes. Furthermore, minors are protected by provisions of the Act regulating audio-visual commercial communications, that prohibit commercial communications that might cause moral or physical damage to minors, that is, those that directly encourage minors to engage in buying activity by taking advantage of their inexperience or gullibility, that is, their trust in their parents, teachers or other persons. Moreover, violating the aforementioned provisions of the Electronic Media Act is considered a minor offence for which the offender is to be held responsible.

The Acts in question protect the rights of national minorities and guarantee them the freedom to produce and broadcast radio and television programmes, as well as material support from the state to produce and broadcast radio and television programmes in the language and script of national minorities. The Croatian Radiotelevision Act stipulates that the HRT must especially produce and broadcast programmes intended to inform members of national minorities in the Republic of Croatia in the languages of national minorities.

The same Act binds the HRT to adapt, produce, co-produce and broadcast programmes on persons with disabilities and children with developmental disabilities, as well as to translate programmes to the Croatian sign language. The Electronic Media Act stipulates that the Council for Electronic Media shall encourage audio-visual media service providers to gradually make their services available to persons with damaged hearing and sight.

Although the media are extremely important in raising public awareness on the need to protect and promote human rights, there are still cases of human rights violations by the media. It is therefore exceptionally important to continue the process of educating the responsible persons in the media, editors and journalists, on these important issues, especially with regard to the fact that despite the achieved progress, the media still do not display a sufficient degree of interest in the issues of respect for and promoting human rights.

According to the Electronic Media Act, the Council for Electronic Media is envisaged as an independent body that conducts the process of establishing noncompliance with, or violations of, the provisions of the Act, issues cautions in cases of noncompliance with the provisions of the Act and the subordinate acts, and initiates criminal proceedings in accordance with the minor offence provisions of the Act and of the Misdemeanour Act, while in certain cases it is also authorised to decide on removing concessions or permits. However, there exists no regulatory body with

similar authorities in the area of print media. It is necessary to invest additional effort in order to increase the level of respect for human rights guaranteed by the regulations in the print media as well.

**Objective 27.** Develop the autonomy and freedom of the media

<b>Implementation measure 27.1</b>	Respecting the principles of media freedom, organise roundtables, seminars and workshops for journalists, publishers, representatives of civil society organisations and foster self-regulation and co-regulation in the media sphere
Implementing agency	Ministry of Culture Electronic Media Agency in cooperation with the Croatian Journalists' Association
Co-carrier	
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Culture and funds of the Electronic Media Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– number of roundtables, seminars and workshops held</li> <li>– number of participants in the roundtables, seminars and workshops</li> <li>– number of initiated proceedings of co-regulation and self-regulation</li> </ul>
<b>Implementation measure 27.2</b>	Strengthen the conditions for investigating, prosecuting and sanctioning perpetrators of intimidation and aggression against journalists
Implementing agency	Ministry of the Interior, in cooperation with the Croatian Journalists' Association
Co-carrier	
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of the Interior
Implementation indicators	<ul style="list-style-type: none"> <li>– relation between the number of reported and prosecuted acts</li> <li>– qualitative analysis of sentences pronounced</li> </ul>

**Objective 28.** Enhance respect for the rules of journalistic ethics and the profession

<b>Implementation measure 28.1</b>	Educating journalists, editors and publishers on the <i>acquis</i> of the European Union and acts of the Council of Europe pertaining to the media
Implementing agency	Ministry of Culture Electronic Media Agency in cooperation with the Croatian Journalists' Association and civil society organisations
Co-carrier	
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Culture and funds of the Electronic Media Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– number of roundtables, seminars and workshops held</li> <li>– number of participants in the roundtables, seminars and workshops</li> </ul>

<b>Implementation measure 28.2</b>	Educating journalists and editors on human rights and the rights of national minorities
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	Electronic Media Agency, in cooperation with the Croatian Journalists' Association and civil society organisations
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry and funds of the Electronic Media Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– number of roundtables, seminars and workshops held</li> <li>– number of participants in the roundtables, seminars and workshops</li> <li>– evaluation questionnaires following the seminars and workshops</li> </ul>



**Objective 29.** Combat discrimination and hate speech in electronic media and on social networks

<b>Implementation measure 29.1</b>	Improve legal regulation and possibilities of sanctioning hate speech in electronic media and on social networks
Implementing agency	Electronic Media Agency
Co-carrier	Ministry of Maritime Affairs, Transport and Infrastructure, in cooperation with the Council for Electronic Media
Implementation deadline	2015 and continuous
Source of financing and necessary funds	regular funds from the Electronic Media Agency
Implementation indicators	– improved regulations sanctioning hate speech in electronic media

## 8. The right of access to information

As a fundamental human right, the right of access to information is the result of the development of the contemporary state based on the rule of law, that arose from the right to freedom of thought and expression and the right to seek, receive and impart information. In a certain number of states, including the Republic of Croatia, the right of access to information has become a constitutionally guaranteed right.<sup>122</sup>

In addition to the Constitution, the right of access to information is also protected by the European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>123</sup> and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters adopted in Aarhus on 25 June 1998.<sup>124</sup>

The Republic of Croatia is one of 38 world countries that joined the global Open Government initiative, which was initiated by the United States of America. In its framework, strategy and an action plan are being developed and measures monitored to improve transparency in access to information of public importance.

In the Republic of Croatia, the Croatian Parliament has adopted the Right of Access to Information Act in 2003,<sup>125</sup> while Amendments to the Act were adopted in 2011.<sup>126</sup> The Act on Amendments to the Right of Access to Information Act has brought significant steps by introducing monitoring over the implementation of the Act; establishing an independent body for the protection of the right to access information; the Personal Data Protection Agency; changing the complaints procedure; introducing the public interest and proportionality test; expanding the circle of bodies of public authorities to include legal entities whose programmes or operation have been established by law as constituting public interest, and are wholly or partially financed from the State Budget or from the budgets of local or regional self-government units, as well as companies in which the Republic of Croatia and local and regional self-government units hold individual or majority stakes.<sup>127</sup> The Act expands criminal sanctions,

122 Art. 38, par. 4 of the Constitution of the Republic of Croatia: “The right to access to information held by any public authority shall be guaranteed. Restrictions on the right to access to information must be proportionate to the nature of the need for such restriction in each individual case and necessary in a free and democratic society, as stipulated by law.”

123 The European Convention states in art. 10 that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

124 OG – International Treaties, no. 1/07.

125 OG 172/03, 144/10, 77/11.

126 The Decision of the Constitutional Court of Croatia has abrogated the Act on Amendments of the Right of Access to Information Act (OG 144/10), due to the absence of a constitutionally prescribed majority in its adoption, that is, due to its established formal unconstitutionality. On 27 May 2011, at the 23rd session, the Croatian Parliament adopted the Act on Amendments of the Right of Access to Information Act (OG 77/11). The Act regulates the procedure for exercising the right of access to information by the beneficiary of the right to information; stipulates the principles of the right to access information, exceptions to the right to access information; regulates the duties of public authority bodies and penal provisions related to the exercise of the right of access to information.

127 In 2010, the Personal Data Protection Agency (hereinafter: the Agency) has drafted a Report on the Implementation of the Right of Access to Information Act, in which it concluded that in 2010, the

and introduces criteria for determining real material costs for bodies providing information.<sup>128</sup>

On 15 February 2013, the Croatian Parliament adopted the Right of Access to Information Act.<sup>129</sup> The Act regulates the right of access to information and reuse of information held by public authority bodies. It also stipulates the principles of access to information and reuse of information; curbs on the right of access to information and reuse of information; the procedure of exercising and protecting the right of access to information and reuse of information; the purview, mode of operation and conditions for appointing and dismissing the Information Commissioner; and inspection supervision over the implementation of this Act and minor offence provisions related to exercising the right of access to information. Other duties of public authority bodies are also regulated. Until the Information Commissioner is elected, the duties of the independent state body for the protection of the right of access to information will be performed by the agencies for the protection of personal data.

All information is available to any domestic or foreign natural or legal person, in accordance with the conditions and limitations stipulated in the Right of Access to Information Act.<sup>130</sup> The Act states the cases when the public authority body is authorised to withhold the right of access to information (if the information is classified at a level of secrecy in accordance with the law regulating secrecy of information; if the information is a trade or professional secret pursuant to the law; if the information is a tax secret pursuant to the law; if the information is protected by the law regulating the field of personal data protection; if the information is in the process of drafting within state authority bodies, and its publication before the drafting of an integral and final information were completed could seriously damage the decision-making process; if the access to information is limited in accordance with international treaties; in other cases foreseen by the law; if there are reasonable doubts that its publishing would endanger the effective, independent and impartial pursuit of a judicial, administrative or other legally regulated procedure, execution

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implementation of the provisions of the Act has not had the best results. Namely, of the 3,958 public authority bodies that were supposed to file their reports on the implementation of the Act, only 854 did, which means that a mere 22% of the public authority bodies fulfilled their obligation, which points to a lack of knowledge of the legal provisions. It is evident that the public authority bodies need to be acquainted with the obligations arising from the Act. The Report emphasises that the latest amendments of the Act have created good foundations upon which to build a satisfactory relationship between public authority bodies and the beneficiaries of the right to information. The Agency also drafted a Report on the Implementation of the Right of Access to Information Act in 2011, according to which 2,655, or 49% of the 5,432 public authority bodies produced their Reports. The Report concludes that the positive effect of the legal changes is visible, but that the situation in the field of the right of access to information is such that we are very far from being able to say that the Act has fulfilled its goal and that functioning of public authority bodies is open and transparent.

128 OG 38/11.

129 OG 25/13.

130 The right of access to information is irrevocably bound to the concept of open government and is a part of the process of the authorities' becoming more open to the citizens. The authority that intends to be open must ensure that its actions are public in character, and must promptly, comprehensively and accurately inform the public on its activities and publish information regularly.

of a judicial ruling or sentence, obstruct the functioning of bodies performing administrative supervision, inspection supervision or legality supervision, violate intellectual property rights except in case of explicit written consent by the author or owner; if the information in hand concern all proceedings being carried out by competent bodies in preliminary and investigation proceedings during the course of these proceedings). The Act stipulates the test of proportionality and public interest, which is an assessment of the proportionality between the reasons to allow access to information and the reasons to curb and prevent access to information, if the public interest prevails.

Concerning the fact that information officials process individual claims, regularly publish information and perform other tasks entrusted to them by the Law, their professional training and specialisation is essential. It is necessary to increase the awareness of the beneficiaries of the right to information of the need and importance of exercising the right to access information as a fundamental human right.

Regularly publishing information pertains to the duty of public authority bodies to publish sets of information that are presumed to be of general interest.<sup>131</sup> Public authority bodies need to accept an active role of citizens and act openly and publicly.

The most important challenges in this field are: ensuring more effective implementation of the normative framework; increasing transparency of public authorities in publishing information; additional training of information officials on the right of access to information; raising the beneficiaries' awareness of the right to information about the existence of institutional and normative mechanisms for accessing information.

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131 The Act and other regulations pertaining to their field of work, general acts and the decisions they bring that affect the interests of the beneficiaries, along with the reasons for their adoption; draft laws and other regulations and general acts they adopt, pursuant to article 11 of the Act; annual plans, programmes, strategies, instructions, activity reports, financial reports and other appropriate documents pertaining to the field of work of public authority bodies; data on sources of funding, budgets and their execution; information on granted subsidies, non-repayable funds or donations, including the lists of beneficiaries and figures granted; information on their internal organisation, with the names of heads of bodies and managers of organisational units and their contact information; minutes and conclusions from formal sessions of public authority bodies and the official documents adopted at these sessions, as well as information on the functioning of formal workgroups under their auspices, information on public tender proceedings and tender documentation and information on the fulfilment of contracts; information on the launching of public bidding procedures and documentation; registers and databases or information on registers and databases from their purview and modes of accessing them; information on the mode of fulfilling one's right of access to information and reuse of information with contact information for the information official; the amount to be paid as a charge for access to information and reuse of information, in accordance with the criteria from art. 19, par. 3 of the Act; most frequently requested information; other information (news, public statements, data on other activities).

**Objective 30.** Ensure more effective implementation of legal provisions on the right of access to information

<b>Implementation measure 30.1</b>	Carry out complaints procedures and supervising activities in accordance with the Right of Access to Information Act and encourage public authority bodies to regularly publish information
Implementing agency	Independent State Body for the Protection of the Right of Access to Information
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Independent State Body for the Protection of the Right of Access to Information
Implementation indicators	– percentage of processed cases in second-degree proceedings within legal time-limits
<b>Implementation measure 30.2</b>	Encourage supervisions of the implementation of the Right of Access to Information Act
Implementing agency	Ministry of Public Administration
Co-carrier	Independent State Body for the Protection of the Right of Access to Information
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Public Administration
Implementation indicators	– number of inspections of the implementation of the Right of Access to Information Act carried out
<b>Implementation measure 30.3</b>	Train information officials on the right of access to information
Implementing agency	Independent State Body for the Protection of the Right of Access to Information
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Independent State Body for the Protection of the Right of Access to Information
Implementation indicators	– number of seminars for information officials held – number of participants – the securing of greater transparency in the functioning of state bodies – information officials working more efficiently

<b>Implementation measure 30.4</b>	Raise beneficiaries' awareness about the right of access to information
Implementing agency	Independent State Body for the Protection of the Right of Access to Information
Co-carrier	State School for Public Administration
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Independent State Body for the Protection of the Right of Access to Information
Implementation indicators	<ul style="list-style-type: none"> <li>– organised seminars and workshops for associations and citizens</li> <li>– number of seminars and workshops organised</li> <li>– number of participants in seminars and workshops</li> <li>– state administration bodies working more effectively with beneficiaries of the right to information</li> </ul>
<b>Implementation measure 30.5</b>	Harmonising the Data Secrecy Act with the Act on Amendments of the Right of Access to Information Act, depending on the results of expert consultations and consultations with the interested public
Implementing agency	Ministry of Justice
Co-carrier	Personal Data Protection Agency, in cooperation with the Office of the National Security Council
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– holding expert consultations and consultations with the interested public</li> <li>– depending on the outcome of the consultations and in case there is a need to harmonise with the Act on Amendments of the Right of Access to Information Act, the Government of the Republic of Croatia will adopt draft legislation on amending the Data Secrecy Act</li> <li>– harmonised Acts</li> </ul>

## 9. The right to the protection of personal data

The Personal Data Protection Act<sup>132</sup> is a fundamental statute regulating the protection of personal data of natural persons, as well as supervision of collecting, processing and use of personal data in the Republic of Croatia. A complete harmonisation of the Personal Data Protection Act with the Council of Europe directive 65/46/EC has been carried out.

The Republic of Croatia has signed and ratified the Convention 108 on the protection of persons with regard to automatic processing of personal data and the Additional Protocol to Convention 108, concerning the supervisory bodies and international exchange of data.<sup>133</sup> Both the Convention and the Additional Protocol entered into force on 1 October 2005, and constitute part of the system of regulations on the protection of personal data.

Effective implementation of personal data protection will allow the protection of privacy in accordance with the laws and regulations of the Republic of Croatia, international conventions and treaties and the European Union Directive 95/46.<sup>134</sup>

The Personal Data Protection Agency is making efforts to make the protection of privacy (protection of personal data) as one of the fundamental human rights, a commonly accepted working principle for all who collect, process and transmit personal data. The mission of the Personal Data Protection Agency is to successfully conduct supervision of the implementation of regulations on personal data protection, and enable each individual in the Republic of Croatia to exercise this right; to monitor developments in this field and to propose measures to enhance the protection of personal data. Raising citizens' awareness, increasing responsibility of officials engaged in the protection and application of privacy and increasing information security, educating young people on the significance of this sphere and good and efficient practice in meeting the obligations of a future European Union member are the main forthcoming tasks for the Personal Data Protection Agency in the coming period.

In order to achieve efficient implementation of personal data protection, it is also necessary to enhance the supervisory and advisory role of the Agency. The international information security standard ISO 27001 was applied in improving the IT infrastructure of the agency and the administrative processes, and the experiences thus acquired will, along with information security education that had already been carried out, serve as the foundation for drafting supervisory procedures and measures for reviewing the level of the organisational, human resource and technical

132 OG 103/03, 118/06, 41/08, 130/11, 106/12 – consolidated text.

133 The Act on the Ratification of the Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data and the Additional Protocol to the Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data concerning the supervisory bodies and the international exchange of data – OG – International treaties no. 004/2005.

134 European Parliament and Council Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

measures undertaken for the protection of personal data in the care of managers of personal data filing systems, especially the measures prescribed by the Regulation on the procedure for storage and special measures relating to the technical protection of special categories of personal data.<sup>135</sup>

Furthermore, it is necessary to continue to raise citizens' awareness regarding the need for and importance of the protection of privacy as a fundamental human right, in which the greatest emphasis is to be placed on the education of young people due to their inclusion in the use of new technologies and exposure to their abuse (social networks etc.). Insufficient awareness of the importance of respect for protection of personal data is evident, for instance, among managers of filing systems, among other things, in the inadequate implementation of all the necessary forms of measures for the protection of personal data kept in their filing systems, and also in the fact that a relatively small number of managers supplied records of personal data filing systems to the Central Register kept by the Personal Data Protection Agency in accordance with the Act. Consequently, it is also necessary to ensure effective cooperation with other state and international bodies.

From the aforementioned, there arises a duty to improve supervisory activities from both the legal perspective, as well as the perspective of information technologies; and to enhance the practice of conducting monitoring over the managers of personal data filing systems, which will ensure that the Act and the subordinate legislation on the protection of personal data are more effectively implemented. Consequently, it will be necessary to draft supervisory procedures that will involve not only legal supervision, but also monitoring the information security aspect in the collecting, processing and transmission of personal data.

### Objective 31. Ensure effective protection of personal data

<b>Implementation measure 31.1</b>	Create a Draft Proposal of a Regulation Amending the Regulation on the manner of keeping the records of personal data filing systems and the pertinent records form
Implementing agency	Personal Data Protection Agency
Co-carrier	
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Personal Data Protection Agency
Implementation indicators	– entry into force of the Regulation Amending the Regulation on the keeping the records of personal data filing systems and the pertinent record forms

135 OG 139/04.



<b>Implementation measure 31.2</b>	Organise seminars for managers of personal data filing systems
Implementing agency	Personal Data Protection Agency
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Personal Data Protection Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– number of seminars held</li> <li>– number and structure of participants of the seminars (structure of managers of personal data filing systems)</li> </ul>

<b>Implementation measure 31.3</b>	Organise seminars for personal data protection officials
Implementing agency	Personal Data Protection Agency
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Personal Data Protection Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– number of seminars held</li> <li>– number and structure of participants of the seminars</li> </ul>

**Objective 32.** Raise citizens' awareness on the need for the protection of personal data

<b>Implementation measure 32.1</b>	Envisage and carry out an awareness raising campaign for citizens
Implementing agency	Personal Data Protection Agency
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Personal Data Protection Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– number and structure of citizens who were the focus of the campaign activities</li> </ul>

## 10. Religious rights and freedoms

There are 44 churches, that is, religions communities registered in the Register of Religious Communities in the Republic of Croatia.

Pursuant to art. 41 of the Constitution of the Republic of Croatia, all religious communities are equal before the law and separate from the state. Religious communities are free, in accordance with the Law, to publicly perform religious service, establish schools and academies, other institutions, social and charitable institutions and to manage them. Their activities are protected by the state. Likewise, art. 40 of the Constitution guarantees freedom of conscience and religion and the freedom to demonstrate religious or other convictions.

The issues of freedom of religion and free, public demonstration of faith, and freedom of religious communities to perform religious service and their rights, were regulated in the Republic of Croatia by the enactment of the Act on the Legal Status of Religious Communities.<sup>136</sup> The law in question allows religious communities to independently and freely determine their internal organisation, administrative bodies, their hierarchy and competences, bodies and persons that represent the religious community and its organisational forms, the substance and mode of manifesting their faith, maintaining connections to their central institution and with other religious communities, associating with other religious communities, as well as other issues of their functioning in accordance with the Constitution of the Republic of Croatia. In the promotion of their faith and other activities, religious communities are forbidden from spreading intolerance and prejudice against other religious communities and their adherents or other citizens; they may not prevent other religious communities or citizens without religious beliefs from freely publicly manifesting their faith or other beliefs; the substances or mode of performing religious service and other manifestations of faith of a religious community may not be inimical to the legal order and public morality or damage the life, health or other rights and freedoms of its adherents or other citizens. Religious communities, their organisational forms and associations of religious communities are nonprofit legal entities.

All religious communities, even if they have not concluded an agreement with the Government of the Republic of Croatia, have the right to spiritual care in health and social welfare institutions, penal institutions and prisons, as well as the Armed Forces, pursuant to the Health Care Act<sup>137</sup>, the Act on the Execution of Prison Sentences<sup>138</sup> and the Ordinance on the Service in the Armed Forces of the Republic of Croatia<sup>139</sup>.

Religious communities can also arrange other issues by means of agreements with the Government of the Republic of Croatia. So far, the Republic of Croatia has concluded four international treaties with the Holy See: on legal matters; on spiritual guidance of Catholic people, members of the Armed Forces and police; on cooperation in the field

136 OG 83/02.

137 OG 121/03.

138 OG 128/09, 55/00, 59/00, 129/00, 59/01 and 67/01.

139 OG 91/09.

of upbringing and culture; and on economic issues. The Government of the Republic of Croatia has also concluded seven agreements on issues of common interest with churches and religious communities, thus regulating its relations with a further 16 churches and religious communities.

The churches that have regulated their relations with the Republic of Croatia can perform religious education in schools and religious upbringing in preschool institutions, marriages concluded in a religious ritual have the effect of civil marriage, and they receive annual financial support from the state budget.<sup>140</sup>

**Objective 33.** Enable religious education in primary and secondary schools under equal defined conditions, in accordance with the Act and the Agreement between the religious community and the Government of the Republic of Croatia

<b>Implementation measure 33.1</b>	Drafting the new Act on the Legal Status of Religious Communities, which will define the criteria for, and manner of delivering religious education
Implementing agency	Ministry of Justice
Co-carrier	Committee for Relations with Religious Communities
Implementation deadline	2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– adopting the new Act on the Legal Status of Religious Communities</li> <li>– define the criteria and mode of delivering religious education</li> </ul>

<sup>140</sup> Act on legal status of religious communities, OG 83/02, 73/13.

**Objective 34.** Allow religious communities, under equal defined conditions, that marriages concluded in a religious ceremony can have the effect of civil marriage, in accordance with the Act and the Agreement between the religions community and the Government of the Republic of Croatia

<b>Implementation measure 34.1</b>	Drafting a new Act on the Legal Status of Religious Communities to allow regulating the legal prerequisites for concluding marriage
Implementing agency	Ministry of Justice
Co-carrier	Committee for Relations with Religious Communities
Implementation deadline	2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– adopting the new Act on the Legal Status of Religious Communities</li> <li>– defining the legal prerequisites for concluding marriage</li> </ul>

**Objective 35.** Ensure that all religious communities can exercise their property rights

<b>Implementation measure 35.1</b>	Accelerate the proceedings being conducted on the requests of religious communities (but also of other applicants) under the Act on Restitution of Property Seized or Nationalised during Yugoslav Communist Rule*
Implementing agency	Ministry of Justice
Co-carrier	Ministry of Public Administration
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– number of processed cases of restitution of seized property and compensation for deprivation of property rights taken away</li> </ul>

\* OG 92/96, 39/99, 42/99, 92/99, 43/00, 131/00, 27/01, 65/01, 118/01, 80/02, 81/02 – hereinafter: the Act on Restitution.

## 11. Protection of workers' rights and dignity

Dignity implies the capacity to establish feelings of self-awareness and self-respect in relations with others. In the economic sense, it is directed at earning an income necessary for life and equal opportunities. In the political conception, dignity implies striving towards democracy and justice, and in the workplace, resistance to maltreatment and equality in work.<sup>141</sup> Therefore, protection of workers' dignity implies the responsibility of the employer and the right of the worker to work in an environment free of maltreatment and sexual harassment, discrimination and psychological abuse in the workplace (mobbing), but also the right to work in an environment where all employees' right to personhood is respected. Concern for the dignity of workers is not merely a form of protection of human rights in work or related to work, but an integral part of responsible behaviour by employers, which has very clear results in terms of work efficacy, ethics and business overall.<sup>142</sup>

Promoting the opportunity for women and men to fulfil their right to dignified and productive work in the conditions of freedom, equality, security and human dignity is an all-encompassing goal of the International Labour Organisation. Dignified work is a key element in building just, equal and inclusive societies, based on the principles of job creation, workers' rights, equality of women and men, social welfare and social dialogue.

Workers' dignity is likewise reflected on ensuring equal opportunities in employment, fair compensation for work, and also includes safety at work. Social and income security is also one of the important components of dignified work, while strong and independent unions and employers' organisations are key partners in increasing productivity, avoiding labour conflicts and building cohesive societies.

The Republic of Croatia has already consistently met its obligations of additional harmonisation of the national legislation with the *acquis*, or more precisely, the directives of the European Union in the previous period of implementation of the National Programme for the Protection and Promotion of Human Rights 2008-2011. The harmonisation has significantly contributed to the improvement in the status of workers in the Republic of Croatia, in terms of work conditions. When it comes to the issues of equal treatment and the prohibition of discrimination<sup>143</sup>, as early as

141 For more detail, see Hodson, R. (2001) *Dignity at Work*, Cambridge University Press, pp. 3-4.

142 The International Labour Organisation considers the integration of the concept of "dignity of work" into economic and social strategies to be one of the key elements in the struggle against the global economic and financial crisis, fostering recovery and a just globalisation. The right to the dignity of work is also one of the United Nations' millennium development goals.

143 Council Directive 2000/78/EC of 27 November 2000, establishing a framework for equal treatment in employment and occupation (Official Journal L 303, 02/12/2000), Council Directive 2000/43/EC, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19/07/2000), European Parliament and Council Directive 2005/36/EC of 7 September 2005, on the recognition of professional qualifications (OJ, L255, 30/09/2005). European Parliament and Council Directive 2006/54/EC, of 5 July 2006, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast: OJ L 204, 26/07/2006).

in 2003, provisions on the prohibition of discrimination in work and employment, on exceptions to the prohibition of discrimination, prohibition of harassment and sexual harassment, compensation for discrimination, burden of proof and protection of the dignity of workers, which also entails undertaking preventive measures<sup>144</sup>, were introduced into the labour laws of the time. However, at the time, there was an overall sense of a lack of necessary procedural rules. The horizontal harmonisation of the Croatian legislation that was conducted in 2008 and 2009, which included labour and social legislation, and the adoption of a new Labour Act<sup>145</sup> and Anti-Discrimination Act<sup>146</sup>, has eliminated the perceived deficit of procedural rules and inconsistencies between individual laws. The Labour Act consistently stipulates provisions prohibiting direct and indirect discrimination in the field of labour and labour conditions, including criteria for selection and conditions in hiring, promotion, professional training and professional orientation and retraining.<sup>147</sup> The employer is obliged to protect the dignity of workers in the course of performing their work duties from treatment by superiors, co-workers and persons with whom they come into regular contact, if their behaviour is unwanted and contravenes special laws.<sup>148</sup> The employer is obliged to protect the worker's privacy, and especially to collect, process and supply private data to third persons only when it is determined by law or in order to fulfil the rights and obligations of the labour relationship and related to labour relationship.<sup>149</sup>

The Anti-Discrimination Act, the Gender Equality Act<sup>150</sup> and the Law on Same-Sex Civil Unions<sup>151</sup> are the core of the national struggle against discrimination and the framework for the protection of dignity of the worker. However, in the coming period, it will be essential to strengthen the interpretive capacities of the stakeholders that implement, interpret and promote the laws in question (courts, state attorney's offices, unions, employers, employers' and trade union organisations, the interested public and individuals, the media). Namely, the jurisprudence of the European Court of Justice and, subordinately, the European Court of Human Rights of the Council of Europe, abounds with cases related to the issues of prohibition of discrimination and equal treatment, which makes the harmonisation of national legislation merely a basic precondition for successful exercise of the protection of workers' human rights before the competent bodies, while strengthening interpretive capacities and adopting a "new legal culture" are the sole guarantee of effective and adequate protection in the spirit of the relevant European policies and case-law. Special attention needs to be given to the implementation of measures of video surveillance and inspection of employees' e-mail due to the mutual protection of interests, both

144 Articles 2, 3, 9 and 10 of the Act Amending the Labour Act, OG 114/03.

145 OG 149/09, 65/11.

146 OG 85/08.

147 Article 5, par. 4 of the Labour Act.

148 Article 5, par. 5 of the Labour Act.

149 The obligation to enact ordinances that, inter alia, regulate the issues and manner of protecting workers' dignity and the measures of protection from discrimination is stipulated for all employers who employ a minimum of twenty workers, and includes the duty to appoint a person other than the employer who is authorised to receive and process complaints related to the protection of workers' dignity.

150 OG 82/08.

151 OG 116/03.

the protection of workers' dignity and of the interests of employers, because of the visible increase in the number of court cases in the comparative legal systems of the European Union. These issues need to be given adequate professional attention.

The economic crisis has influenced the falling employment and increasing rate of unemployment, which has imperilled many Croatian citizens' right to work. Shrinking and unpaid wages and unregistered labour have aggravated the position of the workers. In that sense, focus must be on the realisation of the right to work guaranteed by the constitution of the Republic of Croatia, through creating new jobs, ensuring regular and adequate wages that allow a dignified existence for the worker and his/her family, ensuring freedom to unionise and ensuring the conditions for satisfactory social dialogue.

In the coming period, ratifying the revised European Social Charter, as one of the fundamental documents for achieving a society of solidarity and social justice, should be given consideration, concerning the fact that it is considered important to strengthen social policy at all levels of society and to ensure the effectiveness of the basic social rights.

**Objective 36.** Improving the legal framework concerning increasing the minimum wage

<b>Implementation measure 36.1</b>	Monitoring the implementation of the Minimum Wage Act, improving the statistical monitoring of data relevant for calculating the parameters for minimum wage calculations
Implementing agency	Ministry of Labour and Pension System in cooperation with the Central Bureau of Statistics
Co-carrier	Employers' organisations and trade union federations
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Labour and Pension System
Implementation indicators	<ul style="list-style-type: none"> <li>– reduced number of persons below the poverty line</li> <li>– ratio between the minimum wage and the mean wage in the Republic of Croatia</li> </ul>

**Objective 37.** Enable workers to exercise their right to work

<b>Implementation measure 37.1</b>	Amending the Employment Promotion Act, creating a legislative framework for employment in temporary and casual employment
Implementing agency	Ministry of Labour and Pension System
Co-carrier	Employers' organisations and trade union federations
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Labour and Pension System
Implementation indicators	<ul style="list-style-type: none"> <li>– increased number of workers not working in the shadow economy</li> <li>– number of persons working through vouchers (temporary, that is, casual work)</li> <li>– possible increase of contributions from compulsory insurance and tax on behalf of the worker</li> </ul>

**Objective 38.** Educating judicial officials in the field of the protection of workers' dignity and combating discrimination in the workplace, related to the European Union acquis and the case-law of the European Court of Justice and the European Court of Human Rights of the Council of Europe

<b>Implementation measure 38.1</b>	Hold seminars and workshops for judicial officials, judges, state attorneys and attorneys at law
Implementing agency	Judicial Academy, in cooperation with the Ministry of Justice, the State Judiciary Council and the Croatian Bar Association
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Judicial Academy
Implementation indicators	<ul style="list-style-type: none"> <li>– number of seminars and workshops held for judicial officials, judges, state attorneys and attorneys at law</li> <li>– number of participants in the seminars and workshops for judicial officials, judges, state attorneys and attorneys at law</li> </ul>



**Objective 39.** Reduce the share of the informal labour market

<b>Implementation measure 39.1</b>	Increase the personnel capacities of the supervisory and inspection institutions with the aim of combating the black labour market
Implementing agency	State Inspector's Office of the Republic of Croatia
Co-carrier	Ministry of Public Administration
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the State Inspector's Office of the Republic of Croatia
Implementation indicators	<ul style="list-style-type: none"> <li>– greater number of labour inspectors</li> <li>– reduced share of workers in the black labour market</li> </ul>

**Objective 40.** Accelerating the procedure for resolving labour disputes

<b>Implementation measure 40.1</b>	Educating mediators of individual and collective labour disputes
Implementing agency	Ministry of Justice
Co-carrier	Ministry of Labour and Pension System in cooperation with the Croatian Employers' Association, trade union federations, the Croatian Mediation Association, the Croatian Chamber of Economy and the Croatian Chamber of Trades and Crafts
Implementation deadline	2016
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– increased number of mediators trained to conduct mediation proceedings in collective and individual labour disputes</li> </ul>

**Objective 41.** Strengthening social dialogue by strengthening the capacities of social partners

<b>Implementation measure 41.1</b>	Implementing the project "Strengthening administrative capacities of the Independent Service for Social Partnership" in the framework of the IPA
Implementing agency	Ministry of Labour and Pension System
Co-carrier	Employers' organisations and trade union federations
Implementation deadline	2016
Source of financing and necessary funds	IPA 2009 in the amount of 199,000.00 EUR
Implementation indicators	<ul style="list-style-type: none"> <li>– strengthened capacities of social partners</li> </ul>

## 12. Special protection of the family

According to the Constitution of the Republic of Croatia, the family is under special state protection. Pursuant to the Family Act, the regulation of family relations is based on the principles of equality of women and men and mutual respect and support among all family members; welfare and rights of the child and responsibility of both parents for the child's nurture and upbringing; adequate foster care for children deprived of parental care and for adults deprived of their legal capacity.

In the previous period up until today, significant steps were made in the field of protection from domestic violence. We highlight the adoption of the new Protection against Domestic Violence Act<sup>152</sup>, which comprises the prevention, sanctioning, and combating all forms of domestic violence, taking adequate measures against the perpetrator and alleviating the consequences of violence that has been committed by providing protection and assistance to the victim of violence. Furthermore, for the first time, the concept of "economic violence" has been introduced into the definition of domestic violence, while the definition of the family has been expanded to include former marital and extramarital partners, the children of each individually and the children of both partners. At the same time, the new Act increases the sanctions against the perpetrator of domestic violence.

However, since the Act defines violent acts as misdemeanour offences, the maximum prison sentence is 90 days. Finally, in practice there are certain problems related to imposing and execution of protective measures, which were considered by the European Court of Human Rights in the case *A. versus the Republic of Croatia*. There is also the question of overlap between certain minor offences and criminal offences.<sup>153</sup> It is necessary to sign the Council of Europe Convention on preventing and combating Violence against Women and Domestic Violence.

The continuous implementation of measures contained in the national strategies for protection against domestic violence, beginning with 2005, has influenced the improvement of the system of protection from domestic violence – a process that needs to be further advanced, especially in terms of criminal prosecutions and sentencing the perpetrators of domestic violence, as well as increasing the availability of compulsory psycho-social treatment of the perpetrators of violence.<sup>154</sup> It is necessary to reduce the lack of action and cooperation between the institutions in the implementation of the Protection against Domestic Violence Act and the National Strategy of Protection from Domestic Violence by strengthening the teams for inter-sectoral cooperation,

152 OG 137/09, 60/10.

153 The new Criminal Code no longer defines domestic violence as a distinct offence, but makes the committing of a criminal offence against a member of the family a qualificatory form of individual criminal acts.

154 Information of the Central Bureau of Statistics points to an upwards trend in reporting domestic violence, both as a criminal offence (art. 215a of the Criminal Code, OG 110/97) and as a minor offence (art. 4 of the Protection against Domestic Violence Act, OG 116/03, 137/09) in the period from 2001 to 2009.

which were established at the local/county level on the basis of the 2010 agreement between the relevant ministries.<sup>155</sup>

One of the more important fields in the strategies are support for shelters and victims of violence, which anticipates the creation of conditions for systematically and permanently solving the needs to provide for, and legally and institutionally protect victims of domestic violence. The Ministry of Social Policy and Youth, in cooperation with civil society organisations, religious organisations and institutions, has carried out the activities of arranging safe accommodation for victims of domestic violence. A novelty in the National Strategy for the period 2011-2016 is the continuous provision of support for shelters and victims of violence. It is necessary to pay additional attention to alleviating the effects that experiencing violence against a parent has on children, which represents exercise of their right to the protection from violence, but also to preventing intergenerational transmission of domestic violence. It is necessary to increase the availability of good quality services of professional psychosocial support for victims of domestic violence, including children who were exposed to violence committed against a parent.

The universal prevention of domestic violence has to be systematically implemented in the general young adolescent population through the prevention of violence in adolescent relationships by means of evaluated prevention programmes. Additionally, there is a need for targeted prevention with young people from marginalised groups, where the poor social and economic situation is aggravated by the problems of unemployment and alcoholism. Targeted prevention of domestic violence also needs to be focused on groups that are at risk of intergenerational transmission of violence in the family due to having experienced violence against a parent. Professionals in family centres, social welfare centres (including parental care supervisors) need to be additionally trained for working with children and youth who experienced violence against a parent and/or other forms of domestic violence. Psychosocial treatment of violent behaviour in the family, as well as preventing and treating alcoholism in perpetrators of violence, also represent important components of the prevention of future violence in a family.

The findings of a recent study also point to the need for continuous education of police officers. The study was conducted with 70 women victims of violence committed by a marital, extramarital or former partner during 2009 and 2010, in police stations throughout the Republic of Croatia. Half the victims' partners were frequently under the influence of alcohol, and the same number fled the family home due to abuse by their partners. Children typically witness violence committed against their mother. The study has shown that victims only seek police intervention after long and repeated abuse. The absence of seeking help from one's community is connected with the victim's fear of the perpetrator, shame and mistrust in the system of protection. Lack of interest, stigmatising the victim and compassion with the abuser have a negative bearing on the victim's belief in the possibility of improving family circumstances and her cooperation with the police in the criminal prosecution of the perpetrators. The

155 UNICEF office for Croatia (2012): *Situation Analysis of Children's and Women's Rights in Croatia*.

openness of women victims of violence when giving their statements to the police is also an important segment.<sup>156</sup>

In the previous period, certain steps have been made in the field of providing support for parents and strengthening responsible parenting, especially through the activities of family centres. However, studies show that parents express a need for greater support from the society in fulfilling their role as parents (e.g. Pečnik and Tokić, 2011, Parents and children on the brink of adolescence: A view from three angles, the challenges and support [Roditelji i djeca na pragu adolescencije: Pogled iz tri kuta, izazovi i podrška], Zagreb: the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity). Under the auspices of the Ministry of Social Policy and Youth, the Expert Work Group for defining responsible parenthood, measures of early assistance in addressing risk factors and drafting proposals for new preventive-advisory forms of assistance for at-risk families based on a status analysis in systems involved in the prevention of domestic violence and inadequate parental care has announced a public discussion (November 2011) on improving the system of measures of early assistance for at-risk families through (a) strengthening interdepartmental cooperation and networking, (b) increasing the availability of professional support for parents/families through greater accessibility of professionals and associations providing early assistance services for families, (c) increasing the competences of, and improving support for providers of early assistance for parents/families, (d) improving early assistance services (concerning the child's age and the duration of the risk) and monitoring their quality, (e) educating parents on the available support/services and about responsible parenting. The need for creating new programmes (services) of individual and group counselling adapted to the need of at-risk parents and children is also emphasised.

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156 Kovačević, S. (2011): *Otvorenost žena žrtava nasilja u obitelji u davanju iskaza policiji* (Openness of women victims of domestic violence when giving their statements to the police). Specialist thesis. Studijski centar socijalnog rada, Pravni fakultet Sveučilišta u Zagrebu (Study Centre for Social Work, Faculty of Law of the University of Zagreb).

**Objective 42.** Raise awareness and sensitise the public on the problem of violence against women and domestic violence, and inform on the ways of exercising the right to protection from violence

<b>Implementation measure 42.1</b>	Implement programmes that have been proven to be effective in preventing domestic violence; hold workshops, public forums, roundtables and lectures focused on the prevention of violence and on preventing intergenerational transmission of socially unacceptable behaviour
Implementing agency	Ministry of Social Policy and Youth, in cooperation with units of local and regional self-government, religious communities and civil society organisations active in the field of protection from domestic violence, and with the Croatian Radiotelevision
Co-carrier	Ministry of the Interior
Implementation deadline	2013 and continuous
Source of financing and necessary funds	funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number of programmes, workshops, public fora, roundtables and lectures held</li> <li>– number of participants in the programmes, workshops, public fora, roundtables and lectures</li> </ul>
<b>Implementation measure 42.2</b>	Draft, print and disseminate promotional materials ensuring availability of information on protection from all forms of violence against women, while taking care to provide linguistic adaptations of the material for women from marginalised groups.
Implementing agency	Ministry of Social Policy and Youth Ministry of the Interior Ministry of Health in cooperation with civil society organisations
Co-carrier	Office for Human Rights and Rights of National Minorities Office for Gender Equality
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number of promotional materials printed</li> <li>– number of organisations to whom the materials were disseminated</li> </ul>

**Objective 43.** Combat domestic violence in all its manifestations

<b>Implementation measure 43.1</b>	Carry out education and sensitisation of all persons engaged in the implementation of laws and other acts focused on eliminating violence against women, including domestic violence, as well as experts who can provide counselling and treatment of victims and perpetrators of violence, in order to increase the standards of protection of victims of violence
Implementing agency	Ministry of the Interior Ministry of Social Policy and Youth Ministry of Health Office for Gender Equality Judicial Academy in cooperation with higher education institutions (faculties of law) and science and research institutions
Co-carrier	Office for Human Rights and Rights of National Minorities
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number, duration and type of programmes envisaged and carried out</li> <li>– number of persons attending the programmes</li> </ul>
<b>Implementation measure 43.2</b>	Increase the availability of compulsory psychosocial treatment for perpetrators of domestic violence
Implementing agency	Ministry of Justice
Co-carrier	Ministry of Health
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– number and geographical distribution of various forms of psychosocial treatment for perpetrators of domestic violence</li> <li>– number of persons in treatment</li> </ul>

<b>Implementation measure 43.3</b>	Provide financial support for shelters for victims of domestic violence
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Health
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– number of shelters that were granted financial support</li> <li>– number of users housed in the shelters and the amount of financial support granted to each shelter in relation to the number of persons housed there</li> </ul>

**Objective 44.** Strengthen social support for responsible parenting – motherhood and fatherhood

<b>Implementation measure 44.1</b>	Carry out evaluated programmes for promoting responsible parenting for all parents, as well as targeted programmes of support for responsible parenting for parents in high-conflict divorce situations or other situations representing a risk to responsible parenting
Implementing agency	Ministry of Social Policy and Youth, in cooperation with units of local and regional self-government and preschool education institutions
Co-carrier	Ministry of Health
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number, type and duration of programmes</li> <li>– number of persons attending the programmes</li> <li>– drafting promotional and educational materials (publications, brochures, handbooks etc.)</li> <li>– promotional and educational materials distributed to family centres, civil society organisations etc. and published on websites</li> </ul>

### 13. Protection of children's rights

Pursuant to the Constitution of the Republic of Croatia, everyone has the duty to protect children and youth. The Republic of Croatia attaches special significance to the protection of children as the most vulnerable group. In the construction of its legal system, there has been achieved a high degree of harmonisation of regulations with the provisions of the international treaties to which the Republic of Croatia is party. The latest international treaties ratified by the Republic of Croatia in 2010 are the European Convention on the Exercise of Children's Rights and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.<sup>157</sup> In 2011, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was ratified<sup>158</sup>, and came into force in the Republic of Croatia on 1 January 2012.<sup>159</sup> The Republic of Croatia still has not ratified the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption and the Third Optional Protocol to the Convention on the Rights of the Child, so it is recommended that the option of ratifying these instruments be considered in the coming period.

With the purpose of children's welfare, the Republic of Croatia has continuously improved the national legislation and the programmes, strategies and plans for the protection of the rights of children. The National plan of activities for the rights and interests of children from 2006 to 2013 is the fundamental strategic document that contributes to the enhancement of children's rights, as well as to increasing the quality of efforts to meet children's needs in all fields. The National Strategy for the Prevention of Behavioural Disorders in Children and Youth from 2009 to 2012 was adopted in order to secure the minimum conditions needed for good, successful and healthy growth and development of new generations, eliminating risk factors responsible for the incidence of behavioural disorders and existing behavioural disorders. In 2010, the Council for Children, a governmental advisory body, which coordinates and harmonises the work of state and other bodies in the realisation of the measures and activities planned in the field of protection of children, adopted the Guidelines for planning, implementation and evaluation of prevention and treatment programmes for the protection of children against violence. The Republic of Croatia also actively supports and promotes activities in the best interest for children, such as marking the anniversary of the United Nations Convention on the Rights of the Child – 20 November – and granting the Award for Promoting Children's Rights. Special attention is also given to the protection of children's welfare in the implementation of studies involving children, with the Code of Ethics of Research with Children currently undergoing changes.

Special attention is given to the development of a culture of responsible parenting, by improving parents' competences for upbringing and protecting children

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157 OG 5/09.

158 OG 11/11, 15/11.

159 OG 13/11.



from abuse and neglect, and to the development of informative, educational and advisory programmes intended for families, parents and children in local environments through the operation of family centres. In the Republic of Croatia, the Ombudswoman for children, as the person authorised by the Croatian Parliament, operates as the single, independent and autonomous institution for the rights of children. Her role is defined by the Act on the Ombudsman for Children of 2003, and covers the goals from the chapter “Protection of the Rights of Children”, especially promoting the rights of children, including informing and sensitising the public on children’s rights and monitoring the work of the competent bodies and those responsible for implementing measures in the field of protecting children’s rights. The annual reports of the Ombudswoman for children provide an overview of the state of children’s rights in the Republic of Croatia and contain recommendations to competent bodies focused on improving the system of protection of children’s rights. In order to further strengthen the family and children, the “Croatia for Children” foundation was founded.<sup>160</sup>

#### Objective 45. Promote the rights of children

<b>Implementation measure 45.1</b>	Sign the 3 <sup>rd</sup> Optional Protocol to the Convention on the Rights of the Child
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Foreign and European Affairs
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	– signing the 3 <sup>rd</sup> Optional Protocol to the Convention on the Rights of the Child

<b>Implementation measure 45.2</b>	Ratify the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	
Implementation deadline	2013
Source of financing and necessary funds	additional funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	– ratifying the Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption

<sup>160</sup> Decision of the Croatian Parliament no. 3680, 30 October 2008.

**Objective 46.** Ensuring optimal conditions for children's development

<b>Implementation measure 46.1</b>	Draft the proposal for a new national strategic document in the field of children's right and interests
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	competent state administration bodies, professional and scientific institutions, in cooperation with civil society organisations
Implementation deadline	December 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	– drafting and adopting the national strategic document

**Objective 47.** Inform and sensitise the public with regard to children's rights and responsible parenting

<b>Implementation measure 47.1</b>	Promote the significance of responsible parenting and respect for the rights of children (programmes in broadcast media, producing and publishing articles and other contributions, printing promotional and other materials to be distributed to maternity hospitals, paediatric clinics, kindergartens, schools, playgrounds etc.)
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Health civil society organisations in cooperation with the media
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	– production, printing and distribution of publications, brochures, flyers; distribution of materials to maternity hospitals, paediatric clinics, kindergartens, schools, playgrounds – programmes and other contributions for the media – publishing all materials on the website of the Ministry of Social Policy and Youth
<b>Implementation measure 47.2</b>	Promote the significance of responsible parenting among the Roma population
Implementing agency	Ministry of Social Policy and Youth in cooperation with civil society organisations
Co-carrier	Ministry of Health
Implementation deadline	2013 and continuous

Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– production, printing and distribution of publications, brochures, flyers</li> <li>– distribution of materials through civil society organisations to maternity hospitals, paediatric clinics, kindergartens</li> <li>– various contributions and programmes in the media; publishing all the materials on the website of the Ministry of Social Policy and Youth</li> </ul>
<b>Implementation measure 47.3</b>	Mark the International Day of the Convention on the Rights of the Child and the Children's Week
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	competent state administration bodies in cooperation with the Ombudswoman for children and civil society organisations
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number and character of events and activities organised to mark them</li> <li>– number of programmes of civil society organisations designed for children and youth</li> </ul>
<b>Implementation measure 47.4</b>	Maintaining and monitoring the registry of adoptive parents
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– available data on the number of potential adoptive parents and valid adoptions</li> </ul>
<b>Implementation measure 47.5</b>	Encourage timely undertaking adequate measures of family-law protection of children
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	
Implementation deadline	June 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– reduction in the duration of proceedings</li> <li>– reduction of time needed to undertake measures of family-law protection</li> </ul>

**Objective 48.** Support the development of civil society organisations engaged in protection and promotion of children’s rights

<b>Implementation measure 48.1</b>	Provide financial support by means of annual calls for proposals to projects of associations for children focused on empowering children to take active part in the community and increasing their awareness of their rights from the United Nations' Convention on the Rights of the Child. Also support the organisations' projects focused on preventing violence against and amongst children, providing assistance and support for children victims of violence and providing assistance and support for vulnerable groups of children
Implementing agency	Ministry of Social Policy and Youth, in cooperation with civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth and part of the revenues from games of chance
Implementation indicators	<ul style="list-style-type: none"> <li>– amount of financial grants for projects of associations for children focused on encouraging children to take active part in the community and increasing their awareness of their right from the UN Convention on the Rights of the Child (at an annual level)</li> <li>– number of civil society organisations granted financial support (at an annual level)</li> </ul>

**Objective 49.** Development of a protective environment in order to reduce risk of various forms of child abuse

<b>Implementation measure 49.1</b>	Specialisation of judges in the field of family law
Implementing agency	Ministry of Justice, in cooperation with the Justice Academy
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– increased number of specialist judges in the field of family law</li> </ul>

<b>Implementation measure 49.2</b>	Ensure forensic examinations of children victims of serious criminal offences at the existing healthcare institutions
Implementing agency	Ministry of Health
Co-carrier	
Implementation deadline	2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	– carrying out the forensic examinations of children victims of serious criminal offences at the existing regional healthcare institutions

<b>Implementation measure 49.3</b>	Regularly update and improve the National registry of child molesters
Implementing agency	Ministry of Justice Ministry of the Interior
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice and the Ministry of the Interior
Implementation indicators	– set up a digital national register of child molesters – up-to-date data entered into the national register

<b>Implementation measure 49.4</b>	Secure appropriate conditions in detention for underage criminal offenders, especially by means of securing adequate organisational and financial means
Implementing agency	Ministry of Justice, in cooperation with the Ombudswoman for children
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	– drafting an analysis and recommendations for improving conditions – improved conditions in detention, ensured in accordance with international and European standards

<b>Implementation measure 49.5</b>	Adopt an action plan of assistance and protection for unaccompanied children of aliens and secure conditions for temporary accommodation and treatment for children of foreign nationals unaccompanied by parents, asylum seekers and illegal migrants; establish a network of special guardians and establish an independent mechanism for monitoring and evaluation of the work of guardians
Implementing agency	Ministry of the Interior Ministry of Social Policy and Youth
Co-carrier	Ministry of Health in cooperation with the Croatian Health Insurance Fund and civil society organisations
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of the Interior and the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– adopting the action plan</li> <li>– positive assessment of the accommodation and treatment for children of aliens unaccompanied by their parents, asylum seekers and illegal migrants</li> <li>– establishing the network of special guardians</li> <li>– establishing an independent mechanism for monitoring and assessing the work of guardians</li> </ul>
<b>Implementation measure 49.6</b>	Establish a database of unaccompanied children
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of the Interior Office for Human Rights and Rights of National Minorities Ministry of Foreign and European Affairs, in cooperation with civil society organisations
Implementation deadline	2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies and European Union funds
Implementation indicators	<ul style="list-style-type: none"> <li>– establishing the national referral system and a uniform mode of gathering statistical data for all categories of unaccompanied children (illegal migrants, asylum seekers, victims of trafficking)</li> </ul>

**Objective 50.** Protection and promotion of children's rights in the media: access to the media, protection of privacy, protection from harmful content

<b>Implementation measure 50.1</b>	Popularise and improve media culture in schools
Implementing agency	Education and Teacher Training Agency
Co-carrier	Council for Electronic Media the Croatian Audiovisual Centre Centre for a Safer Internet Personal Data Protection Agency Croatian Radiotelevision in cooperation with civil society organisations
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Education and Teacher Training Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– number of media culture programmes, in relation to the levels of the educational system</li> <li>– number of programmes based on the new media</li> <li>– number of professional conferences for teachers and educators</li> </ul>
<b>Implementation measure 50.2</b>	Raise awareness of parental responsibility in all the fields of protection of children's rights, especially in the media
Implementing agency	Ministry of Social Policy and Youth, in cooperation with the Ombudswoman for children and civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– number of envisaged and realised activities aimed at raising awareness of parental responsibility</li> <li>– create and disseminate promotional materials</li> <li>– publish materials on the Internet and in the media</li> </ul>

<b>Implementation measure 50.3</b>	Ensure systematic monitoring of the implementation of the regulations pertaining to the protection of children's rights in the electronic media, in order to sanction violations on time, especially with regards to the protection of children's privacy and their protection from potentially harmful content in electronic media
Implementing agency	Electronic Media Agency
Co-carrier	Personal Data Protection Agency, in cooperation with the Ombudswoman for children
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds of the Electronic Media Agency
Implementation indicators	– number of inspections conducted and measures issued related to the protection of children's privacy in the electronic media



## 14. Protection of the rights of youth

The Government of the Republic of Croatia has adopted the National Programme for Young People from 2009 to 2013, which is the basis for activities implemented in the fields of education and information, employment and entrepreneurship, social policy, healthcare and reproductive health, active social participation of young people, youth culture and leisure, as well as mobility, informing and counselling.

With active participation of youth in the society as the goal, and based on the Act on Youth Councils, youth councils were established as advisory bodies of the representative bodies of local and regional self-government units in 143 municipalities, 98 cities and 19 counties. Draft legislation of amendments to the Act on Youth Councils is currently in preparation with the aim of improving its implementation.

In the coming period, the most important challenge is to increase active participation of youth in decision-making processes, since a great number of young people still do not have an opportunity to express publicly their attitudes towards decisions which directly impact on their lives. In this regard, on 6 September 2012 the Government of the Republic of Croatia adopted a new Decision on Establishing the Council for Youth. The Council is an interdepartmental advisory body of the Government of the Republic of Croatia whose task is to participate in developing public policies for youth. The Decision introduced a number of novelties in terms of composition, tasks and size of the Council, which make it a body with a broader scope, balanced in terms of members coming from civil society (particularly from associations of young people and for young people); it establishes a system of active co-decision-making in the Council for Youth.

Respecting the importance of informing young people and promoting their participation as active citizens in the society, on 17 April 2012 the Republic of Croatia became party to the European Youth Information Charter. The signing of the Charter marked the beginning of the public campaign in the Republic of Croatia titled "Information RIGHT Now! – Young People Are Asking". At the European level, with support from the Council of Europe, the campaign was organised and coordinated by the European Youth Information and Counselling Agency ERYICA. The campaign was carried out from 17 April to 31 December 2012, both at the European level and the national levels of other members of the Council of Europe, including the Republic of Croatia.

**Objective 51.** Support active participation of youth in decision-making processes at all leve

<b>Implementation measure 51.1</b>	Sensitise young people to become involved in activities of the youth councils and organise education for members of youth councils
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Local and regional self-government units in cooperation with civil society organisations
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth and funds of the bodies of local and regional self-government units
Implementation indicators	<ul style="list-style-type: none"> <li>– number of youth councils operating in the local and regional self-governance units</li> <li>– financial support ensured for projects of youth associations and for young people whose activities include organisation of education, seminars, roundtables related to the issues of active participation in social life</li> <li>– marking the International Youth Day</li> </ul>

## CARE FOR PARTICULARLY VULNERABLE GROUPS OF CITIZENS

### 15. Protection of the rights of persons with disabilities

As a party to all key conventions and standards in the field of citizens' social and economic security, the Republic of Croatia accepted the obligation to protect and promote the human rights of persons with disabilities, particularly regarding the equalisation of opportunities for persons with disabilities to participate on an equal footing in the civic, political, economic, social, and cultural spheres of life. The determination of the Republic of Croatia to fully implement all fundamental human rights of persons with disabilities was confirmed by the ratification of the United Nations Convention on the Rights of Persons with Disabilities,<sup>161</sup> which, together with the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015, was a foundation for the adoption of the National Strategy for Equal Opportunities for Persons with Disabilities from 2007 to 2015 (hereinafter: National Strategy). The level of success in the implementation of the National Strategy is especially monitored through the project of "Support to the implementation of Monitoring and Evaluation Mechanisms of measures of the National Strategy for Equal Opportunities for Persons with Disabilities from 2007 to 2015".<sup>162</sup>

In accordance with the accepted obligations, the Initial Report of the Republic of Croatia on the Implementation of the UN Convention on the Rights of Persons with Disabilities was drafted in 2011. The Report shows an increased public sensitivity for the rights and opportunities of persons with disabilities, while the system of detecting and reporting violations of their rights has been improved. It is evident that there is continuous cooperation between all social stakeholders in the implementation of the aforementioned regulations and instruments, as well as in the realisation of various programmes and projects focused on persons with disabilities, especially with civil society organisations and international organisations in the field of protection and promotion of the rights of persons with disabilities.

The Office of the Ombudswoman for persons with disabilities in the Republic of Croatia was established on 1 July 2008. The Ombudswoman for persons with disabilities monitors the situation of human rights of persons with disabilities at all levels of life and in all areas of the Republic of Croatia by means of interventions in cases of concrete violations of the rights of persons with disabilities; activities aimed at raising the level of awareness; pointing to the duty to respect the right to equality and inclusion, as well as the need to align national regulations with the Convention on the Rights of Persons with Disabilities and other international documents.

161 Signed by the Republic of Croatia on 30 March 2007 and ratified by the Croatian Parliament on 1 June 2007.

162 Implemented since 2009 by the Ministry of Social Policy and Youth in cooperation with the United Nations Development Programme in Croatia.

Monitoring the status of persons with disabilities in the Republic of Croatia, the Ombudswoman for persons with disabilities pointed out the fields which require improvements: accessibility and mobility; education and upbringing; labour and employment; healthcare; appropriate standard of living and social protection; independent living and inclusion in the community; pension insurance; the judiciary and equality before the law.

Although certain shifts have occurred in the field of accessibility, some local communities do not fully abide by the existing regulations stipulating the duty to construct and adapt the accessible parts of public spaces and buildings; thus, there are communities where institutions that provide public services are inaccessible to persons with disabilities.

Despite the fact that the Republic of Croatia promotes inclusive education, certain problems appear in practice in the field of pre-school upbringing, as well as primary and secondary school education; they include the lack of systematic support (experts, teaching assistants, transportation, didactic tools, etc.). The legislative framework for higher education does not recognise persons with disabilities as students, which causes problems in the inclusion of students with disabilities on equal footing with others.

Since many provisions of the present Act on Occupational Rehabilitation and Employment of Persons with Disabilities are insufficiently defined, and subordinate legislation was not enacted, this Act does not fulfil its purpose, which results in insufficient employment of persons with disabilities (there is no control of employment quotas; no control over special contribution payments; priority in employment is not respected, etc.).

In the field of healthcare, certain problems were noticed regarding approving physical therapy, house care and assistance, exercise of the rights to orthopaedic aids and the rights to additional health insurance for specific categories of persons with disabilities. Furthermore, persons with intellectual and mental difficulties encounter certain problems in dental care and mental health.

Given the importance of the inclusion of persons with disabilities in the community, it is essential to implement the measures from the National Plan for the Deinstitutionalisation and Transformation of Social Welfare Institutions for the period 2011-2016, in order to reduce the number of persons with disabilities in the institutions. It is very important to give special attention to the prevention of misuse in cases of persons with disabilities whose legal capacity was removed. A reform of the system of guardianship is needed, as well as harmonisation of the family legislation with provisions of the Convention on the Rights of Persons with Disabilities.

In order to improve the quality of life of persons with the most severe degree of disability, the *Project addressing the accessibility of buildings for persons with disabilities* is being implemented by co-funding projects of eliminating architectural barriers, which restrict their movement. From 2008 to 2011, 60 such adaptations were co-funded.

Furthermore, under the Croatian Radiotelevision Act<sup>163</sup>, it is a duty of the Croatian Radiotelevision to translate its programme into the Croatian sign language. The Electronic Media Act<sup>164</sup> stipulates that the Electronic Media Council shall provide incentives for providers of audio-visual media services to gradually make their services available to persons with hearing or sight impairments.

**Objective 52.** Ensure the protection of human rights and fundamental freedoms for persons with disabilities

<b>Implementation measure 52.1</b>	Include persons with disabilities in drafting, implementation, and evaluation of legislation and policies concerning persons with disabilities and children with developmental disabilities
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Health competent state administration bodies and local and regional self-government units
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– number of persons with disabilities included in drafting, implementation, and evaluation of legislation and policies</li> <li>– higher standards of consultation with the interested public in the field of policy development for persons with disabilities</li> <li>– number of laws whose drafting and/or amending offered an opportunity for persons with disabilities to give their contribution as active participants</li> </ul>
<b>Implementation measure 52.2</b>	Stimulate extra-institutional forms of support and care for persons with disabilities to allow them to lead a more independent life in the community
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Health local and regional self-government units in cooperation with associations of persons with disabilities and associations which implement programmes for the benefit of persons with disabilities
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth

163 OG 17/01, 25/03, 137/10, 76/12.

164 OG 122/03,79/07, 32/08, 65/09, 153/09, 84/11.

Implementation indicators	<ul style="list-style-type: none"> <li>– more kinds of services for persons with disabilities, a developed network of services needed in the community relative to the previous period, ensuring regional equality in access to services</li> <li>– number of the established services of support and other alternative extra-institutional forms of care in the community</li> </ul>
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**Objective 53.** Sensitise the public to the opportunities and needs of persons with disabilities and promote their rights

<b>Implementation measure 53.1</b>	Organise professional conferences and campaigns; mark dates of significance for persons with disabilities
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Office for Human Rights and Rights of National Minorities Education and Teacher Training Agency Agency for Vocational Education and Training and Adult Education in cooperation with the Ombudswoman for persons with disabilities, civil society organisations, local and regional self-government units and the Croatian Radiotelevision
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– number of campaigns and other informative activities in the year in question (governmental and non-governmental organisations)</li> <li>– regularly marking the International Human Rights Day on 10 December and International Day of Persons with Disabilities on 3 December in the media</li> </ul>

**Objective 54.** Encourage the development of civil society organisations dealing with the protection of the rights of persons with disabilities

<b>Implementation measure 54.1</b>	Secure funds for the implementation of projects in the field of protecting the rights of persons with disabilities and the institutional development of national federations of persons with disabilities through distribution of part of the revenues from games of chance to projects of associations of persons with disabilities and associations which implement programmes for the benefit of persons with disabilities
Implementing agency	Ministry of Social Policy and Youth Ministry of Science, Education and Sports Ministry of Veterans' Affairs Ministry of Environmental and Nature Protection Ministry of Culture
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	part of the revenues from games of chance and funds from the State Budget allocated to relevant bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number of projects implemented in partnership between associations of persons with disabilities and other organisations of civil society</li> <li>– carrying out an evaluation which clearly defines the effects of the implementation</li> </ul>

**Objective 55.** Secure inclusive education at all educational stages

<b>Implementation measure 55.1</b>	Develop and modernise educational curricula for persons with disabilities and support schools in developing adapted curricula for students with difficulties
Implementing agency	Agency for Vocational Education and Training and Adult Education
Co-carrier	Education and Teacher Training Agency
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Agency for Vocational Education and Training and Adult Education
Implementation indicators	<ul style="list-style-type: none"> <li>– carrying out an analysis of the existing programmes</li> <li>– drafting a study to determine the curricula needed, in accordance with the contemporary standards</li> <li>– regional representation in the implementation of the programmes</li> </ul>

**Objective 56.** Increase the number of persons with disabilities employed, in line with the regional programmes of economic development

<b>Implementation measure 56.1</b>	Include persons with disabilities and their associations in the creation of national and regional development policies in the field of labour and employment
Implementing agency	Ministry of Labour and Pension System
Co-carrier	Ministry of Social Policy and Youth in cooperation with local and regional self-government units
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Labour and Pension System and funds from the pre-accession assistance and the European Social Fund
Implementation indicators	– number of persons with disabilities and their associations included in drafting development policies in the field of labour and employment
<b>Implementation measure 56.2</b>	Conduct public campaigns which empower persons with disabilities for employment
Implementing agency	Croatian Employment Service Fund for Professional Rehabilitation and Employment of Persons with Disabilities
Co-carrier	Ministry of Labour and Pension System Ministry of Social Policy and Youth in cooperation with local and regional self-government units, the Ombudswoman for persons with disabilities, associations of persons with disabilities, and associations which implement programmes for the benefit of persons with disabilities
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Croatian Employment Service and funds from the Fund for Professional Rehabilitation and Employment of Persons with Disabilities, funds planned for this purpose from the European Social Fund and funds from the EU programmes
Implementation indicators	– number and type of promotional activities carried out – number of persons involved in the activities – publications (brochures, leaflets) created, distributed, and published on the Internet – number of events organised (consultation meetings, debates, roundtables, workshops etc.)



<b>Implementation measure 56.3</b>	Inform the public on the advantages of employing persons with disabilities
Implementing agency	Croatian Employment Service Fund for Professional Rehabilitation and Employment of Persons with Disabilities
Co-carrier	Ministry of Social Policy and Youth Ministry of Labour and Pension System in cooperation with associations of persons with disabilities and associations which implement programmes for the benefit of persons with disabilities
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Croatian Employment Service and funds from the Fund for Professional Rehabilitation and Employment of Persons with Disabilities funds planned for this purpose from the European Social Fund funds from the EU programmes
Implementation indicators	<ul style="list-style-type: none"> <li>– producing a handbook on the advantages of employing persons with disabilities</li> <li>– publishing the handbook on the official websites of the ministries</li> <li>– implementation informing about the advantages of employing persons with disabilities (programmes broadcast on the Croatian Radio and Croatian Television, as well as in other media)</li> </ul>
<b>Implementation measure 56.4</b>	Granting an annual award to emphasize the successful examples of employed persons with disabilities
Implementing agency	Croatian Employment Service
Co-carrier	Ministry of Social Policy and Youth Ministry of Labour and Pension System Fund for Professional Rehabilitation and Employment of Persons with Disabilities in cooperation with the Ombudswoman for persons with disabilities
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Croatian Employment Service and the Fund for Professional Rehabilitation and Employment of Persons with Disabilities; funds planned for this purpose from the European Social Fund; funds from the EU programmes

Implementation indicators	<ul style="list-style-type: none"> <li>– production of a handbook on good practices</li> <li>– publishing the handbook on the official Internet sites of the ministries</li> <li>– implementation informing about the good practices through the media (programmes broadcast on the Croatian Radio and Croatian Television, and in other media)</li> <li>– public announcement of the winners of the annual awards</li> </ul>
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**Objective 57.** Establish a system/model of training, retraining and professional rehabilitation of persons with disabilities based on strengthening of the remaining abilities

<b>Implementation measure 57.1</b>	Initiate the establishment of regional centres for professional rehabilitation for training, work rehabilitation, retraining of persons with disabilities
Implementing agency	Ministry of Labour and Pension System
Co-carrier	Fund for Professional Rehabilitation and Employment of Persons with Disabilities local and regional self-government units
Implementation deadline	2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Labour and Pension System and the Fund for Professional Rehabilitation and Employment of Persons with Disabilities
Implementation indicators	<ul style="list-style-type: none"> <li>– analysis completed and proposal developed for establishing the centres for professional rehabilitation for training, work rehabilitation, and retraining of persons with disabilities</li> </ul>

**Objective 58.** Ensure accessibility and availability of healthcare services for the purposes of rehabilitation of children with developmental impairments

<b>Implementation measure 58.1</b>	Staff the network of public health service for the activity of healthcare and physical therapy at home for patients in rural areas
Implementing agency	Ministry of Health
Co-carrier	
Implementation deadline	2015 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– percent of filled vacancies in the public health service network in rural areas</li> <li>– the number of newly contracted agents by county</li> </ul>

<b>Implementation measure 58.2</b>	Raise the standards of medical and other institutions where persons with mental and/or intellectual difficulties are treated and/or accommodated; in particular, develop out-of-hospital institutions to provide various services of treatment and rehabilitation, such as day centres and day hospitals
Implementing agency	Ministry of Health
Co-carrier	Ministry of Social Policy and Youth in cooperation with local and regional self-government units
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– number and type of measures implemented to raise the standards</li> <li>– number and type of newly established out-of-hospital institutions</li> <li>– number of beneficiaries included in various services in the community</li> </ul>
<b>Implementation measure 58.3</b>	Continuous education of medical workers on the rights and specific needs of persons with disabilities
Implementing agency	Ministry of Health in cooperation with institutions of higher education (faculties of law, medicine, education and rehabilitation sciences, and others)
Co-carrier	Ministry of Social Policy and Youth regional branches of the Croatian Institute for Public Health in cooperation with associations of persons with disabilities and associations which implement programmes for the benefit of persons with disabilities
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– number, type and duration of the developed and implemented educational curricula</li> <li>– number of healthcare workers included in the programme (by type of personnel, type of institutions, territorial distribution etc.)</li> </ul>

<b>Implementation measure 58.4</b>	Continuous education of persons with disabilities on their rights during medical treatment – the right to a choice, the right to express opinions, the right to respect for human dignity, and the right to information
Implementing agency	Ministry of Health
Co-carrier	Ministry of Social Policy in cooperation with the Ombudswoman for persons with disabilities, faculties of law, associations of persons with disabilities and associations which implement programmes for the benefit of persons with disabilities
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– number, type and duration of the developed and implemented educational curricula</li> <li>– number of persons participating in the curricula</li> <li>– number and types of materials developed for education</li> </ul>

**Objective 59.** Harmonisation of regulations in the field of pension insurance with the Convention on the Rights of Persons with Disabilities, especially to encourage rehabilitation and retraining

<b>Implementation measure 59.1</b>	Ensure greater direct accessibility of information on the conditions and modes of realisation of the rights of persons with disabilities in the field of pension insurance
Implementing agency	Croatian Pension Insurance Fund
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Croatian Pension Insurance Fund
Implementation indicators	<ul style="list-style-type: none"> <li>– production of promotional materials (handbooks, brochures, leaflets, other publications)</li> <li>– distribution of the materials in all local offices of the Croatian Pension Insurance Fund and associations of persons with disabilities</li> <li>– promotional materials published on the websites of the Croatian Pension Insurance Fund, the Ministry of Social Policy and Youth, and the Ombudswoman for persons with disabilities</li> </ul>

**Objective 60.** Ensure equality before the law for all categories of persons with disabilities by implementing efficient protection mechanisms and other forms of professional and legal assistance in the exercise of their rights

<b>Implementation measure 60.1</b>	Initiate amendments to the Family Act in the part concerning guardianship in order to harmonise it with the requirements of the Convention on the Rights of Persons with Disabilities
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Justice, Ministry of Health in cooperation with the Ombudswoman for persons with disabilities
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– change in the ratio between the number of persons wholly deprived of legal and decision-making capacity and those with limited capacity</li> <li>– number of proceedings instituted to review the decisions on removing legal capacity</li> </ul>

**Objective 61.** Incentives for television media service providers to adapt their programmes to persons with hearing and sight impairments

<b>Implementation measure 61.1</b>	Ensure an increase of programmes accessible to persons with hearing and sight impairments
Implementing agency	Electronic Media Agency in cooperation with the national television networks, associations of persons with hearing and eyesight impairments, Ombudswoman for persons with disabilities
Co-carrier	
Implementation deadline	2014 and continuous
Source of financing and necessary funds	funds from providers of audio-visual media programmes and funds of the Electronic Media Diversity and Pluralism Incentive Fund
Implementation indicators	<ul style="list-style-type: none"> <li>– higher share of programmes accessible to persons with hearing and eyesight impairments</li> </ul>

Implementation measure 61.2	Education for employees of social welfare centres, psychiatrists, judges and forensic experts on applying the Convention on the Rights of Persons with Disabilities in the proceedings on removing legal capacity
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Health in cooperation with the Ombudswoman for persons with Disabilities
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	– number of experts included in the education, number of educational activities carried out, including even territorial coverage

## 16. Protection of the rights of persons with mental impairments

The Convention on the Rights of Persons with Disabilities defines persons with disabilities as those who “*have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others*”. Such a definition indicates unequivocally that the concept of disability also implies disorders in mental development. In the common judicial terminology, these persons are also termed persons with mental disorders.<sup>165</sup> While this implies that the issues of persons with mental impairments could also be discussed in the context of the previous chapter, which refers to persons with disabilities, they are given a separate category/chapter for the sake of better understanding. They constitute a particularly vulnerable group which, given the nature of their difficulties, has specific needs for protection. This primarily implies the need for protection through guardianship, but also other relevant issues, especially legally relevant issues such as hospitalisation in psychiatric institutions, consent to medical interventions etc.

In the field of mental health protection, apart from the aforementioned UN Convention on the Rights of Persons with Disabilities, many international instruments have been passed, including the UN Resolution No. 46/117 from 1991, which prescribes the principles of protection of persons with mental disorders, and the Recommendation of the Council of Europe (1994)1235 on psychiatry and human rights, as well as the Guidelines of the World Health Organisation for the promotion of the human rights of persons with mental disorders.

The national normative framework regarding the protection of rights of persons with mental disorders is based on the provisions of the Act on the Protection of Persons with Mental Disorders<sup>166</sup>, the Family Act<sup>167</sup> and the Act on the Protection of Patients’ Rights<sup>168</sup>. A number of other laws are also relevant for some fields of mental health protection and rights of persons with mental disorder, including laws in the field of healthcare, social welfare, workplace safety, protection of human rights and rights of specific groups of population, as well as the field of criminal legislation.<sup>169</sup>

The Act on the Protection of Persons with Mental Disorders regulates the grounds, limits, and conditions for applying coercive measures<sup>170</sup>; the procedure and conditions

165 According to the Act on the Protection of Persons with Mental Disorders and the Family Act.

166 OG 111/2007, 27/1998/ 128/1999, 79/2002.

167 OG 116/03, 17/04, 136/04, 107/07, 61/2011. As the fundamental institution of the protection of persons with mental disorders, guardianship is regulated in the family legislation. A decision to deprive a person of their legal capacity limits the rights of persons deprived of legal capacity; a decision on appointing a guardian defines their competences and duties.

168 OG 169/2004.

169 The Social Welfare Act (OG 57/11), the Labour Act (OG 149/2009, 61/11), the Act on Mandatory Health Insurance (OG 150/08, 94/09, 153/09, 71/10 i 139/10, 49/11), the Act on Pension Insurance (OG 102/98, 127/00, 59/01, 109/01, 147/02, 117/03, 30/04, 177/04, 92/05, 43/07, 79/07, 35/08, 40/10, 121/10, 130/10 – consolidated text, and 61/11, 114/01), the Criminal Code (OG 125/11), the Anti-Discrimination Act (OG 75/08) etc.

170 Coercive hospitalisation is only possible in cases where a person with grave mental disorders seriously and directly jeopardises their own life, health or safety, or life, health or safety of another

for admission and accommodation in, and release from, a psychiatric institution; the procedures for the use of physical force in the protection and treatment of persons with mental disorders, and the duties of persons who deliver their protection and treatment. The Act on the Protection of Persons with Mental Disorders also defines the mechanisms of mental health protection and protection of persons with mental disorders in line with contemporary scientific insights and the corresponding documents on the protection of human rights; that is also the basis for the Act on the Protection of Patients' Rights. Both acts regulate the protection and exercise of the right to appropriate treatment, the right to refuse to participate in medical and scientific experiments, the right to judicial protection, and political, social and religious rights. Furthermore, the State Commission for Protection of Persons with Mental Disorders was established as an independent expert body for monitoring and improvement of the protection of the rights of the mentally ill.<sup>171</sup>

The protection of persons deprived of legal capacity through guardianship is regulated by the Family Act. Mental disorders or other causes which result in the inability to take care of one's own rights, needs or interests, or which threaten the rights and interests of others, may result – by a court decision – in the complete or partial removal of the person's legal capacity. The person deprived of legal capacity is appointed a guardian<sup>172</sup>; the guardian becomes the person's legal representative, authorised to take care of his/her personal and property-related rights, needs and interests.<sup>173</sup> Among other things, the guardian (with previous approval of a social welfare centre) decides on almost all important matters, including decisions on hospitalisation in psychiatric institutions, on consent to medical interventions etc. The Family Act also regulates the legal status of persons deprived of legal capacity in other institutions of family law, e.g. in marriage law, parental care, adoption etc.

Mental and behavioural disorders encompass a wide range of disorders described in the *ICD-10 Classification of Mental and Behavioural Disorders*, which describes diagnostic criteria for individual mental disorders. Mental disorders are characterised by symptoms of illness connected to changes in various psychic functions, such as mood, perception, thinking, feelings, impulses. The Act on the Protection of Persons with Mental Disorders defines mental disorders in different ways. For instance, a person with more severe mental disorders is a person with mental disorders who is not capable of understanding the meaning of their behaviour, or cannot control their will, or in whom these abilities are reduced to such a degree that psychiatric assistance is necessary.

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person, or on a basis of a court ruling. Coercive hospitalisation has a time limit and must stop as soon as the described danger has ceased.

171 The State Commission for the Protection of Persons with Mental Disorders was appointed by the minister of health on the basis of the Act on the Protection of Persons with Mental Disorders; the decision on the appointment was published in OG 128/12.

172 By decision of the competent social welfare centre concerning the field for which the person's legal capacity is removed.

173 Depending on the field in which legal capacity is removed and to which degree.



In 2010, The Government of the Republic of Croatia passed the National Mental Health Strategy for the period 2011-2016<sup>174</sup> in order to advance the existing and develop new methods of mental health protection, reduce the incidence of mental disorders, increase equal access to quality and timely treatment, rehabilitation and social inclusion of persons with mental disorders, while strengthening their role in decision-making in these processes, with the overall goal of improving the personal satisfaction and health of citizens, reducing costs, and stimulating economic and social development.

The protection of mental health is implemented through the activities of the primary, secondary, and tertiary health protection; the Croatian Institute for Public Health has taken over the operations of the Croatian Institute for Mental Health Protection<sup>175</sup>. On the basis of the Act on Health Protection, the Public Health Service Network was instituted in mid 2009, pursuant to which the services for mental health protection and prevention of addiction (45 teams in total) were established at the primary level, within county institutes for public health. The network is not fully staffed in the whole territory of the Republic of Croatia, and the teams lack the necessary experts. The priority field of action is to further empower the Services for mental health, prevention, and out-of-hospital treatment of addiction of the county institutes for public health and staff them with experts, and, according to needs, change the public healthcare network; following that, implementing continuous education for newly recruited employees of the services, and specific education for individual programmes.

In the field of mental health protection, the public healthcare service network cannot respond to the full complexity of the needs of mental health. Therefore, it is necessary to define its role in the network of various out-of-hospital services which should exist. They should be developed in the community, according to the recommendations of the World Health Organisation for the development of mental health in the community.

The World Health Organisation states that efficient mental health services include connections between different institutions and services that exist in the community and cooperate with each other. It recommends decentralisation and an emphasis on providing assistance in an out-of-hospital system of treatment, short-term hospital treatments, an interconnected system of services in the community, which includes the following: primary level services (family medicine and other activities of health centres) which deal with early detection and treatment of mental disorders, run specific programmes (e.g. for depression, anxiety disorders, early psychotic disorders; when necessary, they direct patients to other levels of the services for the protection and enhancement of mental health); mental health service in the community, which includes outpatient centres, centres for rehabilitation, a mobile team for crisis interventions, services like case-management (specific forms of care for persons

174 The Government of the Republic of Croatia adopted the Strategy at the 79th session, on 16 September 2010.

175 Act on Health Protection (OG 150/08, 71/10, 139/10, 22/11, 84/11, 12/12, 35/12, 70/12).

who frequently use hospital treatment), assistance in employment and other psychosocial practices designed to develop ability for independent life and work; short-term hospital treatments, and longer-term treatments for a smaller number of persons; informal programmes of self-help and social inclusion organised by non-governmental organisations, which make an important part of the system, but cannot replace other functional parts. Furthermore, the World Health Organisation recommends respecting certain principles in services for mental health: accessibility, which implies services in the vicinity of the beneficiaries; comprehensiveness, which includes the availability of different methods; continued coordinated care after the hospital treatment, using various services other than medical, such as social welfare or employment; service guided by the needs of the beneficiary; efficiency by using procedures and programmes whose efficiency is easily proven; equality in the sense that services should be accessible to all persons who need them; protection and promotion of human rights, meaning that persons with mental disorders have the same human rights; information, meaning accurate information on the system of treatment and human rights; recovery and empowerment as the goals of treating persons with mental disorders, which is why the treatment needs to employ contemporary methods, which include balanced use of medication, rehabilitation, and psychotherapy. It worth noting that, before the decision on removing legal capacity, it is necessary to apply methods of rehabilitation with the goal of increasing autonomy and providing support, which will reduce the need for this restrictive measure.

**Objective 62.** Increase equal accessibility of high-quality and timely treatment, rehabilitation and social inclusion of persons with mental impairment and combat against stigma of mental illness

<b>Implementation measure 62.1</b>	Developing the capacities of out-of-hospital treatment of mental patients on the model of mental health in the community, by means of developing day hospitals, outpatient centres, as well as by providing good out-of-hospital programmes for specific mental disorders, such as depression, anxiety disorders, disorders with psychosis, eating disorders and other“ disorders
Implementing agency	Ministry of Health
Co-carrier	Ministry of Social Policy and Youth
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– number of newly established day hospitals for out-of-hospital treatment</li> <li>– indicators of strengthened capacities (number of those employed, number of places in day hospitals, number of persons in treatment etc.)</li> </ul>

<b>Implementation measure 62.2</b>	Analyse the situation and possibilities of transformation of large psychiatric hospitals into modern wards for hospital treatment and development of services for out-of-hospital treatment, such as assertive case-management, programmes for first psychotic episodes
Implementing agency	Ministry of Health
Co-carrier	
Implementation deadline	2014 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– completed analysis of the existing situation and proposal for transformation</li> <li>– number of psychiatric hospitals included in the working programme of services for out-of-hospital treatment</li> </ul>
<b>Implementation measure 62.3</b>	Develop and implement the <i>National Strategy for Combating the Stigma of Mental Illness</i> through cooperation between the Croatian Institute for Public Health and professional associations
Implementing agency	Ministry of Health
Co-carrier	Croatian Institute for Public Health
Implementation deadline	December 2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– developing the National Strategy for Combating the Stigma of Mental Illness</li> <li>– envisaging mechanisms of implementation, monitoring, and evaluation</li> </ul>
<b>Implementation measure 62.4</b>	Develop a system of care in the community as a form of rehabilitation and social inclusion of persons with mental impairments
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Health in cooperation with civil society organisations and local and regional self-government units
Implementation deadline	December 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health

Implementation indicators	<ul style="list-style-type: none"> <li>– drafted programme of development of a system of community care</li> <li>– inclusion of all stakeholders in programme drafting (relevant state administration bodies; civil society organisations; local and regional self-government units)</li> </ul>
<b>Implementation measure 62.5</b>	Strengthen the system of oversight of institutions for the provision of accommodation for persons with mental disorders
Implementing agency	Ministry of Health Ministry of Social Policy and Youth in cooperation with the Office of Ombudswoman for persons with disabilities
Co-carrier	
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– submitting the oversight report, including the number of institutions monitored relative to the total number of institutions; number of persons accommodated in the institutions, with the analysis of key problems and recommendations for solutions and improvements</li> </ul>
<b>Implementation measure 62.6</b>	Analyse the legislative prerequisites and practice of removing legal capacity of persons with mental disorders
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Justice in cooperation with the Ministry of Health
Implementation deadline	2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– analysis completed</li> <li>– conducting a public debate</li> <li>– changed legislative framework</li> </ul>

**Objective 63.** Strengthening the capacity of the Public Health Service Network for the protection of mental health and prevention of addiction

<b>Implementation measure 63.1</b>	Fully staff the existing teams at county institutes for public health with expert personnel; define their role, i.e. define and determine the scope of tasks in mental health protection
Implementing agency	Ministry of Health in cooperation with the Croatian Health Insurance Fund
Co-carrier	Croatian Institute for Public Health
Implementation deadline	2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– number of newly recruited personnel in the teams; job descriptions defined</li> <li>– teams fully staffed with appropriate experts</li> </ul>
<b>Implementation measure 63.2</b>	Ensure even presence of expert teams across the whole territory of the Republic of Croatia
Implementing agency	Ministry of Health in cooperation with the Croatian Health Insurance Fund
Co-carrier	Croatian Institute for Public Health
Implementation deadline	December 2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– securing even distribution of expert teams (number of personnel and teams relative to the number of inhabitants and persons in need)</li> <li>– full staffing of the Public Health Service Network</li> </ul>
<b>Implementation measure 63.3</b>	Establish and implement continuous education for service employees and specific types of education for individual programmes
Implementing agency	Ministry of Health in cooperation with Croatian Institute for Public Health
Co-carrier	
Implementation deadline	October 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– define the content of the education programme and its implementation plan</li> <li>– programmes implemented according to the plan</li> </ul>

**Objective 64.** Informing the public on the issues of exercise of human rights of persons with mental impairments

<b>Implementation measure 64.1</b>	Organise campaigns, public debates, roundtables, seminars, and workshops on the human rights of persons with mental impairments
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Justice Ministry of Health Office for Human Rights and Rights of National Minorities in cooperation with the Ombudswoman for persons with disabilities and civil society organisations
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– number and type of envisaged and implemented activities (public debates, roundtables, consultative meetings, seminars, and workshops)</li> <li>– production and distribution of publications on the rights of persons with mental impairments</li> <li>– publications published on the websites of the implementing agency and co-carriers</li> <li>– number of persons included in individual activities on an annual basis</li> </ul>

## 17. Protection of the rights of the elderly

In the international and national legal systems, the rights of elderly persons are often invisible. The principle of equal dignity, mentioned in the foundations of the *Universal Declaration of Human Rights*, has not led to an explicit recognition of the rights of the elderly in the international system of protection of human rights, which governs the exercises of the obligations of states. The recommendations for the protection of human rights of elderly persons included in the *Madrid International Plan of Action* are not legally but morally binding for states.

In the Republic of Croatia, the national legislation is mostly aligned with the European body of law (*acquis communautaire*); a comprehensive system of respect for, protection and promotion of human rights of elderly persons should be further developed through consistent implementation of international standards; cooperation between the national and local public institutions and civil society should be strengthened and empowered. Where the actual challenges remain is in real application and implementation of the adopted laws and norms, especially regarding sensitive, vulnerable and threatened social groups, which also include the third age population.

Elderly persons in the Republic of Croatia predominantly live in their own homes and with their families. According to the estimation of the population size by the Croatian Bureau of Statistics in 2010, there are accommodation facilities in the Republic of Croatia for 2.75% of the population over 65 (a total of 20,875 places, in relation to 757,400 inhabitants older than 65). Compared with the data from ten years ago, when less than 2% persons over 65 in the Republic of Croatia had an opportunity to get a place in a nursing home, there has been an obvious increase in the overall capacities available.

In order to overcome the current problems, new solutions in organising and providing care are being sought for inhabitants in areas of local communities. In line with such efforts, the Ministry of Social Policy and Youth has developed and supported extra-institutional models of care for elderly persons, and especially the development of social services for elderly persons in their homes and local communities, in order that they can continue living in their own surroundings as long as possible, and with the aim of improving the quality of living and active participation in the life of the community.

The provision of such services is significant for all elderly persons, particularly those who live in less accessible areas. The households in question include persons who are single, whose families tend not to live in those areas and are thus unable to adequately care for them and provide them with everyday help in satisfying their needs.

Care for elderly persons in the Republic of Croatia is provided in institutional and extra-institutional forms. These include a network of homes and activities for different categories of beneficiaries, centres for aid and nursing, and foster families. Pursuant to the Social Welfare Act<sup>176</sup> the social welfare services are provided by state-run

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176 OG 33/12.

homes, decentralised nursing homes at the county level, religious communities, associations, as well as other local and foreign legal and natural persons that provide accommodation of beneficiaries.

In recent years, various forms of extra-institutional care have played an increasingly significant role (family homes, foster homes, day care). The basic purpose of family homes is to accommodate beneficiaries in a familial environment, that is, for a representative of the family home and the family members living with the beneficiaries, as well as other workers as prescribed, to provide services for beneficiaries.

While foster care in the Republic of Croatia can be considered a traditional form of care, and almost all categories of beneficiaries can use foster care, such form of care is the most widespread in case of elderly and infirm persons. Regarding the distribution of foster care, there are great differences between regions; social acceptance of foster care is higher in the northern part of the Republic of Croatia. Given the great importance of the role of foster-care provider in the life of the beneficiary, it requires that the family is adequately prepared before the beneficiary is accommodated, as well as the right to professional assistance and continuous support in the course of the accommodation. Such support is particularly important given the fact that the needs of the accommodated persons are increasing in complexity, which makes it necessary to educate the foster-care provider before the realisation of the accommodation.

The accommodation facilities for the elderly have been under great pressure lately because they are expensive and unable to provide services for all interested senior citizens. These conditions necessitated the development of extra-institutional forms of care for the elderly in cooperation with local and regional self-government units, which have been implemented since 2004 in the form of programmes of intergenerational solidarity.

The programmes of intergenerational solidarity are oriented towards providing social services to elderly persons in local communities; the services are provided directly in their households or “living rooms”, where elderly persons spend part of the day. The programmes are implemented on the basis of Contracts on cooperation between the Ministry of Social Policy and Youth and regional and local self-government units, based on a public tender. The areas where such Programmes can be contracted are primarily areas with a high share of elderly population and low capacity for institutional accommodation of elderly persons, or areas with poorly developed networks of extra-institutional services for elderly persons, as well as sparsely inhabited areas that are difficult to access (e.g. islands) and areas of special state concern.

In line with the Joint Memorandum on Social Inclusion, and with the purpose of a more efficient integration of elderly persons in the life of community, thereby also forestalling their institutionalisation, in the coming period the Ministry of Social Policy and Youth will continue to encourage the development of permanent extra-institutional forms of care and support measures for elderly and infirm persons. This is meant to establish a long-term strategy to allow ageing in one's own home and to promote active participation of the elderly in the local community life, wherein



solidarity of all members will be encouraged in mutual care, as well as cooperation and togetherness. In cooperation with local and regional self-government units and civil society organisations, the Ministry will continue to provide and develop the supply of social services for independent living at home, as well as professional assistance in keeping the elderly in their family circle.

Programmatic, organisational and legislative frameworks will also be established for extra-institutional services for the elderly, in order to raise the quality of the services provided and their sustainability. Daily social, cultural, informative and educational programmes will provide opportunities for the elderly to play a full and equal role in the society. Additional activities will raise the awareness of citizens about the potentials of the elderly, strengthen their participation and shared responsibility for quality old age and reduction of social exclusion.

Furthermore, as a country in transition, the Republic of Croatia has to deal with unemployment, low pensions, discrimination based on gender and age, reforms of the social welfare system, privatisation of the healthcare system, housing problems and the like. All of these factors have led to the situation where elderly citizens in the Republic of Croatia are poor and socially vulnerable, which suggests that they face a higher risk of being exposed to violence and maltreatment, both in the family and in other systems of care.

In the protection of fundamental rights of elderly persons, one of the priorities of the Croatian society is protection from maltreatment, grave neglect, violence, and all forms of discrimination, by creating conditions for preventive action, but also by improving ways and methods of professional work in treating elderly persons who are victims of maltreatment.

The *Action Plan for the Implementation of the National Plan of Combating Discrimination for the Period 2011-2013*, in the part related to the care of elderly persons, states that it is essential to improve the quality of living of elderly persons. One of the measures of the plan is systematic monitoring of the issues of elderly persons through inter-departmental and international cooperation.

In accordance with the *National Strategy for the Protection from Domestic Violence for the Period of 2011-2016*, particular attention should be given to elderly and infirm persons, who are more difficult to recognise as victims of domestic violence, both because of their reduced mobility due to their health condition, and because of their disorientation or reluctance to ask for help and protection from violence committed by those closest to them. Therefore it is necessary to sensitise the professional services as well as the local community to this issue, so they can recognise the problem and take action in order to provide adequate protection and aid.

**Objective 65.** Improvement of the quality of living of the elderly

<b>Implementation measure 65.1</b>	Provide facilities to provide accommodation services for the elderly
Implementing agency	Ministry of Social Policy and Youth in cooperation with local and regional self-government units, civil society organisations, religious and humanitarian organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number of providers of accommodation services for the elderly</li> <li>– number of beneficiaries included in accommodation services</li> </ul>

<b>Implementation measure 65.2</b>	Provide services of home assistance for the elderly
Implementing agency	Ministry of Social Policy and Youth in cooperation with local and regional self-government units, civil society organisations, religious and humanitarian organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number of service providers</li> <li>– number of beneficiaries of the right to assistance at home</li> </ul>

**Objective 66.** Promote and improve the protection of the human rights of the elderly

<b>Implementation measure 66.1</b>	Encourage and support activities oriented at combating discrimination against the elderly
Implementing agency	Ministry of Social Policy and Youth in cooperation with local and regional self-government units, civil society organisations, religious and humanitarian organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number of expert meetings aimed at the promotion of the rights of the elderly</li> </ul>

<b>Implementation measure 66.2</b>	Ensure permanent education of all relevant stakeholders and run programme activities for the prevention and protection of the elderly from all forms of domestic violence
Implementing agency	Ministry of Social Policy and Youth in cooperation with academic institutions and local and regional self-government units, civil society organisations, religious and humanitarian organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number of expert meetings and educational activities on the topic of prevention of violence</li> </ul>
<b>Implementation measure 66.3</b>	Provide systematic incentives for projects of civil society organisations focused on the protection of rights and providing psycho-social aid to the elderly and their families
Implementing agency	Ministry of Social Policy and Youth in cooperation with local and regional self-government units, civil society organisations, religious and humanitarian organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	part of the revenues from games of chance
Implementation indicators	<ul style="list-style-type: none"> <li>– number of project applications and projects granted support</li> <li>– amount approved in grants</li> </ul>

## 18. Protection of the rights of the homeless

In the Republic of Croatia, local self-government units provide care for the homeless, including organised night shelters, depending on the needs and capabilities, . However, religious communities and civil society organisations, particularly Caritas and the Red Cross, also deal with the issue of homelessness. Since the social group in question faces extreme poverty and social exclusion, it is included as a beneficiary group in the Social Welfare Act<sup>177</sup> in order to allow it access to certain forms of assistance and services.

The concept of the homeless person was first introduced to the Social Welfare Act in 2011<sup>178</sup>, in order to open new possibilities for the improvement of care for this socially sensitive group. The concept of the homeless person defines those persons who have neither a place of residence nor the resources needed to provide for their own housing, and are therefore temporarily accommodated in a reception centre or reside in public or other places not meant for housing.

The Social Welfare Act<sup>179</sup> stipulates that large cities and county capital s must allocate funds from their budgets for providing meals in soup kitchens as well as for providing shelters for the homeless in the way prescribed by the Act.

According to the records of the Ministry of Social Policy and Youth, which collects reports on the shelters in the Republic of Croatia through social welfare centres, nine shelters for the homeless were registered in the Republic of Croatia in 2011; on 31 December 2011, 294 homeless persons were registered as beneficiaries of the shelters (reception centres). According to the data provided by the staff and volunteers working with the homeless, the number of the homeless in the Republic of Croatia is estimated to be around 1000.

Apart from organising systematic care and monitoring changes in the number of homeless people, preventive measures should also include the duty of social workers to carry out a series of activities, for instance to provide assistance in seeking employment, organise assistance for persons released from prison (post-penal protection) and their family members, assist in resolving conflict situations in the family, at the workplaces etc.

The main tasks of the Ministry of Social Policy and Youth in the field of social services include preventing social exclusion of individuals, support for living in the community, protection of socially vulnerable groups of citizens from violations of their human rights, and ensuring the high quality of the services provided.

The emphasis in social services for the homeless is put on organising systematic care and monitoring the changes in the number of the homeless, as well as activities aimed at alleviating and eliminating poverty and social exclusion of the homeless,

177 OG 73/97, 27/01, 59/01, 82/01, 103/03, 44/06, 79/07, 57/11, 33/12.

178 OG 57/11.

179 OG 33/12.

their return to their families and inclusion in the local community (assistance in housing accommodation, in finding employment, assistance in resolving conflict situations in the family etc.).

**Objective 67.** Combating social exclusion of the homeless

<b>Implementation measure 67.1</b>	Provide services of counselling and assistance as well as support for the homeless in performing their jobs and for employing the homeless
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	local and regional self-government units in cooperation with religious communities and humanitarian organisations
Implementation deadline	2013 and continuous
Source of financing and necessary funds	funds of local and regional self-government units and other extra-budget funds
Implementation indicators	– number and type of services provided

## 19. Protection of the rights of drug addicts

Drug abuse and the resulting disease of addiction represent one of the most negative social phenomena, which causes long-term medical and social damage to the individual, family, and society as a whole. In the Republic of Croatia, in line with the global trends, the supply of new illicit drugs grows in variety, which has caused an increased interest for such drugs among the youth.

The records from the year 2000 to 2011 show consecutive slight increases in the number of persons who received treatment in the hospital and outpatient care system.<sup>180</sup> However, the functioning of the system of prevention of addiction and extra-hospital treatment of addicts in Croatia has greatly influenced the situation today.

Furthermore, it can be observed in the data of the Ministry of the Interior related to the criminal offence referred to in Article 173 of the Criminal Code, "Abuse of Narcotic Drugs"<sup>181</sup>, that there is a constant proportion of minors (4-5%) in the total number of the processed perpetrators of this criminal act.<sup>182</sup> During 2011, there were 3,033

180 By the end of 2011, there were 31,514 persons registered in the Registry of Persons Treated for Psychoactive Drug Abuse, maintained by the Croatian Institute for Public Health. During 2011, a total of 7,665 persons were treated, 1,151 of whom for the first time (a share of 15%), which represents *the lowest share of newly treated persons in the last 12 years. Addiction to opiates is prevalent*; of the total number of those who received treatment, 6,198 (80.8%) were treated for opiate addiction, while 1,467 (19.1%) were treated for addiction to other psychoactive substances, most often cannabis (a 65% share of non-opiates). The distribution of treated persons by gender has not changed significantly in 2011 relative to previous years: men make up the majority (82.3%, or 6,307 persons). The ratio between treated men and women is 4.6:1. The number of new users is decreasing: as in the previous year, the share of new persons in the system of treatment of addicts has continued to fall (2008: 22.6%; 2009: 18.9%, 2010: 15.6%, 2011: 15%). During 2011, abuse of opiates was the cause of treatment of 6,198 persons, including 343 persons treated for the first time (5.6%), which is so far the lowest share of new users of opiates among those who took opiates in a single year. The multiannual trend of decrease in the number of those newly treated for non-opiate addictions, which lasted between 2006 and 2010, was interrupted, and the year 2011 saw an increase, so in 2011 there were 808 persons (750 in 2010) treated for the first time for a non-opiate type of addiction, which is a 7.5% increase on 2010. The share of persons treated for the first time for a non-opiate type of addiction has increased, and now amounts to 55.1% (2010: 54.5; 2009: 53.7). More non-opiate than opiate addicts enter the system, but since opiate addiction requires long-term treatment and care, they remain in the system for several years, which is why there is a higher number of opiate-addicts treated on an annual level. Compared to the year 2010, a meagre increase of 0.4% in the number of persons treated for non-opiates can be observed, while 2010 saw the first decrease in 11 years. In 2011, therapeutic communities provided treatment for 821 addicts in total, including 670 men (77.5%) and 151 women (22.5%), 40.7% of whom were newcomers. Similar to the ratio in the health system, the ratio between men and women in therapeutic communities is 4.4:1. In therapeutic communities opiate addicts still prevail, so in the total number of the addicts, 82.1% are persons treated for opiates. The number of addicts in therapeutic communities from 2009 to 2011 has continuously decreased: the number of addicts in 2011 compared to 2010 decreased by 12.6%, and as much as 27.8% compared to 2009.

181 OG 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08.

182 According to the data of the Ministry of the Interior, in the period under observation (from 2006 to the end of 2010), a total number of 39,027 criminal offences of drug abuse was reported, which is around 10% of the total number of criminal acts reported within the territory of the Republic of Croatia. According to the data of the Ministry of the Interior, during the year 2011 there were 7,767 criminal acts recorded in total (0.2% less than in the year 2010: 7,784) related to abuse and smuggling of drugs, which constitutes 10.3% of the total amount of delinquency in the territory of the Republic of Croatia.

*addict prisoners* of all penal statuses in the prison system, which constitutes 16.8% of the total prison population.

The ESPAD<sup>183</sup> study was conducted in Croatia in 1995, 2003, 2007, and 2011. The target group of the study were young people who turned 16 in the year of the study. ESPAD is supported by the Kingdom of Sweden, the Pompidou Group of the Council of Europe, and the EMCDDA – European Monitoring Centre for Drugs and Drug Addiction. The results of the ESPAD study for 2003 show that Croatia is among the European countries with an upwards trend in the prevalence of drug use in young people. In consumption of marijuana, Croatia was close to the European average in 1999, while in 2003 it ranked above the European average by 1%. The distribution of ecstasy use among young people is 4%, which puts Croatia in 8<sup>th</sup> place in Europe. In 2007, in Croatia, like in most of other European countries, there has been a decrease in the use of ecstasy and the number of students who used marijuana at least once in their life, but the number of young people who were problematic consumers of marijuana (i.e. took it at least 40 times in their life) has increased. Although these are shares of 5% for boys and 2% for girls, it is disturbing that across three average high-school forms, there will be approximately five boys and two girls who are problematic users of marijuana and who are at an exceptionally high risk of developing addiction. According to the results of ESPAD in 2011, there has been an increase in the use of alcohol and inhalants, and on all three indicators of the use of cigarettes, alcohol and drugs, Croatia is above the European average. For instance, Croatia ranks 3<sup>rd</sup> in daily cigarette smoking, and smoking has slightly increased from 1995 to 2011. Furthermore, in terms of alcohol consumption in the last 12 months, Croatia is in 11<sup>th</sup> place, but it is disturbing that it ranks 3<sup>rd</sup> in binge drinking (5 or more drinks in a row). In terms of marijuana use, Croatia is also above the European average, in 19<sup>th</sup> place; 21% boys and 14% girls took marijuana, while in the final month of the period it was 9% boys and 5% girls. Other kinds of narcotic drugs were used by 6% boys and 4% girls. What is surprising is that Croatia is in first place in terms of use of inhalants: 25% boys and 31% girls used inhalants, that is, 28% on average, while the EU average is 9%.

In the Republic of Croatia, there is an adequate established legislative framework for the prevention of addiction and assistance to addicts and sporadic drug users.<sup>184</sup> Since 2002, the Office for Combating Drug Abuse has been established as an extension service of the Government of the Republic of Croatia, tasked with coordinating the implementation of laws and other strategic documents in the field of combating drug abuse.

In the last few years, significant changes have been made in the Republic of Croatia, aimed at the protection of the human rights of drug addicts, but also protection of the whole community from drug abuse and exercise of the rights of children, youth and families to a healthy life and a life without drugs.<sup>185</sup> An appropriate strategic

183 The European School Survey Project on Alcohol and Other Drugs (2003, 2007).

184 The Law on Combating Drugs Abuse, National Strategy on Combating Drug Abuse 2006-2012 and Action Plans on Combating Drug Abuse for 2006-2009 and 2009-2012.

185 In order to encourage social reintegration of persons treated for addictions and prevent their discrimination, on 19 April 2007, the Government of the Republic of Croatia adopted the *Project of Social reintegration for drug addicts who have completed one of the programmes of rehabilitation*

framework was established with the aim of encouraging the effective employment of persons treated for addictions, as well as other socially vulnerable groups in the society.<sup>186</sup> Therefore, the Ministry of Economy, Labour and Entrepreneurship (now: Ministry of Entrepreneurship and Crafts) has issued a Call for proposals in the field of cooperative entrepreneurship.<sup>187</sup> After they have completed treatment in a therapeutic community or served their prison sentence, addicts are given a possibility to complete the high-school education they had begun earlier, with expenses covered by the Ministry of Science, Education, and Sports.<sup>188</sup> Aiming at regulating the conditions and ways of providing care and psychosocial rehabilitation to addicts in therapeutic communities, as well as establishing housing communities and providing services of organised housing for the persons treated for drug addictions, the Ministry of Health and Social Welfare has passed the appropriate regulations.<sup>189</sup> The Government of the Republic of Croatia advocates prevention of all kinds of addiction among children and youth in the education system.<sup>190</sup> Addicts and occasional drug takers are exposed to various kinds of stigma and social exclusion, so it is necessary to direct activities to achieve equal status of such persons in all spheres of social life.

Given the growing variety of the supply of drugs, which entails more and more complex forms of addiction, there is still room for progress in certain fields of protection of the rights of addicts, particularly regarding the development of the system of programmes of treatment and rehabilitation of drug addicts and programmes of their successful reintegration into community life.

Furthermore, addicts should be enabled to access appropriate forms of treatment and therapy, regardless of the type of system they were in, that is, also in case they are serving a prison sentence. Since in addition to drug addiction, many addicts also suffer from other chronic and contagious diseases such as hepatitis B and C, or HIV/AIDS, the programmes of drug demand reduction and/or harm reduction should include all isolated individuals and groups who abuse drugs, but are not effectively covered

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*and addiction withdrawal in a therapeutic community or prison system, and addicts in outpatient treatment who maintain stable abstinence over a longer period of time and adhere to prescribed treatment, which is based on two basic components: encouraging the education and retraining of persons treated for addictions, and encouraging their employment.*

186 In order to encourage successful employment of persons treated for addictions, on the recommendation of the Office for Combating Drug Abuse, the Government of the Republic of Croatia included persons treated for addictions as one of target groups in the Annual plans of incentives for employment in 2007 and 2008, and the National plans of incentives for employment in 2009-2010 and 2011-2012, as well as in the Programme of incentives for small and medium enterprises in 2008-2012.

187 The "Cooperative Entrepreneurship" project for the years 2009, 2010, 2011 and 2012, through which the said Ministry provides support for the measure of Encouraging development of cooperatives which develop social cooperative entrepreneurship of socially vulnerable groups, which also include persons treated for drug addictions.

188 A supplement to the Social reintegration project.

189 The Social Welfare Act and the Ordinance on type and activity of a social welfare home, ways of providing out-of-family care, conditions regarding space, equipment and staff of a social welfare home, therapeutic community, religious community, association and other legal entities and centres for house assistance and care (OG 64/09).

190 On 4 June 2010, the Government of the Republic of Croatia adopted the National Addiction Prevention Programme for Children and Youth in an Educational Setting and in the Social Welfare System for 2010-2014.



by traditional socio-medical measures and operation of the existing institutions and services. Additionally, special kinds of treatment should be developed for drug addicts with specific needs, such as pregnant addicts, persons with addictions who are suffering from another mental illness (persons with double diagnoses), and addict adolescents who also display other behavioural disorders such as criminal behaviour, mental difficulties, problems at school etc. It is necessary, by means of the public media and using other kinds of social action, to sensitise the public to the problems of drug addicts and the need for their social reintegration after treatment and therapy have been completed. Since international conventions and the Constitution of the Republic of Croatia prescribe the obligation of a state to take appropriate (legislative, administrative, social and educational) measures for the protection of children, youth, and families from drug abuse, particular attention should be given to developing efficient programmes of prevention of addiction for children, youth, and families, as well as prevention programmes at the level of local communities.

**Objective 68.** Protection of children and youth from drug abuse and addictive substances

<b>Implementation measure 68.1</b>	Develop and implement programme activities to promote healthy lifestyle of children and youth and prevent all kinds of addiction in children and youth and their at-risk behaviour related to experimenting with drugs
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Health Ministry of the Interior Ministry of Science, Education, and Sports Office for the Prevention of Drugs Abuse Education and Teacher Training Agency Croatian Institute for Public Health county institutes for public health in cooperation with civil society organisations, professional and medical institutions, local and regional self-government units, and public media
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	funds from the State Budget allocated to the competent bodies and part of the revenues from games of chance
Implementation indicators	<ul style="list-style-type: none"> <li>– number and type of educational and other activities provided, related to prevention of all kinds of addiction and promotion of healthy lifestyles</li> <li>– number of implemented programmes of responsible parenthood and number of beneficiaries</li> <li>– number and type of programmes of prevention of behavioural problems and number of beneficiaries included</li> <li>– number and type of advisory programmes and programmes of behaviour modification; number of beneficiaries included</li> </ul>

## 20. Protection of the rights of HIV-positive persons

In the fight against HIV/AIDS, the protection of human rights is as important as the protection of public health. Respect of human rights is necessary to encourage people to undergo voluntary testing, to counselling, education, informing one's partner, as well as timely treatment. Being aware of these issues, the international community adopted a number of documents (non-binding for the time being) with various recommendations for action with the aim of suppressing the spread of the disease and protecting the rights of HIV-positive persons.

The Republic of Croatia has made a commitment to follow internationally accepted recommendations and integrate them into national policies and practice to reduce stigmatisation and discrimination of HIV-positive persons and provide them with full protection of human rights and the right to privacy. However, Croatian national legislation still includes certain provisions of discriminating nature in relation to HIV-positive persons, although the situation in this field is edging in a positive direction.

The fundamental strategic document of the Republic of Croatia is the Croatian National Programme for the Prevention of HIV/AIDS 2011-2015. Among the goals of the Programme are providing adequate care to the HIV infected, development of preventive activities for persons infected by HIV and combating stigmatisation and discrimination; implementation of anti-discrimination programmes is one of the measures to achieve this goal. The activities planned as part of this measure include the implementation of research and development, as well as application and evaluation of anti-discrimination programmes aimed at reducing the stigmatisation and discrimination of infected persons, promotion of individual rights and responsibilities of persons living with HIV, raising awareness of the entire public as well as target groups about the ways of spreading of HIV infection and possibilities of its prevention, organisation of education and cooperation with representatives of media, so that reporting on persons living with HIV and vulnerable groups affirms their position in society, using non-stigmatising language etc.

The implementation of changes in the existing laws and subordinate regulations is monitored continuously, in cooperation with the UNDP Theme Group. In the framework of this cooperation, the Report on the status of human rights of persons living with HIV/AIDS and most at-risk groups was drafted in 2008 (UNDP in Croatia)<sup>191</sup>.

From the very beginnings of the emergence of HIV infection and AIDS in the world, the Republic of Croatia has continuously implemented and supplemented the diagnostics and treatment of HIV-positive persons. Diagnoses are carried out in medical institutions throughout the country, while the final verification and treatment is provided at the Clinic for Infective Diseases [Klinika za infektivne

191 Evaluation of the National Programme for the Prevention of HIV/AIDS 2005-2010 and the Report on the work of the National consultant for HIV/AIDS and human rights in 2010, as well as the UNAIDS Terminology Guidelines (presented in 2011) are among the activities and documentation which elaborate in detail the existing situation and provide recommendations for further activities in this field.

bolesti] “Dr. Fran Mihaljević” in Zagreb. Considering the relatively low number of HIV-positive persons, and the highly educated personnel in this medical institution, there is currently no need to open new regional centres for treatment. Anti-retrovirus medications are administered through the Clinic for Infective Diseases “Dr. Fran Mihaljević” and paid for by the Croatian Health Insurance Fund. Due to the specific character of the infection, in addition to the regular support provided in accordance with the regulations in the field of social welfare, since 2003, the CAHIV association (Croatian Association for HIV and Viral Hepatitis) has implemented the programme of “Psychosocial support for HIV-positive persons and their families”, in the framework of the programme “Enhancing the fight against HIV/AIDS in Croatia”. The programme was subsequently continued at the Clinic for Infective Diseases “Dr. Fran Mihaljević”.

The AIDS Referral Centre continuously follows the most recent guidelines for the purposes of diagnostics and treatment of HIV-positive persons; the guidelines are implemented accordingly in the healthcare system. The Programme of psychosocial aid for HIV-positive persons and their families is continuously implemented in the Clinic for Infective Diseases “Dr. Fran Mihaljević”.

It is necessary to further enhance prevention, programmes of health protection, and work on combating stigmatisation and discrimination.

#### **Objective 69.** Strengthen and highlight the fight against HIV/AIDS

<b>Implementation measure 69.1</b>	Monitor the implementation of amendments to existing laws and subordinate regulations to prevent discrimination against HIV-positive persons
Implementing agency	Ministry of Health in cooperation with civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	– drafted report on the adopted amendments to the legislation to prevent discrimination, with recommendations

<b>Implementation measure 69.2</b>	Improve preventive mechanisms in combating HIV/AIDS, particularly directed at youth
Implementing agency	Ministry of Health in cooperation with the Croatian Institute for Public Health and civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health 2013 – 120,000.00 HRK 2014 – 120,000.00 HRK 2015 – 120,000.00 HRK
Implementation indicators	<ul style="list-style-type: none"> <li>– number and type of activities focused on prevention</li> <li>– number of persons at whom the activities are targeted, particularly the number of young people (participation of schools, institutions of higher education, school doctors, youth associations, etc.)</li> </ul>

#### **Objective 70.** Provide care and support for HIV-positive persons

<b>Implementation measure 70.1</b>	Improve and ensure adequate health protection for HIV-positive persons
Implementing agency	Clinic for Infective Diseases "Dr. Fran Mihaljević"
Co-carrier	Ministry of Health and the Croatian Health Insurance Fund
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget
Implementation indicators	<ul style="list-style-type: none"> <li>– number of HIV-positive persons who receive healthcare at the Clinic for Infective Diseases "Dr. Fran Mihaljević" for one year, who are administered anti-retrovirus therapy</li> </ul>

## 21. Protection of the rights of persons deprived of their liberty

The rights of persons deprived of their liberty are guaranteed by the Constitution of the Republic of Croatia, the Act on the Execution of Prison Sentences<sup>192</sup>, the Criminal Procedure Act<sup>193</sup>, and the Juvenile Courts Act<sup>194</sup>. Amendments to the Act on the Execution of Prison Sentence<sup>195</sup> further strengthened the system of judicial protection of the rights of prisoners, and the new Ordinance on prisoners' privileges<sup>196</sup> was passed. The matters of the execution of prison sentences are of particular interest to the Republic of Croatia, as stipulated in the article 1, paragraph 2 of the Act on the Execution of Prison Sentences, and their execution is financed from the State Budget.

The treatment of minors subjected to correctional measures and committed to correctional institutions and minors sentenced to juvenile imprisonment is governed by the Act on Execution of Sanctions to Minors for Criminal Acts and Minor Offences<sup>197</sup>. Sanctions imposed on minors in misdemeanour proceedings are also executed according to this Act. With entry into force of the new Act on the Execution of Sanctions imposed on Minors for Criminal Acts and Misdemeanours<sup>198</sup> and the Ordinance on the method of execution of the correctional measure of commitment to a correctional institution, significant changes were introduced in the execution of criminal legal sanctions and measures for minor perpetrators of criminal acts.

The implementation of the act was elaborated through ordinances. According to the Ordinance on the House Rules in Prisons for the Execution of Detention on Remand<sup>199</sup>, detainees are to be informed about their rights and obligations; it is prohibited to expose a detainee to torture, forced labour, and cruel and inhuman treatment.

Regarding the expansion of accommodation capacities for prisoners, recruitment of staff in the prison system, and the modernisation and acquisition of the necessary equipment, the Action Plan for the Improvement of the Prison System in the Republic of Croatia from 2009 to 2014 was drafted in June 2009.<sup>200</sup>

The prison system is still characterised by overcrowded closed type penal institutions, that is, by conditions of high level of confinement in serving prison sentences. The prison system is short of 2,000 places; therefore, additional buildings are necessary in order to reach the standards determined by national legislation and the European Prison Rules. In order to improve the conditions of serving prison terms, a new extension was built in the Glina penitentiary, to accommodate 420 prisoners.<sup>201</sup> Still

192 OG 128/99, 59/01, 190/03, 76/07, 27/08, 83/09, 18/11.

193 OG 110/97, 58/99, 112/99, 58/02, 62/03, 115/06, 152/08, 76/09, 80/11, 121/11.

194 OG 111/97, 12/02, 84/11.

195 OG 83/09, art. 15 and 17.

196 OG 66/10.

197 OG 153/09.

198 OG 84/11.

199 OG 8/10.

200 Adopted by the Croatian Parliament in July 2009.

201 The investment was entirely financed through the State Budget of the Republic of Croatia.

pending is the expansion of the Zagreb prison to accommodate 376 inmates<sup>202</sup>, as well as the construction of the Penitentiary and Prison in Šibenik, which will accommodate 1,270 inmates.<sup>203</sup> The overcrowding of penitentiaries and prisons, and difficulties in reaching the Croatian and international standards of accommodation, still result in frequent complaints by inmates and claims for damages before the European Court of Human Rights in Strasbourg. The Constitutional Court of the Republic of Croatia has issued a Decision<sup>204</sup> instructing the Government of the Republic of Croatia to adapt the capacities of the Zagreb prison to the needs of accommodation of persons deprived of their liberty in a reasonable period of time.

In order to secure human resources in the prison system, open competition was announced in 2010 for recruitment to the civil service for new prison system employees in jobs of treatment, vocational training of inmates, healthcare and security (judicial police).

Despite these efforts, there is still work to be done on challenges which, apart from overcrowding, also include: securing a higher level of employment of prisoners who are serving their terms in prisons and penitentiaries by introducing new models of employment; development and improvement of special programmes of serving prison sentences for inmates with specific needs (those addicted to drugs and alcohol, suffering from PTSD etc.), and professional training of prison system staff for the implementation of these programmes. Due to complaints to the European Court of Human Rights concerning the inefficiency of investigations in cases of torture or other inhuman and degrading treatment, additional effort in the development of the system needs to be made to further train the prison and judicial staff.

#### Objective 71. Protection of fundamental rights of prisoners

<b>Implementation measure</b>	Evaluate and monitor the situation of human rights in the prison system
Implementing agency	Ministry of Justice in cooperation with relevant state bodies, international organisations with competences in the protection of rights of prisoners, and civil society organisations
Co-carrier	Office for Human Rights and Rights of National Minorities
Implementation deadline	evaluation: December 2013, continuous monitoring

202 On the 18 November 2010 session, the Board of the Council of Europe Development Bank approved a loan to the Republic of Croatia to complete this construction. The Framework Contract on the loan is about to be signed, and the Act on its ratification has been drafted.

203 Two documents necessary to effectuate the loan from the Council of Europe Development Bank are in the final stages of preparation – the Operation Plan and the Feasibility Study. Both documents are being prepared in cooperation with consultants – foreign experts selected by the European Commission, which granted the Republic of Croatia EUR 800,000.00 for their services.

204 Decision No. U-III-4182/2008 and U-III-678/2009. of 17 March 2009, based on art. 31. par. 4. and 5 of the Constitutional Act on the Constitutional Court of the Republic of Croatia.

Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies 800,000.00 HRK
Implementation indicators	<ul style="list-style-type: none"> <li>– evaluation report completed, with all fundamental indicators of the state of the system, key deficiencies and recommendations for improvement</li> <li>– ensuring a mechanism for continuous monitoring of the implementation of recommendations</li> </ul>

**Objective 72.** Secure adequate funds for the improvement and enhancement of accommodation conditions in penitentiaries and prisons

<b>Implementation measure 72.1</b>	Ensure that the conditions of accommodation and systematic support for prisoners with disabilities are adequate for the type and degree of disability
Implementing agency	Ministry of Justice in cooperation with the Ombudswoman for persons with disabilities
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice 2,000,000.00 HRK
Implementation indicators	– increased number of places in penitentiaries and prisons accessible to persons with disabilities

<b>Implementation measure 72.2</b>	Secure more funds from the State Budget for the improvement and enhancement of accommodation conditions in penitentiaries and prisons
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice 1,213,000,000.00 HRK (part of the funds to be provided through Council of Europe Development Bank loans; and part directly from the State Budget for the period)
Implementation indicators	– successive increase of funds for the improvement and enhancement of accommodation conditions on an annual basis

**Objective 73.** Strengthening the capacities of the prison system by employing more staff

<b>Implementation measure 73.1</b>	Conduct a job classification and provide adequate funding to enable the creation of new jobs in the prison system, particularly for jobs in treatment wards and departments for prisoners' healthcare
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice 210,000,000.00 HRK
Implementation indicators	<ul style="list-style-type: none"> <li>– drafting the classification providing for an increase in the number of jobs</li> <li>– increased number of persons employed, with adequate professional qualifications</li> <li>– increased number of persons employed in treatment wards and departments for prisoners' healthcare</li> </ul>

**Objective 74.** Amending legislation in the field of the protection of human rights of persons deprived of their liberty

<b>Implementation measure 74.1</b>	Align provisions of ordinances relevant to the execution of sanctions with positive regulations of the Republic of Croatia
Implementing agency	Ministry of Justice
Co-carrier	competent state administration bodies
Implementation deadline	June 2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	– implementation regulations aligned with the law

**Objective 75.** Wider application of alternative sanctions

<b>Implementation measure 75.1</b>	Educate judges and state attorneys on the possibilities of imposing alternative sanctions in criminal and misdemeanour proceedings
Implementing agency	Judicial Academy
Co-carrier	Ministry of Justice
Implementation deadline	2013 and continuous



Source of financing and necessary funds	regular funds from the State Budget allocated to the Judicial Academy 10,000.00 HRK
Implementation indicators	<ul style="list-style-type: none"> <li>– developing educational programmes on the possibilities of imposing alternative sanctions</li> <li>– number of programmes implemented annually</li> <li>– number of judges and state attorneys educated annually, in absolute and relative values (relative to the total number of judges in criminal and minor offence courts, and state attorneys respectively)</li> </ul>

**Objective 76.** Improve the conditions of treatment for persons sentenced to compulsory psychiatric treatment as a security measure

<b>Implementation measure 76.1</b>	Ensure accommodation within psychiatric institutions for persons sentenced to compulsory psychiatric treatment
Implementing agency	Ministry of Health
Co-carrier	
Implementation deadline	2014 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– ensure an adequate number and quality of places</li> <li>– occupancy of facilities</li> <li>– number of persons without access to adequate facilities</li> </ul>

**Objective 77.** Ensure higher employment of inmates serving their terms in penitentiaries and prisons

<b>Implementation measure 77.1</b>	Introduce new models of employment of inmates serving their terms in penitentiaries and prisons
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice 14,000,000.00 HRK
Implementation indicators	<ul style="list-style-type: none"> <li>– number of inmates employed, by criteria of age, gender, professional qualification, institution etc.</li> <li>– number of inmates employed relative to the total number of inmates fit for work</li> </ul>

<b>Implementation measure 77.2</b>	Encourage labour involvement of inmates in public works or community service work
Implementing agency	Ministry of Justice
Co-carrier	competent state administration bodies
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice and revenue from employers who have signed contracts on inmates' labour with organisational units of the Prison System Directorate 14,000,000.00 HRK
Implementation indicators	<ul style="list-style-type: none"> <li>– increased number of inmates engaged in public works or community service work</li> <li>– number of inmates engaged relative to the total number of inmates</li> </ul>

<b>Implementation measure 77.3</b>	Encourage support for employing former inmates upon their release from the prison system through public works and community service work
Implementing agency	Croatian Employment Service
Co-carrier	Ministry of Labour and Pension System
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Croatian Employment Service earmarked for measures of active employment policy
Implementation indicators	<ul style="list-style-type: none"> <li>– number of former inmates engaged in community service work</li> <li>– number of former inmates in public works</li> <li>– number of former inmates employed, relative to the total number of inmates</li> </ul>

**Objective 78.** Wider implementation of educational programmes for inmates at the level of the entire prison system

<b>Implementation measure 78.1</b>	Ensure appropriate professional personnel for the development and implementation of various educational curricula for inmates
Implementing agency	Ministry of Justice competent state administration bodies in cooperation with civil society organisations
Co-carrier	
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	– number of professional personnel developing and implementing educational programmes

**Objective 79.** Ensure permanent human rights education for prison staff

<b>Implementation measure</b>	Organise targeted lectures and seminars on the implementation of the European Convention on Human Rights and European Prison Rules
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	Ministry of Justice (Education Centre of the Prison System Directorate)
Implementation deadline	December 2015 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to Office for Human Rights and Rights of National Minorities
Implementation indicators	– number, type, and duration of designed and implemented programmes – increased number of persons included in programmes (absolute and relative), with the objective that the entire staff completes the educational programme, if required in cycles

**Objective 80.** Development and enhancement of special programmes of execution of sentences for inmates with specific needs (drug and alcohol addicts, those suffering from PTSD etc.)

<b>Implementation measure 80.1</b>	Education and professional training of prison officers for implementing special programmes
Implementing agency	Ministry of Justice (Education Centre of the Prison System Directorate)
Co-carrier	Ministry of Health
Implementation deadline	drafting documents – December 2013 implementation – continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice 2,000,000.00 HRK
Implementation indicators	<ul style="list-style-type: none"> <li>– draft the document describing the special programmes and specifying the method and time-frame for their implementation</li> <li>– number, type, and duration of the designed and implemented programmes</li> <li>– number of prison officers who attended the programme, relative to the total number of officers and relative to the number of inmates with specific needs</li> </ul>
<b>Implementation measure 80.2</b>	Involve civil society organisations in the implementation of special programmes for inmates with specific needs
Implementing agency	Ministry of Justice in cooperation with civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– number of civil society organisations whose involvement is planned and/or realised in the implementation of the special programmes</li> <li>– number of special programmes involving civil society organisations relative to the total number of special programmes</li> </ul>

## 22. Protection of victims/witnesses

The most significant international documents that define support for victims and deal with the issues of protection of victims and witnesses are the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), its Resolution 2005/20 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, the European Convention on the Compensation of Victims of Violent Crimes (1983), Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and recommendations of the Council of Europe, the most important being Recommendation Rec(2006)8 on assistance to crime victims. The European Documents relevant to the protection of rights and assistance to victims/witnesses are the following: the Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings, Directive 2004/80/EC relating to compensation to crime victims (2004), Council of Europe Convention on Action against Trafficking in Human Beings (2005), the Council of Europe Programme “Building a Europe for and with children”, and Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice. On 12 September 2012, the Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime was passed. The purpose of the Directive is to revise and supplement the provisions of the Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings. Furthermore, also of importance are decisions of the European Commission (2007/116/EC and 2009/884/EC) as regards the introduction of additional reserved numbers beginning with ‘116’ for harmonised numbers of services of social value, harmonised for the whole territory of Europe, e.g. the helpline for victims of crime.

By drafting various regulations which define and regulate the protection of victims and witnesses, as well as through reforms implemented by the relevant bodies, the Republic of Croatia systematically amends its laws to align its legislation and practice with the cited international documents and recommendations.

Within the framework of the project of “Assistance to crime victims” (2005-2007), the Office for Assistance to Victims and Witnesses of the County Court in Vukovar and the Association of Volunteers for Victim/Witness Support were established; within the projects of “Support for the development of the system of assistance to witnesses and victims in the Republic of Croatia (2008-2010)” and “Strengthening the system of assistance to victims and witnesses (2010-2011)”, seven departments for the organisation and provision of witness and victim support were established with the county courts in Zagreb, Osijek, Sisak, Vukovar, Zadar, Split, and Rijeka. Officers of the departments, supported by volunteers, provide witnesses and victims with emotional support and practical information, and respond to their requests by telephone.

The establishment of the National Governmental Committee for Monitoring and Development of Witness and Victims Support System also significantly contributed to the development of the system of assistance to victims and witnesses; the

fundamental tasks of the Committee are to develop a national strategy of assistance to victims and witnesses and to standardise the procedures for dealing with victims and witnesses for all institutions of the criminal law system as well as for institutions where a victim can accidentally find him/herself before, in the course of, and/or after the completion of the judicial procedure (medical institutions, nongovernmental organisations providing various kinds of assistance and support) and others.

Pursuant to the Judicial Reform Strategy for the period from 2011 to 2015, further systematic work has been envisaged on the promotion of the rights of victims and witnesses through the realisation of strategic goals. The strategic goals anticipate the realisation of genuine equality of access to justice and the exercise and protection of citizens' rights, as well as ensuring all the conditions for the full implementation of the new Criminal Procedure Act, which came into force on 1 September 2011. For the first time, the Act introduces the victim into the Croatian criminal legislation as a participant of the proceedings. Apart from the right to respect for his/her privacy for the purpose of preventing secondary victimisation, a victim has the right to effective psychological and other kinds of professional aid and support by a body, organisation or institution for assistance to crime victims in accordance with law, she/he has the right to take part in criminal proceedings as the injured party, and other rights under law.

Since organised and systematic assistance to victims and witnesses did not exist before the founding of the support departments at the courts in the Republic of Croatia, the assistance system should be further developed in the following period by ensuring the conditions to establish support departments at all county courts: in Pula, Dubrovnik, Šibenik, Varaždin, Slavonski Brod, and Bjelovar. The system should be particularly enhanced in the segment related to providing information on rights, as well as providing legal, psychological and other kinds of professional assistance outside the court system for victims and other persons who endured emotional trauma. These kinds of assistance must be provided from the very moment the criminal act or misdemeanour (in cases of domestic violence) is committed, and at all stages of the procedure, including persons who will not necessarily take part in the criminal proceedings. One of the ways to ensure information and support for the victims (including foreign citizens temporarily staying in the Republic of Croatia) in a timely fashion is to establish a call centre for victims of crime.

To achieve this standard, as well as to ensure all rights under the Criminal Procedure Act, close cooperation is necessary between the police, state attorney's offices, courts, nongovernmental organisations, Ministry of Justice and other relevant ministries, wherein the Committee for Monitoring and Development of Witness and Victims Support System will play the key role.

**Objective 81.** Develop the system of providing assistance to victims/witnesses

<b>Implementation measure 81.1</b>	Include civil society organisations in activities of assistance to victims/witnesses
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– number of civil society organisations included in the implementation of activities of assistance to victims/witnesses</li> </ul>
<b>Implementation measure 81.2</b>	Equip courts (family, criminal and misdemeanour) to meet the needs of victims/witnesses
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	2015 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– number of special waiting rooms for victims/witnesses, separated from the waiting rooms for defendants</li> <li>– possibility of conducting hearings by means of video conferencing (relative to the number of courts)</li> <li>– other ways of improving court equipment to meet the needs of victims/witnesses</li> </ul>
<b>Implementation measure 81.3</b>	Establish Departments for organisation and provision of support for witness and victims at county courts in Pula, Dubrovnik, Šibenik, Varaždin, Slavonski Brod, and Bjelovar
Implementing agency	Ministry of Justice
Co-carrier	
Implementation deadline	December 2016
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– establishing Departments for organisation and provision of witness support at county courts in Pula, Dubrovnik, Šibenik, Varaždin, Slavonski Brod, and Bjelovar</li> <li>– departments fully operational – funds and resources secured, adequate judges and officers employed</li> </ul>

<b>Implementation measure 81.4</b>	Establish the Call Centre for Victims of Crime
Implementing agency	Ministry of Justice in the framework of the United Nations Development Programme (UNDP) and in cooperation with the Victim and Witness Support Association
Co-carrier	
Implementation deadline	December 2013
Source of financing and necessary funds	UNDP programme funds
Implementation indicators	– the Call Centre for Victims of Crime established and fully operational in terms of necessary personnel, funds and resources

<b>Implementation measure 81.5</b>	Organise trainings (on the subjects of victims'/witnesses' rights, dealing with victims and inter-sectoral cooperation) for police officers, state attorneys, attorneys at law, judges, persons working in services/organisations for support to victims/witnesses, volunteers and other experts in routine contact with victims
Implementing agency	Ministry of Justice in cooperation with the Judicial Academy, Croatian Bar Association, and Police Academy
Co-carrier	
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	<ul style="list-style-type: none"> <li>– number of training programmes for particular groups of participants</li> <li>– number of participants in each of the programmes implemented; all courts employing educated professional personnel</li> <li>– announcing lists of attorneys at law specially trained for representing victims of criminal and misdemeanour offences (particularly children)</li> </ul>



<b>Implementation measure 81.6</b>	Establish a network of experts (advisers) for support to child victims or witnesses of criminal or misdemeanour offences; publish the list of experts (advisers) on the websites of the Ministry of Justice and Ministry of Social Policy and Youth
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Ministry of Justice
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	– carrying out the education of experts, publishing the list on the websites of the ministries

<b>Implementation measure 81.7</b>	Initiate amendments to the legislative framework in order to establish a centre for forensic examination of children victims and witnesses
Implementing agency	Ministry of Justice Ministry of the Interior Ministry of Social Policy and Youth
Co-carrier	
Implementation deadline	2016
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	– amendment bill formulated – centres for forensic examination of children victims and witnesses established in regional capitals

### Objective 82. Promote the rights of victims and support for victims and witnesses of crime

<b>Implementation measure 82.1</b>	Print a brochure on the rights of victims and witnesses, and a directory of institutions and individuals providing support and assistance to victims and witnesses; distribute the brochure to police stations, medical institutions, centres for social care, family centres
Implementing agency	Ministry of justice
Co-carrier	
Implementation deadline	2016
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	– brochure printed and distributed to police stations, medical institutions, centres for social care, family centres

### 23. Protection of the rights of asylum seekers, asylees and persons under subsidiary protection

The system of asylum in the Republic of Croatia, which governs the principles, conditions and procedure of granting asylum, subsidiary and temporary protection; the status, rights and obligations of asylum seekers, asylees, and aliens under subsidiary or temporary protection; as well as conditions of termination or revocation of these forms of protection, is based on the Constitution of the Republic of Croatia, norms of international law (the United Nations Convention Relating to the Status of Refugees<sup>205</sup>, the United Nations Protocol Relating to the Status of Refugees<sup>206</sup>), the body of European asylum law<sup>207</sup>, and the Asylum Act, with the subordinate regulations based on it.

The first Asylum Act was passed in the year 2003; and subsequently in 2007. The system was additionally enhanced in 2010, by amendments to the Asylum Act<sup>208</sup> whereby the asylum system of the Republic of Croatia was entirely harmonised with the body of European Union law. The position of all persons granted protection was improved by means of expanding part of the rights such persons exercise by obtaining the status in the Republic of Croatia. Their integration in the Croatian society was particularly emphasised as one of the most important rights and one of the most difficult tasks. The right was thus expanded to cover aliens granted subsidiary protection. Aside from integration, the scope of rights to health protection, education and labour of aliens under subsidiary protection was expanded. If the persons who were granted protection, that is, asylees and foreigners under subsidiary protection, are not able to find accommodation by themselves, the period within which they are to be ensured accommodation at the expense of the state budget was extended from the previous 12 to 24 months.

205 OG – International Contracts No. 12/93.

206 OG – International Contracts No. 12/93.

207 The Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers; Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, amended by the Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted; Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, and Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof; Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national; Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention; Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification; Regulation (EC) No. 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No. 311/76 on the compilation of statistics on foreign workers; Regulation (EU) No. 439/2010 establishing a European Asylum Support Office (EASO).

208 OG 88/10.

To protect their rights and their stay in the Republic of Croatia, the right to free legal aid for asylum seekers, asylees, and aliens under subsidiary protection was expanded by removing the condition of prospect of success in the proceedings before the administrative court, so the only remaining limit to free legal aid is the possession of sufficient financial means or objects of considerable value that would enable the person to bear the costs of legal aid.

The exercise of the right to effective legal remedy in asylum procedures in the Republic of Croatia is secured by the introduction of administrative courts as second instance bodies. Since 1 January 2012, administrative courts took over the role of the second instance body in asylum proceedings from the Commission for Asylum, which ensured the judicial protection of persons who were denied international protection or the right to stay in the Republic of Croatia in the first instance.

On 2 February 2013, the Republic of Croatia adopted the *Migration Policy of the Republic of Croatia for the period 2013-2015*. The Migration Policy puts a particular emphasis on the desired effects of migration and the way to accomplish these effects. The purpose is to ensure that migration in the Republic of Croatia benefit the economic and social development of the state and society.

In the field of integration policy, a Standing Committee for Implementation of Integration of Aliens into the Croatian Society is to be established. On the basis of an analysis of integration policies, the Standing Committee will draft an Action Plan to remove obstacles in the exercise of rights in this field.

Task Force to deal with the operational implementation of the planned tasks of the Standing Committee is also to be established.

The number of aliens seeking asylum in the Republic of Croatia has grown significantly. While the number varied between 150 and 190 in the previous years, there were 290 aliens seeking asylum in 2010, and the 'trend' of increases in the number of asylum seekers has especially continued during 2011, when 807 aliens filed requests for asylum. The year 2012 also saw the continued trend of a growing number of aliens seeking asylum in the Republic of Croatia: by 30 June 2012, 413 aliens sought asylum. There is also a significant change visible with regard to the countries of origin of most asylum seekers (up till now, most seekers came from post-Yugoslavian countries, while in the last four years the most frequent countries of origin have been Afghanistan, Somalia, Pakistan, Iran, the Occupied Territory of Palestine, Algeria, and Syria).

Given the increased influx of asylum seekers, in addition to the existing accommodation facilities in the Reception Centre for Asylum Seekers run by the Ministry of the Interior in Kutina, facilities have been also secured by renting a building in the Republic of Croatia, which was opened in June 2011. The reception centres for asylum seekers at both locations operate to the highest standards (providing food and accommodation, health protection, psychosocial aid, Croatian language courses, leisure-time activities, sport and other activities, as well as counselling by lawyers of civil society organisations).

The Ministry of Social Policy and Youth has established cooperation with the Government Asset Management Agency (GAMA/AUDIO), which manages state-owned property. In late December 2012, the Agency transferred to the Ministry of Social Policy and Youth the rights to manage and utilise a number of apartments, most of which (around ten at the moment) are intended for accommodation of asylees and aliens under subsidiary protection free of charge. Most of the apartments are located in the City of Zagreb area, which is particularly important for their integration in the social life of the community, given the opportunities to learn the Croatian language.

With amendments to the legislative framework, particularly the provisions regulating the procedures and conditions for obtaining protection, as well as by education of all persons engaged in asylum proceedings, a higher level of protection has been achieved for asylum seekers, as well as those who have obtained protection. The thus improved asylum system resulted in the increased number of persons who were granted asylum. In the period from the Asylum Act coming into force (1 July 2004) to 30 June 2012, protection was granted to 60 persons (39 – asylum, and 21 – subsidiary protection). For many asylum seekers, the Republic of Croatia is still a country of transit on the way to European Union countries (in 2011, 79% asylum seekers left the Republic of Croatia before the proceedings were completed).

Despite the significant progress in the development of the asylum system, there is still continuous work to be done on adapting the legislation to the body of European Union law, given that there are ongoing negotiations on amending most of the regulations in the field of asylum with a view to the establishment of a Common European Asylum System. Furthermore, with the purpose of further developing the asylum system, it will be necessary to provide administrative and technical capacities depending on increasing or decreasing trends in the number of asylum seekers.

Significant progress was made in the field of integration of aliens granted international protection. However, the existing mechanisms of integration still need perfecting. In the three-year period (2008-2011), learning Croatian language among adults who were granted protection, particularly those living outside of Zagreb, represented the greatest problem in integration. During September 2012, the Croatian language curriculum for persons above the age of 15 was introduced. However, its implementation has to be ensured at the level of all counties. Problems also appear in providing accommodation for persons under international protection by leasing apartments from natural persons. The problems include: finding appropriate accommodation, length of the lease contracting procedure between the competent social welfare institutions and lessors, and prices of leased apartments. The practice of states with a long tradition of refugee migration indicates that the best solution for accommodation of persons granted protection is to provide integration houses or apartments owned by the state or local community.

**Objective 83.** Enhance the integration of asylees and aliens under subsidiary protection

<b>Implementation measure 83.1</b>	Enhance the system of accommodation of asylees and aliens under subsidiary protection
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	Government Asset Management Agency (GAMA) Office for Human Rights and Rights of National Minorities in cooperation with civil society organisations
Implementation deadline	December 2015 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– number of persons accommodated relative to the total number of persons who obtained the status of asylee or alien under subsidiary protection</li> <li>– number of persons employed in accommodation units</li> <li>– number of volunteers in accommodation units; number of persons accommodated relative to the total number of asylum seekers</li> </ul>
<b>Implementation measure 83.2</b>	Amend legal and subordinate regulations relevant to the health protection of family members of asylees and aliens under subsidiary protection in accordance with international and European standards
Implementing agency	Ministry of Health
Co-carrier	competent state administration bodies
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	<ul style="list-style-type: none"> <li>– amended legal and subordinate regulations relevant to the health protection in accordance with international and European standards</li> </ul>

<b>Implementation measure 83.3</b>	Organise Croatian language learning for asylees, aliens under subsidiary protection and their family members at the level of all counties
Implementing agency	Ministry of Science, Education, and Sports through state administration offices, pursuant to the Migration Policy
Co-carrier	Ministry of the Interior
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Science, Education, and Sports; funds of the Ministry of the Interior
Implementation indicators	<ul style="list-style-type: none"> <li>– number and duration of Croatian language courses</li> <li>– number of lecturers; number of persons attending courses by category (asylees, aliens under subsidiary protection, family members; by county)</li> <li>– availability of the programmes throughout the Republic of Croatia</li> </ul>

**Objective 84.** Train and equip the officers and staff directly engaged on the issues of implementation of asylum policies

<b>Implementation measure 84.1</b>	Organise additional programmes of professional training for asylum officers, administrative court judges, social welfare workers
Implementing agency	Ministry of the Interior Ministry of Social Policy and Youth in cooperation with the Judicial Academy
Co-carrier	Office for Human Rights and Rights of National Minorities in cooperation with civil society organisations and the office of the UN High Commissioner for Refugees (UNHCR)
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of the Interior and Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– number and content of professional training programmes for asylum officers and administrative court judges</li> <li>– number of officers and judges who attended the programmes annually</li> </ul>

## 24. Protection of the rights of sexual and gender minorities

In the period of implementation of the National Programme for the Protection and Promotion of Human Rights 2008-2011, significant progress was made in the field of legislation relevant to combating discrimination and hate crime. In that sense, Croatian legislation recognises the prohibition of discrimination based on sexual orientation in several important documents: the Anti-Discrimination Act, the Gender Equality Act, the Personal Name Act, the State Registries Act, the Civil Servants Act, the Science and Higher Education Act, etc.

Furthermore, in 2011, the Government of the Republic of Croatia adopted the Protocol on Procedures in Cases of Hate Crimes in order to secure the conditions for efficient and comprehensive operation of the relevant bodies involved in discovering and acting on hate crimes, and monitoring the results of proceedings concerning hate crimes in order to improve the system of monitoring hate crimes. The Protocol is also intended to protect victims of hate crimes and their fundamental human rights guaranteed by the Constitution of the Republic of Croatia and international documents. Nevertheless, in the *Croatia 2010 Progress Report*, the European Commission warned about the fact that, in the context of hate crimes, LGBT people have faced threats and attacks, with limited follow-up by the authorities.

According to various reports, homophobia is still openly expressed; people of homosexual orientation are much more exposed to verbal forms of violence, such as insults and curses, and to threats of physical violence. In that sense, what is particularly disturbing is the attitude of younger people, according to which 45.5% consider homosexuality a kind of illness, and 64.3% share an opinion that homosexuals should be prohibited from making public appearances.<sup>209</sup>

Also, the fact that certain groups in the society, such as employers, do not recognise LGBT persons as a group facing discrimination points to the conclusion that it is necessary to continue activities on raising awareness that discriminating behaviour based on sexual orientation is unacceptable.<sup>210</sup>

The Council of Europe Committee of Ministers adopted in 2010 the Recommendation CM/Rec (2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, which recommends the following to the member states: examine the existing legislative and other measures, and collect and analyse relevant data, in order to monitor and redress any direct or indirect discrimination on grounds of sexual orientation or gender identity; ensure that legislative and other measures are adopted and effectively implemented to combat discrimination

209 "Politička pismenost kod mladih u Hrvatskoj i stavovi prema EU-u" (Political literacy of the youth in Croatia and attitudes towards the EU), by GONG and the Faculty of Political Science in Zagreb – a survey on political attitudes of students of high school final classes carried out in April and May 2010 on the sample of 999 respondents in 43 high schools in the Republic of Croatia.

210 "Raširenost i obilježja diskriminacije na hrvatskom tržištu rada" (Distribution and features of discrimination at the Croatian labour market) – research done by the Institute for Social Research Ivo Pilar.

on grounds of sexual orientation or gender identity, and ensure respect for the human rights of LGBT persons and to promote tolerance towards them; ensure that victims of discrimination are aware of and have access to effective legal remedies, and that measures to combat discrimination include sanctions for infringements and the provision of adequate reparation for victims of discrimination, and secure appropriate means for the implementation of this recommendation and its wide dissemination.

**Objective 85.** Increase tolerance towards sexual and gender minorities

<b>Implementation measure 85.1</b>	Organise expert debates on discrimination on the grounds of sexual orientation
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	Office for Gender Equality Ministry of Justice Education and Teacher Training Agency Croatian Employment Service in cooperation with the Ombudswoman for gender equality
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– number and type of activities</li> <li>– number of publications, reports, media communications, publications on websites</li> <li>– number of workshops, seminars etc.</li> <li>– number of persons who participated in the organised activities</li> </ul>
<b>Implementation measure 85.2</b>	In the framework of health education, include topics on the rights of LGBT persons in primary and secondary school
Implementing agency	Education and Teacher Training Agency
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Education and Teacher Training Agency
Implementation indicators	<ul style="list-style-type: none"> <li>– number and type of activities</li> <li>– number of lessons held</li> </ul>



**Objective 86.** Improve the protection and promotion of rights of transgender persons

Implementation measure 86.1	Form a task force to draft an analysis and proposals of measures for the improvement of the rights of transgender persons
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	Ministry of Social Policy and Youth Ministry of Public Administration Ministry of Justice Ministry of Health
Implementation deadline	December 2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– task force established</li> <li>– drafting the analyses and recommendations</li> </ul>

## 25. The right to a healthy life and environment

The right to a healthy life and environment was first referenced in 1972 in Stockholm, at the United Nations conference “Man and the Biosphere”. In the early Eighties, new political parties (the ‘greens’) emerged, which, through their activities and ideology, gave new impetus to the issues of the environment, and the measures, situation, rights and duties of human beings and the community. Since 1990, all forms of environmental problems have become a central element of state policy, in both developed and developing countries.

Preservation of nature and the human environment represents one of the values of the constitutional order of the Republic of Croatia (art. 3 of the Constitution)<sup>211</sup>. In addition, the right to a healthy life and environment is guaranteed by article 69 of the Constitution of the Republic of Croatia.

The basic legal framework regulating the field of protection of the environment in the Republic of Croatia consists of the Environmental Protection Act<sup>212</sup>, the Nature Protection Act, the Air Protection Act<sup>213</sup>, the Water Act<sup>214</sup>, the Public Utility Management Act<sup>215</sup> and the Waste Act<sup>216</sup>, with the accompanying implementation provisions. The Environmental Protection Act is an umbrella legislation, which systematically regulates the fundamental principles of the Croatian legal order as regards environmental protection, and encompasses the entire field of environmental protection, while taking into account the European environmental legislation.

The Strategy of Sustainable Development of the Republic of Croatia is the fundamental political document envisaged by the Environmental Protection Act, to be adopted by the Parliament broadly every ten years. The last strategy was adopted in February 2009, and contains the fundamental principles<sup>217</sup>, sets basic goals and measures for the sustainable development of the economy, sustainable social development and environmental protection, and identifies the key challenges of their realisation. It focuses on long-term agency across *eight key spheres*<sup>218</sup>, which form the basis for the strategic directions of Croatian development.

The goals contained in the Strategy of environmental protection are the protection of the environment and sustainable use of natural resources; improving environmental management and preventing pollution; changing the legislative, administrative,

211 OG 85/10.

212 OG 110/07.

213 OG 178/04 and 80/06.

214 OG 53/91, 28/93, 43/93, 95/94, 107/95, 19/98, 151/03, 150/05, 138/06, 153/09, 130/11.

215 OG 36/95, 109/95, 21/96, 70/97, 128/99, 57/00, 129/00, 59/01, 150/02, 26/03, 82/04, 110/04, 178/04, 38/09, 79/09, 49/09, 144/12.

216 OG 178/04, 153/05, 111/06, 60/08 and 87/09.

217 OG 70/2005, 139/2008 and 57/2011.

218 1. encouraging population growth; 2. environment and natural goods; 3. focusing on sustainable production and consumption; 4. realising social and territorial cohesion and justice; 5. achieving energy independence and increase in the efficiency of energy use; 6. strengthening the public health service; 7. connecting sections of the country; 8. protection of the Adriatic sea, its coastal areas and islands.

financial and institutional framework at the local and state levels, including strengthening human capacities – in the spirit of the EU accession process – integration of the environment in other sectors (tourism, energy policy, industry, agriculture, forestry, mining, traffic); establishing comprehensive monitoring and a unified information system and raising awareness and involving the public in the process of decision making and implementing measures.

Competences over specific components of the environment are divided among various state bodies, so the effectiveness of monitoring the situation, planning and implementation of the protection of the environment as a whole largely depends on the efficiency of the coordination between the competent state bodies. In order to achieve the highest possible level of harmonisation of our system of environmental protection with European Union standards, the capacities of the existing state administration bodies were strengthened, and new bodies, such as the Croatian Environment Agency, the Environmental Protection and Energy Efficiency Fund and the State Institute for Nature Protection were founded. For the protection of the right to a healthy environment to be as effective as possible, it would be necessary to include bodies other than the institutions for environmental protection (such as the Ministry of Justice, State Inspector's Office, Office for Combating Corruption and Organised Crime) and to strengthen various projects by civil society organisations in this field, as well as education on human rights in the protection of the environment, both institutional and extra-institutional education for environmental protection and sustainable development, as foreseen by the Environmental Protection Act and the Action Plan for Education for Sustainable Development (2011).

The right to a healthy environment can and must be ensured by the strengthening of procedural rights: access to information in the field of environmental protection and participation in decision-making processes. By implementing the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention), the Republic of Croatia has strongly supported the development of environmental democracy and citizens' rights to a healthy environment. This has secured the necessary conditions for public participation in decision-making concerning the environment, but it is necessary to work on acquainting the public with these possibilities.

**Objective 87.** Reduce the harmful effect of human activities on the environment and on human health

<b>Implementation measure 87.1</b>	Strengthen inspection services to monitor the implementation of regulations in the field of environmental protection by increasing the number of inspectors and their training, as well as increasing the number of inspections carried out
Implementing agency	Ministry for Environment and Nature Protection
Co-carrier	Ministry of Agriculture Ministry of Health Ministry of Maritime Affairs, Transport and Infrastructure Ministry of Justice Ministry of the Interior State Inspector's Office
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry for Environment and Nature Protection
Implementation indicators	<ul style="list-style-type: none"> <li>– number of inspectors</li> <li>– number of days spent participating in professional specialisation, number of inspections carried out</li> </ul>

**Objective 88.** Prevent health risks related to the environment

<b>Implementation measure 88.1</b>	Secure healthy potable water for all citizens of the Republic of Croatia
Implementing agency	Ministry of Health Croatian Public Health Institute Ministry for Environment and Nature Protection Ministry of Agriculture
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– securing healthy potable water for all citizens of the Republic of Croatia</li> </ul>

<b>Implementation measure 88.2</b>	Secure connections to the sewer network for all citizens of the Republic of Croatia
Implementing agency	Croatian Waters [the legal entity for water management], in cooperation with utility services
Co-carrier	local self-government units
Implementation deadline	2013 and continuous
Source of financing and necessary funds	water management plan for 2013 (regular funds) 454,100,000.00 HRK
Implementation indicators	– securing connections to the sewer system for all Croatian citizens

### Objective 89. Reduce noise levels to the permitted limits

<b>Implementation measure 89.1</b>	Establish and implement noise monitoring
Implementing agency	Ministry of Health
Co-carrier	Ministry of Maritime Affairs, Transport and Infrastructure Ministry of Economy in cooperation with the Croatian Public Health Institute
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Health
Implementation indicators	– submitting the report on the monitoring

### Objective 90. Reduce the risks of hazardous waste

<b>Implementation measure 90.1</b>	Remediate black spots and waste landfills; plan implementation between 2013 and 2018
Implementing agency	Ministry for Environment and Nature Protection
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	EU funds and the Environmental Protection and Energy Efficiency Fund financial means from the Fund for 2013 earmarked for restoring critical sites amount to 22,000,000.00 HRK
Implementation indicators	– number of black spot locations remediated

**Objective 91.** Set up a sustainable non-hazardous and inert waste management system

<b>Implementation measure 91.1</b>	Secure the conditions for reducing the share of biodegradable waste in municipal waste that is disposed without processing in official disposal sites, and strengthen inspection services to that purpose
Implementing agency	Ministry for Environment and Nature Protection
Co-carrier	
Implementation deadline	2018 (Croatian association agreement with the EU)
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry for Environment and Nature Protection
Implementation indicators	– amount of biodegradable municipal waste being disposed unprocessed on official waste disposal sites

<b>Implementation measure 91.2</b>	Establish county and regional waste management sites and remediate and close disposal sites for non-hazardous waste by the time the waste management sites are established
Implementing agency	Ministry for Environment and Nature Protection Environmental Protection and Energy Efficiency Fund in cooperation with local and regional self-government units
Co-carrier	
Implementation deadline	2018 – the EU accession treaty determines a transition period until 31 December 2018, concerning the remediation of existing disposal sites and establishment of waste management centres
Source of financing and necessary funds	For waste management centres: EU funds / Environmental Protection and Energy Efficiency Fund / local and regional self-government units – the amount of funds necessary depends on the number and type of the centres (county or regional) For remediating sites: EU funds / Environmental Protection and Energy Efficiency Fund – the necessary funds for 2013 amount to 35,200,000.00 HRK
Implementation indicators	– number of regional/county waste management centres – number of waste disposal sites that do not comply with the requirements from the Directive 1999/31/EC

<b>Implementation measure 91.3</b>	Encourage the reduction of waste generation and separate waste collection, its further use and utilising valuable raw materials
Implementing agency	Ministry for Environment and Nature Protection Environmental Protection and Energy Efficiency Fund
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	Payments of levies on "the polluter pays" principle 650,000,000.00 HRK for 2013
Implementation indicators	<ul style="list-style-type: none"> <li>– amount of waste generated annually</li> <li>– amount of waste collected separately</li> </ul>

**Objective 92.** Systematic monitoring of environmental components, collecting and aggregation of data in cooperation with the competent bodies and entities obliged to supply data

<b>Implementation measure 92.1</b>	Continue to improve an integrated methodology of collecting and processing data; national standards harmonised with EU and international standards
Implementing agency	Croatian Environment Agency Ministry for Environment and Nature Protection and all state administration bodies, in cooperation with entities obliged to supply data and with civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Croatian Environment Agency financial means from projects financed by European Union funds in the provisional amount of 1 million EUR for the period 2013-2016
Implementation indicators	<ul style="list-style-type: none"> <li>– increased number of drafted protocols for monitoring species and habitats (cumulative)</li> </ul> <p>Explanation: Drafting national protocols for monitoring the situation will ensure an integrated method of collecting data on the numbers and distribution of species and habitats, with a view to assessing their state of conservation and ascertaining the effectiveness of preservation measures, and will enable reporting in accordance with obligations set out in EU directives.</p>

**Objective 93.** Ensure the implementation of the Aarhus Convention

<b>Implementation measure 93.1</b>	Informing the relevant bodies on the guidelines for the implementation of the Aarhus Convention
Implementing agency	Ministry for Environment and Nature Protection Croatian Environment Agency all state administration bodies with competences in this field in cooperation with civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry for Environment and Nature Protection and the Croatian Environment Agency 20,000.00 HRK
Implementation indicators	– submitting a report on the process of informing

**Objective 94.** Develop an environmental protection information system and secure accessibility of information to all citizens

<b>Implementation measure 94.1</b>	Develop an information system providing accurate, timely and comprehensive information on the environment and nature, by means of setting up public databases
Implementing agency	Croatian Environment Agency
Co-carrier	Ministry for Environment and Nature Protection State Institute for Nature Protection and all parties to the system defined by the Ordinance on the ISZO [Information System for Environmental Protection] (OG 68/08)
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Croatian Environment Agency; the Environmental Protection and Energy Efficiency Fund, project finances Provisional annual amount: 6,700,000.00 HRK
Implementation indicators	– increase in the number of interconnected professional databases with a view to full establishment of an information system for environmental protection (cumulative) Explanation: by establishing new, and enhancing and connecting existing databases for environmental and nature protection into a single national information system for environmental and nature protection in the Republic of Croatia, it will be possible to provide accurate, timely and comprehensive information on the environment and nature



<b>Implementation measure 94.2</b>	Report regularly to European bodies on the implementation of individual environmental protection regulations, through predetermined specific datasets and reports
Implementing agency	Croatian Environment Agency Ministry for Environment and Nature Protection all state administration bodies with competences in this field in cooperation with the State Institute for Nature Protection and civil society organisations
Co-carrier	Ministry for Environment and Nature Protection
Implementation deadline	2013 and continuous
Source of financing and necessary funds	N/A. Funds are planned through annual work plans of the institutions involved in the system (budget funds) and through projects (EU and other funds)
Implementation indicators	– submitted reports

**Objective 95.** Educate citizens on the environment and nature, and the need to protect them

Implementation measure 95.1	Organise campaigns and workshops
Implementing agency	Ministry for Environment and Nature Protection Croatian Environment Agency Environmental Protection and Energy Efficiency Fund
Co-carrier	all state administration bodies with competences in the field, in cooperation with civil society organisations
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to promotion and information services of the Croatian Environment Agency the Environmental Protection and Energy Efficiency Fund – funds planned for 2013 are included in the activities of educational projects/research and development studies in the field of environmental and nature protection, in the amount of 2,800,000.00 HRK
Implementation indicators	– number of campaigns and/or workshops organised around the topic of environmental and nature protection – increase in the number of citizens' enquiries to the Croatian Environment Agency

<b>Implementation measure 95.2</b>	Implementing the Action Plan for Education for Sustainable Development
Implementing agency	Education and Teacher Training Agency Ministry for Environment and Nature Protection Environmental Protection and Energy Efficiency Fund all state administration bodies with competences in the field, in cooperation with civil society organisations
Co-carrier	Ministry of Agriculture
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies  the Environmental Protection and Energy Efficiency Fund – funds planned for 2013 are included in the activities of educational projects/research and development studies in the field of environmental and nature protection, in the amount of 2,800,000.00 HRK
Implementation indicators	<ul style="list-style-type: none"> <li>– submitting reports on the implementation of the Action Plan</li> <li>– strengthened inter-sectoral cooperation between state administration bodies and civil society organisations, and the number of joint projects</li> </ul>
<b>Implementation measure 95.3</b>	Educate citizens on sustainable development and human rights in the field of environmental protection
Implementing agency	Ministry for Environment and Nature Protection, the Environmental Protection and Energy Efficiency Fund, in cooperation with the Croatian Environment Agency and civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies the Environmental Protection and Energy Efficiency Fund – funds planned for 2013 are included in the activities of educational projects/research and development studies in the field of environmental and nature protection, in the amount of 2,800,000.00 HRK
Implementation indicators	<ul style="list-style-type: none"> <li>– number of lectures, seminars and workshops held</li> <li>– number of participants in the lectures, seminars and workshops</li> <li>– type and number of produced and disseminated educational materials</li> <li>– better awareness of citizens on the significance of sustainable development and human rights in the field of environmental protection</li> </ul>

## 26. Combating corruption

The Government of the Republic of Croatia considers combating corruption to be a priority field in its activities. Precisely for this reason, the Croatian Government Programme for its term of office 2011-2015 emphasises that “Corruption directly endangers citizens’ human rights and destroys the morality and structure of society. It obstructs the development of free entrepreneurship and equality of citizens in the exercise of their rights and interests. Corruption penetrates into all segments of the society and represents the greatest threat to the economic, social and political development and prosperity of the Republic of Croatia”.

The most important international treaty at the global level is the United Nations Convention against Corruption (UNCAC)<sup>219</sup>, which applies to preventing, investigating and prosecuting corruption, as well as asset freezes, seizures and restitution of assets gained through criminal activity, as determined pursuant to the Convention. As of 4 February 2005, the Croatian Parliament has adopted the Act ratifying the United Nations Convention against Corruption.<sup>220</sup> The Republic of Croatia has participated in the work of the intergovernmental work group for monitoring the implementation of the Convention.

Furthermore, it is emphasised that at the European level, the Council of Europe has initiated anti-corruption activities as early as in the 1990s, by establishing the Multidisciplinary Group on Corruption and adopting two anti-corruption conventions. The first of those, the Criminal Law Convention on Corruption, was ratified by Croatia on 8 November 2000. The Republic of Croatia has also ratified the Additional Protocol to the Criminal Law Convention on Corruption, as well as the Civil Law Convention on Corruption. It should be emphasised that the Republic of Croatia is also a member of the Group of States Against Corruption (GRECO).

Regional cooperation in the field of combating corruption began with the Stability Pact Anti-Corruption Initiative (SPAI), signed in Sarajevo in February 2000, while the importance of the Memorandum of Understanding of 2007, which established the Regional Anti-Corruption Initiative, should also be highlighted. Nine countries have so far joined the initiative: the Republic of Albania, the Republic of Bosnia Herzegovina, the Republic of Bulgaria, the Republic of Montenegro, the Republic of Croatia, the Republic of Macedonia, the Republic of Moldova, the Republic of Romania and the Republic of Serbia.<sup>221</sup>

219 Resolution A/RES/58/4 (2003), adopted at the 58th session of the United Nations General Assembly, on 31 October 2003; the Decision promulgating the Act ratifying the United Nations Convention against Corruption (OG 2/05).

220 In November 2009, the Mechanism to monitor implementation of the Convention was established in Doha, by which the signatory states monitor each other in the implementation and harmonisation of regulations with the relevant Convention. The monitoring system functions by having each country be monitored by two others on the basis of the Implementation report drafted by the country.

221 OG 34/02

In recent years, the Republic of Croatia has seen progress in the creation of normative and other conditions for effective suppression of corruption at all levels. Numerous laws and other regulations were adopted, institutional capacities strengthened, implementation and monitoring bodies established, projects envisaged and initiated that positively correlate with transparent functioning of state authority bodies and other bodies with public authorities, while attention was directed towards prevention of, prosecution and sanctioning corruption, inter-agency and international cooperation and the process of raising public awareness of the harmfulness of corruption in society.

Since 2002, the Republic of Croatia has drafted a strategic framework for combating corruption. Following the National Anti-Corruption Programme with the accompanying action plan for the suppression of corruption<sup>222</sup> and the National Programme for the Suppression of Corruption 2006-2008<sup>223</sup>, the strategic framework for the suppression of corruption was determined through the Anti-Corruption Strategy.<sup>224</sup> The priority goals of the strategy are: enhancing the judicial and institutional framework for the effective and systematic suppression of corruption<sup>225</sup>; strengthening integrity, responsibility and transparency in the functioning of state authority bodies; strengthening citizens' trust in state institutions; raising the level of efficiency in uncovering and criminally prosecuting criminal acts of corruption; raising public awareness of the harmfulness of corruption; enhancing international cooperation; improving cooperation between state bodies authorised to implement the Strategy; and improving cooperation with civil society organisations.

An adequate, effective institutional framework is of critical importance for successful suppression of corruption. The institutions responsible for strategic oversight are:

- a) The Ministry of Justice. Through the Independent Sector for the Suppression of Corruption, it establishes, promotes and carries out the cooperation between the agents tasked with implementing measures for combating corruption; it assists and supports those responsible for implementing measures for the suppression of corruption; drafts annual reports on the implementation of the measures in national, strategic and implementing documents; cooperates with the National Council for Monitoring the Anti-Corruption Strategy; performs professional and administrative tasks for the Committee for monitoring the implementation of measures for combating corruption; encourages the application of European and other international policies for combating corruption; monitors the implementation of the recommendations of the Group of States Against Corruption (GRECO); participates in activities related to the application of the United Nations Convention against Corruption, the Council of Europe Criminal Law Convention on Corruption and its Additional Protocol and the Council of Europe Civil Law Convention on Corruption; cooperates with the public sector,

222 OG 39/06

223 Adopted by the Croatian Parliament on 19 June 2008

224 Adopted by the Government of the Republic of Croatia on 25 June 2008; revised on 18 March 2010

225 Adapted to the Croatian Government Programme for its term of office 2011-2015

private sector and local and regional self-government units, and cooperates in drafting and monitoring their mini-action plans for combating corruption; cooperates in programmes of raising public awareness and education on the harmfulness of corruption; creates promotional flyers and brochures; establishes, enhances and promotes cooperation with civil society organisations with the aim of permanent counselling between civil society organisations and those tasked with implementing measures from national strategic and implementing documents; collects and analyses data on the implementation of the Anti-Corruption Strategy; drafts measures for accompanying action plans and drafts special reports on the legislative framework and trends of combating corruption, with the statistical data for manifest forms of corruption;

- b) The Committee for Monitoring the Implementation of the Anti-Corruption Measures, which evaluates the impact of the measures from national strategic and implementing documents related to combating corruption; works continuously on improving the national strategic and implementing documents related to combating corruption, issues guidelines for drafting national strategic and implementing documents related to combating corruption, monitors and directs activities undertaken in the field of combating corruption, considers adopting and/or amending the current statutes regulating combating corruption and issues proposals related to accepting and applying international treaties from the field of combating corruption. The Committee is presided by the Justice Minister;
- c) The National Council for monitoring the implementation of the Anti-Corruption Strategy. As the working body of the Croatian Parliament, it controls the implementation of anti-corruption policies<sup>226</sup>. The Republic of Croatia has also invested great effort in systematic uncovering and processing of criminal acts of corruption at all levels. A wholly operational institutional framework for effective investigation, criminal prosecution and sanctioning of cases of corruption and organised crime has been established. The main components of this system are the Police National Office for Combating Corruption and Organised Crime (PNUSKOK), under the auspices of the Ministry of the Interior; the Office for Combating Corruption and Organised Crime (USKOK), a special state attorney's office, specialised for prosecuting corruption and organised crime; and the court departments in county courts in Zagreb, Split, Rijeka and Osijek specialised for cases under the purview of USKOK.

In addition to the operative institutional framework, a legislative framework for combating corruption has also been established. However, repression is not enough in order to combat corruption effectively, but it is necessary also to work on prevention, by recognising the risks of corruption arising and using preventive measures, such

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<sup>226</sup> The National Council has a president, from the largest opposition party, a vice-president from the governing party, and another 9 members – parliamentary representatives and prominent public figures. The National Council holds regular sessions on the implementation of the anti-corruption measures, as well as meetings around specific issues.

as adopting laws without delay, institution building and raising citizens' and media awareness, to prevent corruptive activities.

The Government of the Republic of Croatia has decided to also implement the measures and goals defined by the Anti-Corruption Strategy and accompanying action plans at the level of majority state-owned companies, through the the "Anti-corruption programme for companies under majority state ownership for the period 2010-2012". The Programme directs companies under majority state ownership to more intensely develop adequate management practices, and to actively work on realising the priority aims of anti-corruption policy through active cooperation and partnership.

The data collected in the course of the implementation of the Anti-corruption programme for companies under majority state ownership and the data on the transparency of local and regional self-government units, to be continuously collected by the Ministry of Justice starting with September 2012, will form a good basis for further action in the field of combating corruption and for drafting a new strategic document.

**Objective 96.** Ensure that citizens of the Republic of Croatia can live in a corruption-free society

<b>Implementation measure 96.1</b>	Drafting a new strategic document for combating corruption
Implementing agency	Ministry of Justice, in cooperation with all state authority bodies
Co-carrier	
Implementation deadline	2013
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	– adopting the strategic document

**Objective 97.** Introducing transparency and data accessibility

Implementation measure 97.1	Publishing data on the functioning of state administration bodies, local and regional self-government units, state-owned companies
Implementing agency	all state administration bodies units of local and regional self-government and state-owned companies
Co-carrier	
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	– links to the relevant data published on the website <a href="http://www.antikorupcija.hr">www.antikorupcija.hr</a> / <a href="http://www.anticorruption-croatia.org">http://www.anticorruption-croatia.org</a> , which can be used to establish potential conflicts of interest

**Objective 98.** Expanding and fostering an anti-corruption climate

<b>Implementation measure 98.1</b>	Organise roundtables, public discussions, public fora and seminars; participate in various activities with the goal of strengthening citizens' awareness of the harmfulness of corruptive behaviour
Implementing agency	Ministry of Justice, in cooperation with state administration bodies, local and regional self-government units, state-owned companies
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Justice
Implementation indicators	– the list and basic details of the public events held published on the website <a href="http://www.antikorupcija.hr">www.antikorupcija.hr</a> / <a href="http://www.anticorruption-croatia.org">http://www.anticorruption-croatia.org</a>

## 27. Combating trafficking in persons

Human trafficking is one of the most unscrupulous examples of human rights violations with the aim of gaining illegal profits. Its global reach means that no single state in the world is exempt from its influence. Due to the fact that victims of human trafficking cannot decide on their own future and that their right to life is practically in the hands of their “masters”, human traffickers, precisely as was the case in slave-owning societies, human trafficking is frequently termed modern slavery. Trafficking in persons is likewise a form of illegal migration, because the victim of human trafficking is present in a certain area illegally, even if under duress.

Trafficking in persons takes place in at least three areas<sup>227</sup>: the country of origin, the transit country and the destination country. Precisely because of the victim’s passage through several countries, the execution of the criminal act of human trafficking requires good networking, coordination, hierarchical organisation of various transnational criminal groups, that is, it requires the existence of transnational organised crime.

It is visible from the available data<sup>228</sup> that the Republic of Croatia is no longer solely a transit country in the chain of human trafficking, but is becoming more and more an origin and destination country for victims of human trafficking. Namely, in the past several years, an increased number of cases were observed where foreign victims of human trafficking were exploited in our country, yet it was likewise noted that there was a certain number of cases in which Croatian nationals were exploited abroad.

In the Republic of Croatia, sexual abuse is the most frequent form of exploitation of victims of trafficking in persons, so it is precisely women and children, that is, young girls, who are the most common victims of human trafficking.<sup>229</sup> Other forms of exploitation of victims of human trafficking observed in the Republic of Croatia are the various forms and types of labour exploitation, in which those exploited are most frequently men, and street begging, where the victims are most frequently children.

The most significant global document in the field of combating human trafficking is the United Nations Convention against Transnational Organised Crime, with its two protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter: Palermo protocol), and the Protocol against the Smuggling of Migrants by Land, Sea or Air<sup>230</sup>. The documents in question

227 There have also been cases of internal human trafficking, where a single country – which, as a rule, is a country with a huge territory, such as the Russian Federation – is simultaneously an origin and destination country.

228 Data from the annual report of the Ministry of the Interior on the identified victims of human trafficking.

229 Data from the annual report of the International Organisation for Migration.

230 Act ratifying the United Nations Convention against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea or Air, which supplement the United Nations Convention against Transnational Organised Crime (International treaties, no. 14/02, 11/04).



were the model for the establishment of the Croatian national framework for combating human trafficking.

The European Union also holds that combating human trafficking is of great significance. The Framework Decision on Combating Trafficking in Human Beings<sup>231</sup> was the most significant European Union regulation in this field before the adoption of the Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims<sup>232</sup>, which replaced the aforementioned Decision.

A significant strategic European Union document in this field is the EU Strategy for the eradication of trafficking in human beings for the period 2012-2016.

Many experts in the field see the Council of Europe Convention on Action against Trafficking in Human Beings, which the Republic of Croatia ratified already in 2007<sup>233</sup>, as the document that raised the standards of protection of human rights of victims of trafficking. Especially important in the text of the Convention is article 13, which defines the period of at least thirty days of recovery and reflection that parties to this Convention are duty-bound to allow victims of human trafficking. This is a practical, and not merely declaratory way to make it impossible to forcibly return trafficking victims, immediately upon identification, to their country of origin. The Convention also has a special monitoring mechanism, so-called GRETA, a body consisting of professionals in the field, who will monitor its implementation in the countries that have ratified it.

The Republic of Croatia has joined the global struggle against trafficking human beings in November 2002, when the Croatian Parliament adopted the Act ratifying the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air. Immediately upon ratifying the Convention, the National Committee for the Suppression of Trafficking in Persons<sup>234</sup> was formed, as the umbrella body of the Government of the Republic of Croatia for combating human trafficking, whose basic task is to provide primarily political guidelines to competent bodies with the aim of improving the combating of human trafficking. The Operational Team of the National Committee for the Suppression of Trafficking in Persons<sup>235</sup> was formed in 2003, with the goal of swift and concrete action in all cases of human trafficking that demand expediency.

Since 2002, the Government of the Republic of Croatia has adopted a total of five national strategic documents in this field: the National Plan for the Suppression of

231 Council Framework Decision of 19 July 2002 on combating human trafficking, *Official Gazette L 203, P0001-0004*.

232 European Parliament and Council Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, of 5 April 2011.

233 Act ratifying the Council of Europe Convention on action Trafficking in Human Beings.

234 Decision founding the National Committee for the Suppression of Trafficking in persons (OG 54/02, 41/04).

235 Decision amending the Decision founding the National Committee for the Suppression of Trafficking in Persons (OG 41/04).

Trafficking in Persons, the National Programme for the Suppression of Trafficking in Persons from 2005 to 2008<sup>236</sup>, the National Plan for the Suppression of Trafficking in Children 2005 to 2007; the National Plan for the Suppression of Trafficking in Persons 2009-2011 and the National Plan for the Suppression of Trafficking in Persons 2012-2015. Moreover, the Government of the Republic of Croatia adopted the Operational Plans for Suppressing Trafficking in Persons for 2005<sup>237</sup>, 2006<sup>238</sup>, 2007<sup>239</sup> and 2008, which resulted in the successful implementation of the majority of goals from the strategic documents.

Three subordinate legal acts were adopted with the aim of increasing the efficiency of the functioning of the system of suppression of trafficking: the Protocol for the Identification, Assistance and Protection of Victims of Human Trafficking; the Protocol on the Integration/Reintegration of Human Trafficking Victims and the Protocol on Proceeding during the Voluntary Return of Human Trafficking Victims.

The Criminal Code of the Republic of Croatia contains provisions for sanctioning human trafficking in art. 175, Human Trafficking and Slavery. The Amendments to the Criminal Code<sup>240</sup> include a new paragraph 4, which foresees sanctions for the users of human trafficking. The new Criminal Code separates the criminal act of human trafficking from the criminal act of slavery.

In addition to the Criminal Code, the most important Acts whose substance concerns the suppression of human trafficking are: the Act on the Responsibility of Legal Persons for Criminal Offences<sup>241</sup>, the Witness Protection Act<sup>242</sup>, the Aliens Act<sup>243</sup> and the Social Welfare Act.<sup>244</sup>

In the coming period, special attention needs to be given to further strengthening the cooperation in criminal proceedings in cases of human trafficking between the State Attorney's Office of the Republic of Croatia and the Ministry of the Interior; enhancing the methods of identifying victims of human trafficking and ensuring individual approach and protecting the best interest of trafficking victims. Likewise, it is important to conduct a study of the latest trends in the field of the complex of problems of human trafficking in order to develop a more detailed acquaintance with

236 National Programme for the Suppression of Trafficking in Persons 2005-2008, published by the Government of the Republic of Croatia, Office for Human Rights, National Committee for the Suppression of Trafficking in Persons (2005), available at <http://www.ljudskaprava-vladarh.hr>.

237 Operational Plan for Suppressing Human Trafficking for 2005, published by the Government of the Republic of Croatia, Office for Human Rights, National Committee for the Suppression of Trafficking in Persons (2005), available at <http://www.ljudskaprava-vladarh.hr>.

238 Operational Plan for Suppressing Human Trafficking for 2006, published by the Government of the Republic of Croatia, Office for Human Rights, National Committee for the Suppression of Trafficking in Persons (2006), available at <http://www.ljudskaprava-vladarh.hr>.

239 Operational Plan for Suppressing Human Trafficking for 2007, published by the Government of the Republic of Croatia, Office for Human Rights, National Committee for the Suppression of Trafficking in Persons (2007), available at <http://www.ljudskaprava-vladarh.hr>.

240 Act amending the Criminal Code (OG 71/06).

241 Act on the Responsibility of Legal Persons for Criminal Offences (OG 151/03).

242 The Witness Protection Act (OG 109/03).

243 The Aliens Act (OG 79/07, 36/09, 130/11).

244 The Social Welfare Act (OG 79/07).

the current situation in this field in the Republic of Croatia. Besides, it is important to strengthen the measures aimed at more effective protection for trafficking victims, especially sexually exploited women and girls.

Number of identified victims of human trafficking from 2002 until November 2012.<sup>245, 246</sup>

Nationality	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	TOTAL
The Republic of Croatia	2	2	6	3	3	9	4	4	4	11	5	48
Bosnia Herzegovina	0	1	2	1	1	2	2	1	1	1	0	12
Bulgaria				1	3						0	4
Cameroon	0	1	0								0	1
Morocco	0	0	1								0	1
Moldova	3	1	2			1					0	7
Romania	0	0	3	1	1				1		2	6
The Russian Federation	0	1	0								0	1
Slovakia	0	1	0								0	1
Serbia (and Montenegro)*	0	1	3		1	3	1	3	1		0	13
Ukraine	2	0	2		3						0	7
Albania					1						0	1
Stateless	1	0	0									1
USA	0	0	0	0	0	0	0	0	0	0	1	1
TOTAL	8	8	19	6	13	15	7	8	7	14	8	113

245 Official data from National Committee for the Suppression of Trafficking in Persons of the Government of the Republic of Croatia.

246 At the time of the victims' identification, the name of the country was Serbia and Montenegro.

**Objective 99.** Additionally ensure the sustainability of civil society organisations in the system of suppression of trafficking in persons

<b>Implementation measure 99.1</b>	Draft the Criteria for electing civil society organisations into membership of and cooperation with the National Committee for the Suppression of Trafficking in Persons and the Operational Team of the National Committee for the Suppression of Trafficking in Persons
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	
Implementation deadline	December 2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– drafting and publishing the Criteria for electing civil society organisations into membership of and cooperation with the National Committee for the Suppression of Trafficking in Persons and the Operational Team of the National Committee for the Suppression of Trafficking in Persons</li> </ul>
<b>Implementation measure 99.2</b>	Conduct annual calls for proposals for financing projects and programmes of civil society organisations engaged in combating human trafficking
Implementing agency	Office for Human Rights and Rights of National Minorities, in cooperation with civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities 2013 – 200,000.00 HRK
Implementation indicators	<ul style="list-style-type: none"> <li>– open call for proposals for financing projects and programmes of civil society organisations engaged in combating human trafficking</li> <li>– number of projects financed</li> </ul>
<b>Implementation measure 99.3</b>	Provide accommodation for victims of trafficking in persons
Implementing agency	Ministry of Social Policy and Youth
Co-carrier	the competent state administration bodies in cooperation with civil society organisations
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Social Policy and Youth
Implementation indicators	<ul style="list-style-type: none"> <li>– number of persons victims of human trafficking given accommodation</li> </ul>

**Objective 100.** Increase efforts to uncover, prevent and suppress human trafficking for purposes of sexual and other exploitation

Implementation measure 100.1	Perfect the application of proactive methods of recognising and identifying under-age victims of human trafficking
Implementing agency	Ministry of the Interior
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of the Interior
Implementation indicators	– consistent application of proactive methods of recognising and identifying under-age victims of human trafficking

<b>Implementation measure 100.2</b>	Strengthen the application of proactive methods of recognising and identifying victims of human trafficking among female sex workers
Implementing agency	Ministry of the Interior, in cooperation with civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of the Interior
Implementation indicators	– consistent application of proactive methods of recognising and identifying victims – female sex workers

<b>Implementation measure 100.3</b>	Strengthen the application of proactive methods in recognising and identifying victims of human trafficking among men working in the sectors of agriculture and construction
Implementing agency	Ministry of the Interior
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of the Interior
Implementation indicators	– consistently applied proactive methods of recognising and identifying victims – men working in the sectors of agriculture and construction

**Objective 101.** Conduct a study identifying the latest trends in the field of trafficking in persons

<b>Implementation measure 101.1</b>	Conduct a study on the issues of human trafficking and the latest trends
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	Ministry of the Interior, in cooperation with civil society organisations
Implementation deadline	December 2015
Source of financing and necessary funds	IPA programme – IPA 2010 FPPRAC, for a project valued at a total of 200,000.00 EUR
Implementation indicators	<ul style="list-style-type: none"> <li>– design the parameters for the study</li> <li>– carry out the research and drafting the study</li> <li>– use the results of the study as the parameters and recommendations for further work on combating human trafficking</li> </ul>

**Objective 102.** Continue educating target groups on the issues of human trafficking at the national and international level

<b>Implementation measure 102.1</b>	Educate Croatian Employment Service workers in relation to trafficking victims' access to the labour market
Implementing agency	Croatian Employment Service
Co-carrier	Office for Human Rights and Rights of National Minorities
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Croatian Employment Service
Implementation indicators	<ul style="list-style-type: none"> <li>– number of educational programmes for Croatian Employment Service workers in relation to trafficking victims' access to the labour market</li> <li>– number of Croatian Employment Service workers who participated in the programmes</li> </ul>

<b>Implementation measure 102.2</b>	Educate workers in tourism and other service industries on the issues of human trafficking
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	Ministry of Tourism
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– number of seminars and other forms of education for workers in tourism and other service industries</li> <li>– number of persons who participated in the seminars and education</li> </ul>

<b>Implementation measure 102.3</b>	Organise and hold seminars for educating representatives of the media on the issues of human trafficking
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– number of seminars and other forms of education for representatives of the media</li> <li>– number of representatives of the media who took part in the education</li> </ul>

### Objective 103. Securing safe return for victims of human trafficking

<b>Implementation measure 103.1</b>	Consistently implement the Protocol on the Voluntary Return of Human Trafficking Victims
Implementing agency	Ministry of the Interior
Co-carrier	Ministry of Foreign and European Affairs
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of the Interior
Implementation indicators	– safe return of foreign victims of human trafficking

**Objective 104.** Ensure consistent prosecution and sanctioning of perpetrators of criminal offences related to trafficking in persons

<b>Implementation measure 104.1</b>	Develop advanced methods of uncovering criminal offences of human trafficking by strengthening investigative techniques, including conducting financial investigations
Implementing agency	Ministry of the Interior in cooperation with the State Attorney's Office
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of the Interior
Implementation indicators	– increased number of uncovered and processed perpetrators of criminal offences of trafficking in persons

**Objective 105.** Systematic cooperation between the Republic of Croatia and international organisations in the field of combating human trafficking

<b>Implementation measure 105.1</b>	Continue active participation of representatives of the state administration in regional and international projects and initiatives for combating human trafficking
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	Ministry of Foreign and European Affairs
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	– reports on the participation in activities of international bodies and organisations in the field of combating human trafficking



## 28. Security and human rights

The relation between security and human rights is an exceptionally sensitive field, within which high quality mechanisms should be developed to ensure a just, proportional, but also efficient balance between human rights and the occasional need to limit certain human rights of citizens for reasons of national security. Citizens' freedom in the Republic of Croatia is recognised in art. 3 of the Constitution of the Republic of Croatia as one of the highest values of the constitutional order of the Republic of Croatia, while art. 16 of the Constitution of the Republic of Croatia states that freedoms and rights can only be limited by law in order to protect the freedoms and rights of other people, as well as the legal order, public morality and health, and that any limiting of freedom or rights must be in proportion to the nature of the need for limiting them in each individual case.

Modernising its security policies, the Republic of Croatia has progressively abandoned the traditional notion of security, which is seen from the state perspective primarily as national security, and has increasingly embraced the concept of human security<sup>247</sup>, where priority is given to the security of the individual, as well as to the essential components of her/his individual development, but also the development of the community. It is the human security concept that enables contemporary polities to link security to development, as well as to human rights. In accepting this concept, contemporary states make it possible to design policies oriented towards the overall social development of the community and its security.

This approach also gives rise to the need to ensure democratic governance and oversight of the security sector. The security sector has a great responsibility in the protection from terrorism, human trafficking, violent extremist groups, arms trafficking and other sorts of organised crime that have been recognised as international trends of violation of human rights. Good functioning of the sector requires that practices of the security and law enforcement sector in ensuring national security are as proportionate as possible to the needs of citizens' human rights. This is precisely why it is important that experts from the fields of security and human rights protection contribute to the development of strategic documents, legislation and subordinate legislation.

During the previous period, the Republic of Croatia made important steps forward in ensuring higher participation of citizens in the development of public policies, including those in the field of security. This pertains particularly to the Code of Public Consultation in the Procedures of passing Laws and Other Regulations, which should also be consistently applied in adopting policies in the security domain. The Police Act has also improved the model of oversight of police practices; in the coming period,

247 The definition of the concept of "human security" by the United Nations: The right of people to live in freedom and dignity, free from poverty and despair. All individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and to fully develop their human potential (UN General Assembly, 6 September 2012).

it is crucial to ensure independent, professional, and efficient functioning of the new body designed to perform this task. Given that there are several bodies authorised to oversee police practices and the operation of the security and intelligence system, it is necessary to establish a system of continuous reporting, through which these bodies would have the possibility to warn about irregularities and give recommendations for improvement.

The entry of the Republic of Croatia into the Northern Atlantic Treaty (hereinafter: NATO) resulted in significant reforms in the domain of defence directed at the professionalisation of the Armed Forces of the Republic of Croatia. A separate parliamentary Defence Committee was established in the Croatian Parliament to supervise the operation of the Armed Forces. Representatives of civil society were also included in the work of the Committee as external members. In the coming period, work of the Domestic Policy and National Security Committee should also be strengthened by the inclusion of external members to additionally contribute to the protection of human rights in the operation of the Committee.

The involvement of the Armed Forces of the Republic of Croatia in NATO and EU operations and missions brings new challenges for the protection of human rights, principally from the perspective of the participation of our soldiers in military operations in countries which are culturally significantly different from the Republic of Croatia. For that reason, the systematic education of members of the armed forces on human rights should be continued; they should be informed on time about the traditions, customs, religion, and culture of the communities where the armed forces take part in peace operations. In this context, it is particularly important to ensure continuous high quality education in the field of international law of war for members of the Armed Forces. The Republic of Croatia is especially well-placed in this context, with its important experience of processing war crimes and of the challenges these processes bring in post-conflict societies.

Finally, the Council for Civilian Oversight of Security and Intelligence Agencies has existed for many years in the Republic of Croatia; its work proved to be exceptionally important in individual cases of human rights violations by security and intelligence agencies, which resulted in improvements in the legislation relevant to the operation of the agencies. In the coming period, it is important to ensure that the work of the Council is comprehensive, professional, and independent, as well as to ensure better communication between the Council and the public, i.e. raise the level of its visibility and accessibility to citizens. Its operation should also be analysed in order to ascertain all the limitations and shortcomings, but also the positive effects from its establishment until the present time.

In their operation, the aforementioned bodies must rely on the activities of the civil society. Civil society associations for the protection of human rights can contribute significantly to the education of these institutions' employees in the field of human rights. Up till now, the biggest steps forward have been made in the work of the Ministry of the Interior, which has occasionally carried out education in the domain of human rights in cooperation with the associations; the Ministry expressed an open

interest in systematically including matters of human rights in regular curricula for police officers. Also worth mentioning are the efforts the Ministry of Defence and the Armed Forces of the Republic of Croatia made in educating their staff on human rights, and the cultures and different religions in the areas where peace operations take place. Other institutions should follow this example.

**Objective 106.** Ensure efficient and responsible democratic governance and oversight of the security sector in the Republic of Croatia

<b>Implementation measure 106.1</b>	Regularly follow amendments to the legislation and subordinate legislation relevant to the security sector and organise public debates with the interested public
Implementing agency	competent state administration bodies in cooperation with the Domestic Policy and National Security Committee of the Croatian Parliament and civil society organisations
Co-carrier	
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– report on the implementation of, and amendments to the legal and subordinate acts</li> <li>– public debates conducted</li> </ul>

**Objective 107.** Apply the concept of human security in public policies, laws, and other regulations and documents of the Republic of Croatia

<b>Implementation measure 107.1</b>	Include the concept of human security in strategic and legal acts and subordinate legislation of the Republic of Croatia in the security domain
Implementing agency	Office of the National Security Council in cooperation with the competent state administration bodies, and bodies and organisations in the field of national security
Co-carrier	Office for Human Rights and Rights of National Minorities
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office of the National Security Council, funds of the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– annual reports showing that the concept of human security was included in strategic, legal acts and subordinate legislation of the Republic of Croatia in the domain of security</li> </ul>

<b>Implementation measure 107.2</b>	Integrate the concept of human security into the foreign and security policies of the Republic of Croatia, principally in relation to conflict and post-conflict areas
Implementing agency	Ministry of Foreign and European Affairs
Co-carrier	security and intelligence agencies
Implementation deadline	2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office of the National Security Council, funds of the Ministry of Foreign and European Affairs
Implementation indicators	– annual reports showing that the concept of human security was included into the foreign and security policies of the Republic of Croatia, principally in relation to conflict and post-conflict areas

**Objective 108.** Ensure the application of the proportionality principle in limiting human rights and freedoms with the aim of protection of national security, public morality and health

<b>Implementation measure 108.1</b>	Analyse laws and strategies governing the field of national security and propose their revision if departures from the principle of proportionality and international standards are found
Implementing agency	Office of the National Security Council
Co-carrier	Ministry of Foreign and European Affairs competent state administration bodies security and intelligence agencies
Implementation deadline	2013
Source of financing and necessary funds	regular funds of the Office of the National Security Council
Implementation indicators	– analysis of the laws and strategic documents with recommendations regarding the application of the proportionality principle

**Objective 109.** Strengthen the mechanisms of independent oversight over the security sector in order to prevent violation of human rights

<b>Implementation measure 109.1</b>	Initiate implementation of evaluation of the work of the Council for Civilian Oversight of Security and Intelligence Agencies; on the basis of the evaluation, create conditions for the improvement of the work of the Council
Implementing agency	Council for Civilian Oversight of Security and Intelligence Agencies
Co-carrier	Domestic Policy and National Security Committee of the Croatian Parliament
Implementation deadline	June 2014
Source of financing and necessary funds	
Implementation indicators	– evaluation report on the work of the Council with recommendations for improvements completed and published

**Objective 110.** Raise the level of awareness about the need for equal gender representation in the security institutions of the Republic of Croatia

<b>Implementation measure 110.1</b>	Continue organising and, if needed, expand regular educational programmes for members of the defence sector who participate in international missions and operations on the subjects of human rights, the international law of war, and multiculturalism
Implementing agency	Ministry of Defence and the Armed Forces of the Republic of Croatia, in cooperation with the competent state administration bodies and the Office for Human Rights and Rights of National Minorities
Co-carrier	Ministry of the Interior Ministry of Foreign and European Affairs
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Ministry of Defence and the Armed Forces of the Republic of Croatia
Implementation indicators	– number, type and duration of the programmes – number of persons involved in the educational programmes

**Objective 111.** Increase transparency of the mechanisms of oversight of the work of the security sector of the Republic of Croatia

<b>Implementation measure 111.1</b>	Increase the visibility of the Council for Civilian Oversight of Security and Intelligence Agencies
Implementing agency	Council for Civilian Oversight of Security and Intelligence Agencies
Co-carrier	
Implementation deadline	December 2013
Source of financing and necessary funds	
Implementation indicators	<ul style="list-style-type: none"> <li>– developed plan of implementation of promotional activities (by means of press-conferences, written reports, publications and promotional informative leaflets)</li> <li>– distribution of reports and publications; publishing on the webpage</li> <li>– number of press-conferences and other public events held; number of participants in the public events</li> </ul>

## 29. Education for human rights and human rights in the educational system

The goal of upbringing and education for human rights consists in establishing and strengthening the culture of human rights at the individual, institutional, and system levels. The culture of human rights is the crucial prerequisite for an inclusive, stable, and development-oriented democratic society. In the transition societies, upbringing and education for human rights is a powerful instrument of the empowerment of citizens for democratic development.

The importance of education for human rights was confirmed in the framework of the United Nations with the proclamation of the Decade for Human Rights Education (1995-2004), which has grown since 2005 into the World Programme for Human Rights Education. The Programme is primarily aimed at introducing human rights education into primary and secondary schools, but the debate is still going on about the place of human rights learning in higher education.

The documents of the Council of Europe stress the importance of human rights education to the promotion of a free, tolerant and just society. The member countries are asked to make such education a priority in national policies and reforms of upbringing and education<sup>248</sup>, and to introduce the European Convention on Human Rights as part of higher education and professional training.<sup>249</sup> The year 2006 was proclaimed the European Year of Citizenship through Education, and in 2010, the Charter on Education for Democratic Citizenship and Human Rights Education was adopted, wherein member states are asked to introduce the agreed goals and measures into their educational systems.

In the spirit of the Lisbon Strategy of 2000, the European Union instructs schools and their partners to efficiently promote citizens' learning for participation in democratic processes. In 2004, the European Reference Framework of Key Competences for Lifelong Learning was adopted; they include the civic competence, related to the interpersonal and intercultural competences. Most of the European countries introduced some kind of human rights education.<sup>250</sup>

Since 2000, upbringing and education for human rights and democratic citizenship was gradually introduced into the major strategic and developmental documents of the Republic of Croatia<sup>251</sup>, and subsequently into the legal acts that regulate the sector

248 Recommendation Rec(2002)12 on education for democratic citizenship.

249 Recommendation Rec(2004)4 of the Committee of Ministers of the Council of Europe on the European Convention on Human Rights in academic education and professional training.

250 The studies by Eurydice from 2005 and the IEA (International Association for the Evaluation of Educational Achievement) from 2010 discuss the achievement of European consensus on the key goals in this field, such as political literacy, development of civic attitudes and values, and promotion of active civic participation.

251 The Education Sector Development Plan 2005-2010; Strategy for the Construction and Development of the National Curriculum for Preschool, General Compulsory and Secondary School Education, 2007; National Programme for the Roma, 2002; Decade of Roma Inclusion 2005-2015 Action Plan; National Plan of Activities for the Rights and Interests of Children, for

of upbringing and education. In the Education Sector Development Plan 2005-2010, the development of the Republic of Croatia as a society of knowledge and democratic principles is linked to the need to promote active citizenship.

The Act on Upbringing and Education in Primary and Secondary School from 2008 stipulates that schools should bring up and educate their pupils and students in accordance with the universal cultural and civilisational values, human rights and rights of children, and enable them to live in a multicultural world, to respect differences and tolerance, as well as for active and responsible participation in the development of democracy.

In the National Framework Curriculum for Preschool Education, General Compulsory and Secondary School Education (hereinafter: NFC) of 2010, civic competence becomes one of the crucial outcomes of learning, which is accomplished in four educational cycles in the framework of the humanities and social sciences, as well as in the framework of civic education. The document defines civic education as a topic that cuts across subjects, and which contributes to the “students’ capacity for active and efficient exercise of the role of the citizen”.

The provisions of the NFC on civic education are elaborated in the draft Curriculum for Civic Upbringing and Education (hereinafter: Curriculum), which defines the functional and structural dimensions of civic competence. The functional dimensions concern civic knowledge and understanding, civic skills and abilities, and civic values and attitudes, while the structural dimensions include the human rights, political, social, intercultural, economic, and environmental dimensions. The Curriculum is conceived in the form of developing spirals, in cycles. In the 1<sup>st</sup> cycle, i.e. from first to fourth year of primary school, civic upbringing and education is carried out cross-curricularly and extracurricularly. In the 2<sup>nd</sup> cycle (fifth and sixth year of primary school), apart from the crosscurricular and extracurricular approach, the modular approach is introduced, wherein pupils, depending on their needs or interests, or the needs and interests of the school and the local community, deal with specific topics or fields (e.g. humanitarian law or consumers’ rights). In the 3<sup>rd</sup> cycle (seventh and eighth year of primary school), these approaches are supplemented by introducing civic upbringing and education as an optional subject in its own right, while in the 4<sup>th</sup> cycle (the first and second years of secondary school), civic upbringing and education is introduced as a compulsory subject. For the last two years of secondary school (which are beyond the scope of the NFC), it is suggested to continue the crosscurricular, modular, and extracurricular approaches, with an emphasis on carrying out research projects as part of the school curriculum, within which pupils will engage with the topics of citizenship, economy, and the labour market. Apart from teaching, the curriculum covers other aspects of the life and work at school, including issues of democratic governance of the school, cooperation of the school with the local community and building a democratic school culture.

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the period 2006-2012; National Policy for the Promotion of Gender Equality 2006-2010; National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016; National Programme for the Protection and Promotion of Human Rights 2008-2011; National Youth Programme 2009-2013.



The civic and educational capital which Croatia nowadays has at its disposal in the formal and informal system of upbringing and education is relatively large. A significant number of primary and secondary schools has included upbringing and education for human rights and/or related curricular areas or programmes into the teaching of certain subjects or as an extracurricular project activity in cooperation with the Education and Teacher Training Agency, civil society organisations, and other relevant social actors. A significant part of these activities is in principle connected with the National Programme of Human Rights Education; in primary schools it was also applied in the framework of the experimental implementation of the Croatian National Educational Standard (HNOS). However, in the absence of an adequate normative and organisational framework, such as a curriculum, such activities were not carried out systematically and continuously, nor were they monitored and evaluated.

Apart from the quality of its content, the key factors of success in the implementation of the Curriculum for Civic Upbringing and Education are: adequate legal and normative basis; adequate professional capacities of teachers; appropriate teaching material, and instruments for monitoring and evaluation of curricular and extracurricular practices.

The main challenge to the efficient implementation of the Curriculum, apart from enacting appropriate legal provisions to regulate upbringing and education, is certainly to ensure high quality education, training and professional improvement of teachers in the lifelong context; the same also applies to other experts concerned with the well-being of children and youth, such as pedagogues, psychologists, social workers, physicians, journalists, judges, prosecutors and police officers. Conditions should be secured for teachers to acquire knowledge of key concepts and topics, as well as the principles governing this field; they should learn to use participatory, interactive, explorative and cooperative learning methods in teaching and in an extracurricular context; they should be empowered to encourage the development of critical thinking in pupils and students, as well as openness to different cultures and worldviews, and to process socially controversial issues through discussion, debate, and dialogue; they should be prepared to grade and evaluate within the system of ensuring the quality of upbringing and education at the institutional level, and encouraged to assume leadership in democratising the school culture and developing the school as a democratic community of learning and teaching.

Furthermore, it is necessary to ensure adequate teaching material, primarily handbooks for teachers and textbooks for pupils, which would be harmonised with the content of the Curriculum, but also other resources for learning and teaching, particularly those which rely on the new information and communications technologies. Finally, indicators of quality should be defined and a system of quality assurance in teaching and learning for active and responsible citizenship should be established, which would include not only the teaching practices, but also the monitoring and evaluation of other aspects of life and work of the school as a democratic community. Given that the efficiency of a system of quality assurance also depends on the systematic collection of empirical data necessary for rational and

feasible policy-making in upbringing and education, it is vitally necessary to secure the adequate human resources and the financial and organisational conditions to conduct continuous scientific research.

Finally, education for human rights and democratic or active citizenship should be introduced in faculties of law, because it is through legal mechanisms that human rights are primarily developed and protected, and the legal arrangement of the practice of civic upbringing and education is a precondition for introducing and developing this field.

**Objective 112.** Encourage introduction of upbringing and education for human rights and democratic citizenship into primary and secondary schools

<b>Implementation measure 112.1</b>	Analyse the results of the implementation of the Curriculum for Civic Upbringing and Education
Implementing agency	Education and Teacher Training Agency
Co-carrier	Office for Human Rights and Rights of National Minorities in cooperation with civil society organisations and the National Centre for External Evaluation
Implementation deadline	December 2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the Education and Teacher Training Agency
Implementation indicators	– completed analysis of achievements of the Curriculum for Civic Upbringing and Education

<b>Implementation measure 112.2</b>	Development and implementation of a curriculum for lifelong education and training of teachers for work in the field of civic upbringing and education in cycles, with the emphasis on cooperation between the formal and informal sectors of upbringing and education
Implementing agency	Education and Teacher Training Agency in cooperation with the academic community
Co-carrier	Office for Human Rights and Rights of National Minorities
Implementation deadline	December 2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Education and Teacher Training Agency
Implementation indicators	– development of the curriculum for lifelong education and training of teachers for work in the field of civic upbringing and education by cycles, with an emphasis on cooperation between the formal and informal sectors of upbringing and education – programmes of human rights education adopted

<b>Implementation measure 112.3</b>	Development and implementation of measures and instruments of quality assurance in civic upbringing and education, as part of the development of the national system of quality assurance of upbringing and education, with an emphasis on a comprehensive institutional approach
Implementing agency	Education and Teacher Training Agency National Centre for External Evaluation in cooperation with the relevant educational institutions and civil society organisations
Co-carrier	
Implementation deadline	2016
Source of financing and necessary funds	regular funds from the State Budget allocated to the Education and Teacher Training Agency and the National Centre for External Evaluation of Education – development of the system of upbringing and education 300,000.00 HRK annually
Implementation indicators	– instruments of quality assurance in civic upbringing and education developed and put into practice as part of the national system of quality assurance of upbringing and education, with an emphasis on a comprehensive institutional approach

**Objective 113.** Encourage the introduction of education for human rights and democratic or active citizenship in higher education and research

<b>Implementation measure 113.1</b>	Introduction of education for human rights and democratic or active citizenship in higher education programmes at the graduate and postgraduate levels, with special emphasis on the faculties which educate teachers and other experts for working with children and youth
Implementing agency	Agency for Science and Higher Education in cooperation with the Education and Teacher Training Agency, relevant institutions of higher education and civil society organisations
Co-carrier	
Implementation deadline	2014
Source of financing and necessary funds	regular funds from the State Budget allocated to the Agency for Science and Higher Education
Implementation indicators	– education for human rights and democratic or active citizenship introduced into higher education programmes at the graduate and postgraduate levels, with special emphasis on the faculties which educate teachers and other experts for working with children and youth

<b>Implementation measure 113.2</b>	Establishing university centres for human rights and democratic or active citizenship with a triple mission: research, development and implementation of programmes for faculties which educate teachers and similar faculties, as well as consultative support for institutions of upbringing and education in introducing the relevant programmes and monitoring their quality, in accordance with the principle of integrated approach
Implementing agency	Agency for Science and Higher Education in cooperation with the Education and Teacher Training Agency, relevant university bodies and institutions of higher education, and civil society organisations
Co-carrier	
Implementation deadline	2016
Source of financing and necessary funds	regular funds from the State Budget allocated to the Agency for Science and Higher Education
Implementation indicators	<ul style="list-style-type: none"> <li>– at least one centre for human rights and democratic or active citizenship established and operational, active in research, development and implementation of programmes for faculties which educate teachers and similar faculties, and providing consultative services for schools and institutions of higher education in introducing and monitoring the quality of the relevant programmes</li> </ul>

### 30. Fostering civil society development and exercising the freedom of association

Ever since it gained independence, the Republic of Croatia has given special attention to the freedom of association. In the process of creating the legislative framework<sup>252</sup> and gradually building the institutional capacities, the modes of association inherited from the earlier period were reformed, especially the organisation of a civic concept of democracy. The Associations Act<sup>253</sup> of 1997 gave the initial definitions, and in 2001<sup>254</sup> the advanced criteria and standards of association, as well as measures and criteria for support by the state for a social space organised in this way.

Among the first organisations that were formed were mostly those of a humanitarian character, but also those engaged in the protection and promotion of human rights, which intensely advocated the establishment of mechanisms for the protection of human rights of the citizens of the Republic of Croatia, regardless of their national or any other identity. This process of establishing occurred in parallel with the devastations of war and the suffering of the civilian population, which influenced the activities of civil society organisations for the protection of human rights by focusing them on the protection of the fundamental constitutional rights, such as the right to life, dignity and property. In the second half of the Nineties, amidst the effort to further democratise the Croatian society, there was a noticeable increase in the number of civil society organisations engaged precisely with these aspects of the protection and promotion of human rights and fundamental freedoms. In the late Nineties and the early years of the 21<sup>st</sup> century, there has also been an increase in the activities of organisations dealing with the rights of special social groups such as consumers, patients, child-bearers, sexual minorities, but also animal rights, alternative development models etc.

Today, there are nearly 48,000 associations in the Associations Register of the Republic of Croatia. Most of them are active in the field of culture, the arts, sport, hobbies and education, while a smaller number are active in the field of protection and promotion of human rights. Studies show that some 270 organisations were focused on protecting human rights and democratisation (women's human rights, protection of human rights and fostering the culture of peace, the rights of persons with disabilities, consumers' and patients' rights, rights of minorities, protection of the environment,

252 Among other things, many acts and subordinate regulations and documents were enacted: the Associations Act (OG 88/01, 11/02, 16/07), the Act on Foundations and Funds (OG 36/95, 4/96, 64/01), the Act on the National Foundation for Civil Society Development (OG 173/03), the Code of Good Practice, Standards and Benchmarks for the Allocation of Grants for Programmes and Projects of NGOs (OG 16/07), the Volunteer Act (OG 58/07), the Act on Games of Chance (OG 87/09), Code of Public Consultation in the Procedures of passing Laws and Other Regulations (OG 140/09), the Regulation on the Office for Cooperation with NGOs (OG 34/12), the Decision on the Establishment of the Council for the Development of Civil Society (OG 140/09, 42/12). The most recent strategic document was adopted in 2011 – the National Strategy for creating an Enabling Environment for Civil Society Development 2012-2016, which builds on the document of the same name for the period 2007-2011.

253 OG 70/97, 106/97.

254 OG 88/01.

sexual minorities' rights, development of local communities).<sup>255</sup> The majority of these organisations view their contribution as promoting the rule of law, involving citizens in the public sphere, raising public awareness on various social issues, community development, and they try to contribute to the establishment of an equal level and inviolability of universal rights for all people irrespective of race, ethnicity, religion, political convictions, class, sexual orientation, education or property status. Likewise, they advocate acknowledgement and respect for differences (of sex, race, cultural identity, education, economic power, sexual orientation etc.), which benefits the promotion of tolerance and positive action towards especially vulnerable and minority groups. Their activities encompass direct assistance for persons whose rights are under threat; monitoring and analysing the existing legislation; initiating legislative initiatives for amending the existing, or adopting new legislation; monitoring the application of, and respect for the internationally accepted standards of human rights protection that the Republic of Croatia has incorporated into its legal system, as well as encouraging people and citizens to organise and associate to protect and exercise their rights. They strengthen democracy, but also serve as a corrective for the state, that is, they increase its accountability towards the citizens in the process of public policy-making.

Civil society does not consist only of associations as the most common form of civic organising; it is perceived as the wider sphere of social life, which does not directly belong either to the governmental or the private, for-profit sector. It is the citizens' active engagement with the public services and affairs: from participation in public discussions and influencing the formation of political will, through specific initiatives focused on certain political and legal measures, to taking over some of the public duties that the state institutions cannot perform either at all, completely or well enough. In addition to associations, when speaking of the legal set-up of civil society organisations we also consider endowments, foundations, private institutions, trade unions, but also various kinds of informal civic initiatives.

In the Republic of Croatia, the institutional framework for the development of civil society has been established. The institutional framework comprises a number of stakeholders: the Office for Cooperation with NGOs of the Government of the Republic of Croatia, the Council for the Development of Civil Society as an advisory body of the Government of the Republic of Croatia, the National Foundation for Civil Society Development, state administration bodies, civil society organisations, local and regional self-government units. All stakeholders interactively participated in the design and implementation of strategic goals for the creation of an enabling environment for the development of civil society in the Republic of Croatia. This entails the implementation of national programmes and strategies, intersectoral cooperation and education, regional development and civic participation in the preparation and adoption of public policies. The relevant bodies of local and state administration are increasingly establishing partnerships with civil society organisations in the fields

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255 Based on: Suzana Kunac (Sanja Sarnavka, ed.), *Vrijednost vrednota, civilno društvo i hrvatska demokratizacija*. B.a.b.e., Zagreb 2006.

where their work is mutually complementary. Consequently, a series of cities and municipalities have signed charters of cooperation with civil society organisations.

The adoption of the *National Strategy for the Creation of an Enabling Environment for Civil Society Development* (the Government of the Republic of Croatia, 2006) and the *Operational Plan for the Implementation of the National Strategy* (the Government of the Republic of Croatia, 2007) represent a significant step forward in the creation of a new legal, financial and institutional framework of support for civil society development. These documents determine the model of consulting with citizens, civic initiatives and civil society organisations, as well as the mode of their participation in the enactment, implementation and evaluation of public policies. They also help strengthen the rule of law and citizens' trust, thus contributing to the development of participatory democracy. The National Strategy describes the phenomena and issues that are especially important for the creation of an enabling environment for the development of civil society, and proposes objectives, measures and activities for resolving these problems and fulfilling the needs of the civil society in its regular functioning and strategic planning of its future. The highest standards of informing, consulting, participation and partnership with civil society organisations at all stages of the development of the document were applied in the adoption of *The National Strategy for the Creation of an Enabling Environment for Civil Society Development for the period 2012-2016*, which determines at a strategic level the goals in the sphere of support for civil society development that the Republic of Croatia desires to achieve in the following five-year period.

The Code of Public Consultation in the Procedures of passing Laws and Other Regulations<sup>256</sup> provides guidelines for effective consultation between state bodies and the interested public in the procedures of adopting laws and other acts, as well as the existing good consultation practices already in use in individual state administration bodies. In addition to the general principles, standards and measures in the consultation proceedings, the Code also provides for the drafting of guidelines for its implementation, as well as the programme of systematic education of consulting coordinators, who are to be appointed by all central state administration bodies, that is, the Government Offices tasked with drafting the laws, other regulations and acts, to function as contact persons with the responsibility to consistently monitor and coordinate the procedures of consulting the interested public. In 2010, the Office for Cooperation with NGOs issued the publication entitled *The Guidelines for the application of the Code of Public Consultation in the Procedures of passing Laws and Other Regulations*. The Guidelines were accepted in July 2010 by the Committee for monitoring the Implementation of Measures for the Suppression of Corruption, as the groundwork for educating consultation coordinators in state administration bodies. The Office for Cooperation with NGOs has carried out training for consultation coordinators in central state administration bodies, and published on its website the information on open and completed consultations for regulations, whose adoption was under the purview of the Office for Cooperation with NGOs. It

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256 OG 140/09.

also prepares annual reports on the application of the Code of Public Consultation. During 2011 and the first half of 2012, the Office for Cooperation with NGOs has implemented the IPA 2009 technical assistance project *Strengthening the Capacity of the Office for Cooperation with NGOs for building Effective Partnership with Civil Society Organisations in the Fight against Corruption*, whose goal was to improve the cooperation between state bodies and civil society organisations in combating corruption. The main activities of the project included designing a comprehensive programme of education and training for consultation coordinators appointed to state administration bodies and Offices of the Government of the Republic of Croatia; holding several public discussions; and designing and printing a comprehensive handbook for holding consultations. As part of the practical work in the course of the implementation of the modules, the coordinators embarked on designing and uploading special subpages concerning consultation processes within their parent-bodies' websites, which is currently one of the most visible results of the project. It is worth mentioning that the Office for Cooperation with NGOs organises monthly meetings between all consultation coordinators, with the aim of sharing information and experiences, enabling additional education and further awareness-raising regarding the importance of this field in the further development of the services provided by public administration bodies. Likewise, the website of the Office for Cooperation with NGOs features a special subpage dedicated to consulting the interested public.

Despite the aforementioned efforts aimed at establishing an effective system of consulting with the interested public in procedures of passing laws, other regulations and acts, it is necessary to ensure continuous education of all the relevant stakeholders in the process of public policy-making.



**Objective 114.** Ensure the development of capacities and high standards of functioning of civil society organisations in the protection of human rights

<b>Implementation measure 114.1</b>	Enhance the policies of financing projects and programmes of civil society organisations in the field of human rights protection by means of strategic planning of needs and the development of multi-annual programmes of support
Implementing agency	Office for Human Rights and Rights of National Minorities
Co-carrier	Office for Cooperation with NGOs Interdepartmental committee for coordinating the policies of financing associations' projects and programmes from the State Budget of the Republic of Croatia National Foundation for Civil Society Development
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities
Implementation indicators	<ul style="list-style-type: none"> <li>– sectoral analysis of bidding processes of the Office for Human Rights and Rights of National Minorities in 2014 drafted in cooperation with civil society organisations</li> <li>– reduced number of financed projects, accompanied by an increase in individual sums awarded</li> <li>– designing a proposal for a programme of multi-annual financing of civil society organisations</li> </ul>
<b>Implementation measure 114.2</b>	Encourage networking and sharing good practices and knowledge among civil society organisations, as well as transferring knowledge between associations with developed public advocacy capacities and associations only beginning their activities in advocacy
Implementing agency	Office for Human Rights and Rights of National Minorities, in cooperation with the National Foundation for Civil Society Development and the Knowledge Centres for Social Development in the Republic of Croatia
Co-carrier	Office for Cooperation with NGOs
Implementation deadline	2014 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities; funds from the National Foundation for Civil Society Development secured through the approved funds for the implementation of projects and other forms of support
Implementation indicators	<ul style="list-style-type: none"> <li>– number of educational and informative events held (workshops, roundtables, consultations, panels etc.)</li> <li>– number of networks established</li> </ul>

**Objective 115.** Raise public awareness of the importance of civil society organisations for advocacy in the field of human rights and increase their visibility in the society

<b>Implementation measure 115.1</b>	Initiate and financially support a study on the contribution of advocacy civil society organisations to the protection of human rights in the Republic of Croatia
Implementing agency	Office for Human Rights and Rights of National Minorities, in cooperation with the National Foundation for Civil Society Development and the Knowledge Centres for Social Development in the Republic of Croatia
Co-carrier	Office for Cooperation with NGOs
Implementation deadline	December 2015
Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Human Rights and Rights of National Minorities and funds from the National Foundation for Civil Society Development secured through support for the activities of the Knowledge Centres for Social Development in the Republic of Croatia
Implementation indicators	<ul style="list-style-type: none"> <li>– carrying out the study</li> <li>– publishing the results of the study</li> </ul>
<b>Implementation measure 115.2</b>	Encourage philanthropy and donations by citizens and legal persons to civil society organisations, including organisations for the protection of human rights
Implementing agency	National Foundation for Civil Society Development Local community foundations Regional networks implementing the Programme of regional civil society and local community development in the Republic of Croatia, in cooperation with local community foundations
Co-carrier	
Implementation deadline	December 2013 and continuous
Source of financing and necessary funds	funds from the National Foundation for Civil Society Development secured to support the development of philanthropy through the "ZaDobroBIT" programme and partnership programmes with regional foundations
Implementation indicators	<ul style="list-style-type: none"> <li>– conceiving and carrying out activities fostering philanthropy</li> <li>– increasing both the absolute and relative sums donated by citizens to organisations</li> </ul>

**Objective 116.** Strengthen the institutional capacities of state administration bodies and other bodies participating in designing and developing public policies in order to ensure a transparent and effective process of consulting with the interested public in the process of adopting laws, other regulations and acts

<b>Implementation measure 116.1</b>	Use continuous education of employees to improve the application of the Code of Public Consultation in the Procedures of passing Laws and Other Regulations at the level of national, regional and local policy-makers, that is, bodies cooperating in the drafting and development of public policies
Implementing agency	Office for Cooperation with NGOs Ministry of Public Administration in cooperation with the State School for Public Administration
Co-carrier	all state administration bodies, local and regional self-government bodies
Implementation deadline	continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the competent bodies
Implementation indicators	<ul style="list-style-type: none"> <li>– number of educational and promotional activities carried out</li> <li>– submitting reports on the consultations carried out show successive increases in both the absolute and relative number of consultations (in relation to the adopted regulations and documents)</li> <li>– number of stakeholders included in the consultation proceedings (at the level of individuals and organisations – civil society, private sector etc.)</li> </ul>

**Objective 117.** Secure an enabling environment for the inclusion of civil society organisations in the sphere of human rights protection in the provision of international development aid

<b>Implementation measure 117.1</b>	Encourage the participation of civil society organisations engaged in the protection and promotion of human rights in the transfer of knowledge and skills in the framework of international development cooperation of the Republic of Croatia, especially with regard to the region of South-Eastern Europe and post-conflict areas
Implementing agency	Office for Cooperation with NGOs Ministry of Foreign and European Affairs National Foundation for Civil Society Development
Co-carrier	Office for Human Rights and Rights of National Minorities
Implementation deadline	December 2014

Source of financing and necessary funds	regular funds from the State Budget allocated to the Office for Cooperation with NGOs, the Ministry of Foreign and European Affairs and funds from the National Foundation for Civil Society Development secured through the finances approved for the implementation of projects and other forms of support
Implementation indicators	<ul style="list-style-type: none"> <li>– number of calls for proposals</li> <li>– number of approved projects of civil society organisations</li> <li>– reports from civil society organisations on the activities carried out and disbursed funds</li> </ul>

**Objective 118.** Increase the awareness of the significance of the freedom of association

<b>Implementation measure 118.1</b>	Raise awareness of public administration employees on the role of civil society organisations in general, and the role of human rights and advocacy organisations in the creation of an open, democratic and non-violent society
Implementing agency	State School for Public Administration
Co-carrier	Office for Cooperation with NGOs Office for Human Rights and Rights of National Minorities in cooperation with civil society organisations
Implementation deadline	2014 and continuous
Source of financing and necessary funds	regular funds from the State Budget allocated to the State School for Public Administration
Implementation indicators	<ul style="list-style-type: none"> <li>– issuing publications and carrying out promotional activities: roundtables, consultations, workshops; publishing promotional and educational materials on the web pages</li> <li>– number of civil servants and public officials, as well as officials and councillors of local and regional self-government units who attended the educational modules related to the cooperation of public authority bodies and civil society organisations</li> </ul>

## VI. Concluding Provisions

### Recommendation to units of local and regional self-government

Counties, cities and municipalities are invited to work in partnership with all state administration bodies and civil society organisations on the protection of human rights and fundamental freedoms, and on achieving the shared goals stated in this National Programme, to the benefit of every individual in the Republic of Croatia.

They are also invited, in cooperation with civil society organisations and to the best of their abilities, to initiate and support:

- (1) co-financing programmes of civil society organisations that enhance and promote human rights;
- (2) participation in the implementation of the National Programme at the local level.

### Recommendation to civil society organisations

Civil society organisations engaged in the protection and promotion of human rights are invited to cooperate in the implementation of this National Programme with bodies authorised for its implementation, with the aim of its full realisation. In that sense, they are invited to:

- (1) realise cooperation and partnership with the local self-government, in order to promote citizens' interests and demands;
- (2) implement programmes of education for human rights, envisage and implement (informal) forms of education for building a civil society;
- (3) oversee the implementation of the measures from the National Programme

## Implementation, monitoring and evaluation of the National Programme

The Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia is tasked with coordinating the implementation, monitoring and evaluation of the National Programme. The measures set forth in the National Programme are mostly regular activities of state bodies, and their implementation will not require additional funds. The finances needed for implementing the measures from the National Programme of Protection and Promotion of Human Rights for the period 2013-2016 will be planned by means of annual operative plans. In 2012, the Government of the Republic of Croatia and the newly established state administration bodies have drafted several national strategies that complement the field of human rights. In order to avoid repeating priorities, goals and measures, the National Strategy was drafted retrospectively, so that it may better supplement the aforementioned strategies (for instance, the National Strategy for Young People, the National Strategy for the Creation of an Enabling Environment for the Development of Civil Society, the National Healthcare Strategy...).

### *(1) Implementation*

The Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia is tasked with coordinating the implementation of the National Programme for the Protection and Promotion of Human Rights, which is implemented by public authority bodies as agencies responsible for specific measures.

### *(2) Monitoring*

For the purpose of monitoring the implementation of the Programme, the agencies responsible for implementing individual measures shall draft annual plans for the implementation of the specific measures and submit them to the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia.

The Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia shall draft an annual Overview of the implemented measures from the *National Programme* and periodically appraise the results and challenges of the implementation of the measures.

The implementing agencies are required to submit their reports on the measures implemented in the past year, planned activities and necessary financial resources for the coming budget period to the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia by 15 March. The reports are to be submitted in the shape of a filled-out form, which is composed by the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia.

Based on the collected reports, the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia will draft a *Report on the Implementation of the National Programme* and submit it to the Government of the Republic of Croatia for approval by 15 June at the latest.

### *(3) Evaluation*

For the purpose of timely evaluation of the National Programme, it is recommended that the implementation of all measures be completed in accordance with the ability to meet the deadlines set for the evaluation of the National Programme.

The overall implementation of the National Programme and its impacts on the state of human rights in the Republic of Croatia will be evaluated by the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia. The evaluation will be based on an expert analytical report, to be drafted by an expert workgroup for the evaluation of the implementation of the National Programme, consisting of experts, academics and members of civil society organisations. The workgroup will conduct the first evaluation in the first quarter of 2015, and the second upon the conclusion of the implementation of the National Programme.

The report will contain: (1) an evaluation of the level of achievement of the goals contained in the National Programme; (2) evaluation of the efficiency of the implementation of specific measures; (3) assessment of the impact of the National Programme on the state of human rights in the Republic of Croatia and (4) recommendations of key objectives and courses of action for the Government of the Republic of Croatia to pursue in order to protect human rights in the coming four-year period.

The report on the implementation and impacts of the National Programme will serve as the foundation for the creation of a new national programme for the protection and promotion of human rights for the period 2017-2020.

Following its adoption, the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia will publish the National Programme on its website. Within three months, it will print and distribute the Programme to the implementing agencies and co-carriers responsible for the implementing measures.

