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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Croatia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.



1. The Government of the Republic of Croatia welcomes the recommendations made during the second cycle of the Universal Periodic Review as a result of the interactive debate with interested countries held on 12 May 2015. In accordance with the established rules, Croatia is pleased to provide its responses.
2. The Republic of Croatia is deeply committed to the Universal Periodic Review and is a strong supporter from the very beginning of its creation. The Universal Periodic Review is a unique and key mechanism that puts all countries on equal footing as concerns human rights and its record. We are also of the view, that the Universal Periodic Review provides the best way for further improvement of human rights in every country, fostering as well a permanent national debate with all relevant actors, including national human rights institution and civil society organisations.
3. The Government of the Republic of **Croatia has carefully and in a good will reviewed the 167 recommendations** in close cooperation with all relevant actors in Croatia and through an intensive and fruitful consultation. As a result, we are pleased to inform that the Republic of Croatia finally has been able **to accept 162 recommendations in full/or partially**.
4. The Republic of Croatia structured this Addendum in accordance with the clusters that we made to facilitate the consultative internal process, in order to better reflect the main themes of concern as well as further strengthen the responsibility of the competent state bodies towards a concrete recommendation.
5. Recommendations that the Republic of Croatia accepts are those we support and are able to comprehensively implement in a regular practice. Among them, there are recommendations that Croatia has either already implemented or those recommendations are currently in the process of implementation.
6. Recommendations that the Republic of Croatia accepts in part are those we support, but due to still existing factors (legal or in practice) are only able to implement partially for the time being.
7. Recommendations that do not enjoy the support of the Republic of Croatia and as a consequence we do not accept them are those we are not able to implement - whether, because of the principle behind them or because we are of the view that the situation on the ground is different from the recommendation's intention. Whatever the reason, it is explained in details in this Addendum.
8. As an active member of the international community and candidate for the 2017/19 Human Rights Council, the Republic of Croatia has also voluntarily committed itself to update the second Universal Periodic Review through its Mid-term report.
9. Lastly, in accordance with paragraphs 27 and 32 of the annex to United Nations General Assembly resolution 5/1 and paragraph 16 of the annex to resolution 65/281, the Republic of Croatia provides information regarding its position and it is pleased to provide the following responses to be included in the outcome report:

Ratification and reporting process

- 99.1. Accepted, in the course of implementation.
- 99.2. Accepted, in the course of implementation.

Croatia was among the first countries that signed the Convention in Paris in 2007. However the process of harmonisation with domestic legislation, in particular with the criminal law is currently being discuss and the ratification is under consideration.

- 99.3. Accepted, in the course of implementation.

- 99.4. Accepted, in the course of implementation.
- 99.5. Accepted, in the course of implementation.
- 99.6. Accepted, in the course of implementation.
- 99.7. Accepted, in the course of implementation.
- 99.8. Accepted, in the course of implementation.
- 99.11. Accepted, in the course of implementation.

Croatia was actively engaged in process of drafting the Protocol and has given full support to its adoption. Furthermore, Croatia provides a high level of international supervision of the implementation of economic and social rights through the submission of collective complaints pursuant to the European Social Charter (Council of Europe), being one of the few countries in Europe that permit it. In accordance with the recent entry into force of the Protocol (May 2013), a review of alignment of national legislation and practices by relevant bodies is ongoing in order to make decision as concerns this innovative monitoring system based on individual complaints.

- 99.9. Partially accepted. (See: 11.)
- 99.10. Partially accepted. (See: 11.)
- 99.12. Accepted, in the course of implementation.

The Republic of Croatia from the beginning was among those countries that supported the activities in drafting process of the Optional Protocol and signed the Optional Protocol in December 2013. In the following period, preparatory activities related to the ratification of the Protocol (which will further strengthen the system of child protection) are planned, and the need to ensure administrative, institutional, professional, and financial resources for its implementation in practice is recognised.

- 99.13. Accepted, in the course of implementation. (See:12.)
- 99.15. Not accepted.

We are still of the view that the legal protection for migrants could be adequately provided at the national level - taking into account the main principles and modern standards of human rights which have to be implemented to this especially vulnerable social group. For the time being, the consideration of the ratification of this Convention is not among our current priorities.

- 99.14. Not accepted. (See: 15.)
- 99.17. Accepted, already implemented.
- 99.18. Accepted, in the course of implementation.
- 99.19. Accepted, in the course of implementation.
- 99.22. Accepted, in the course of implementation.
- 99.23. Partially accepted.

The Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia will set up a Working Group consisting of relevant ministries to decide on implementation of the recommendation.

- 99.16. Not accepted.

The Republic of Croatia for the time being considers the existing legal framework sufficient and currently is not planning to ratify this Convention. In addition, our legislation does not recognise the term of domestic workers.

99.65. Accepted, in the course of implementation.

99.66. Accepted, in the course of implementation.

99.41. Not accepted.

We have a different approach. The ministries are the competent state bodies that are, in accordance with their jurisdiction, dealing with the substance as well as with the implementation of the provisions of certain conventions in the field of human rights. It is precisely the ministries that are primarily responsible for preparing drafts of the national reports. It is up to them to further organize the preparation of the drafts whether through inter-ministerial drafting groups or in close cooperation with all other relevant and interested stakeholders. Finally, the Ministry of Foreign and European Affairs is responsible for coordination of the reports.

99.64. Accepted, in the course of implementation.

Legislative and institutional framework

99.24. Accepted, in the course of implementation.

99.43. Accepted, already implemented.

99.36. Accepted, already implemented.

99.44. Partially accepted.

Currently, the Government of the Republic of Croatia regularly monitors its progress through already established indicators in its different national plans, such especially is the National Programme for Protection and Promotion of Human Rights. However, this recommendation as concerns developing concrete human rights indicators (in accordance with the OHCHR instrument: “Indicators – A Guide to Measurement and Indicators”) will be considered in due course by the competent authorities.

99.45. Accepted, in the course of implementation.

99.42. Accepted, already implemented.

99.37. Accepted, in the course of implementation.

99.38. Accepted, in the course of implementation.

99.39. Accepted, in the course of implementation.

99.40. Accepted, in the course of implementation.

99.122. Accepted, in the course of implementation.

99.123. Accepted, in the course of implementation.

99.118. Accepted, in the course of implementation.

Discrimination

99.55. Accepted, in the course of implementation.

99.57. Accepted, in the course of implementation.

99.73. Accepted, in the course of implementation.

Hate crime, hate speech and defamation

99.76. Accepted, in the course of implementation.

99.102. Accepted, already implemented.

99.103. Accepted, already implemented.

99.106. Accepted, already implemented.

99.33. Partially accepted.

The Criminal Code (into force, on 1 January 2013), provides for a solution already adopted by European legislation (Swiss, German, Austrian, Slovenian, etc.) which distinguishes defamation and insult. This way, the Croatian criminal law is fully harmonized with modern European criminal law.

Furthermore, the Act on Amendments to the Criminal Code, adopted in 2015, amended the criminal offense of severe defamation (the word “severe” has been added to the criminal offense of defamation). The purpose was to stipulate more clearly the preconditions for exclusion of unlawfulness for the criminal offences of defamation.

Namely, the provision on the exclusion of unlawfulness for the criminal offence of defamation has been simplified and now it is required that the perpetrator proves that the factual claims made/propagated by him/her are true or that there existed a serious reason why he/she believed them to be true.

Also, the amendments introduce a new article, stipulating the exclusion of unlawfulness for the criminal offences of insult and serious defamation. Therefore, here shall be no criminal offences of insult and serious defamation if the elements of the said offences were fulfilled in an academic, technical or literary piece, work of art or public information, or while the perpetrator was performing a function laid down by law, or engaging in a political or other public/social activity, or doing journalistic work or defending a right, provided this was done in the public interest or for other justified reasons. This way, the scope of the criminal offence of serious defamation has been narrowed. Only the most severe violations of honor and reputation result in criminal liability.

It is important to emphasize that criminal offences against honor and reputation, which include a criminal offense of serious defamation, are the only offences punishable solely by a fine, which means they are treated as misdemeanors. Prescribing them as offenses in the Criminal code indicates their increased social danger, as opposed to misdemeanors.

99.34. Partially accepted. (See: 33.)

Prisons/Torture

99.94. Accepted, already implemented.

99.31. Accepted, in the course of implementation.

99.79. Accepted, in the course of implementation.

99.80. Accepted, in the course of implementation.

99.78. Accepted, in the course of implementation.

99.88. Accepted, in the course of implementation.

Domestic violence

99.108. Accepted, in the course of implementation.

99.82. Accepted, in the course of implementation.

- 99.50. Accepted, already implemented.
- 99.51. Accepted, in the course of implementation.
- 99.84. Accepted, in the course of implementation.
- 99.29. Accepted.
- The new National Anti-discrimination plan is currently being developed.
- 99.25. Accepted, already implemented.
- 99.28. Accepted, already implemented.
- 99.86. Accepted, in the course of implementation.
- 99.61. Accepted, in the course of implementation.
- 99.30. Accepted, in the course of implementation.
- 99.20. Accepted, in the course of implementation.
- 99.52. Accepted, in the course of implementation.
- 99.96. Accepted, in the course of implementation.
- 99.27. Accepted, in the course of implementation.
- 99.93. Accepted, in the course of implementation.
- 99.109. Accepted, in the course of implementation.
- 99.21. Accepted, in the course of implementation.
- 99.58. Accepted, in the course of implementation.

Women's rights

- 99.68. Accepted, in the course of implementation.
- 99.67. Accepted, in the course of implementation.
- 99.59. Accepted, in the course of implementation.
- 99.53. Accepted, in the course of implementation.
- 99.69. Accepted, in the course of implementation.
- 99.70. Accepted, in the course of implementation.
- 99.74. Accepted, in the course of implementation.
- 99.71. Accepted, already implemented. (See: Labour Act, 2014.)
- 99.113. Accepted, already implemented.

Accepted, in particular through the Active labour market policies measures and employment package specifically created for unemployed women.

- 99.114. Accepted, in the course of implementation.

Children

- 99.46. Accepted, in the course of implementation.
- 99.62. Accepted, in the course of implementation.

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- 99.54. Accepted, in the course of implementation.
99.48. Accepted, in the course of implementation
99.49. Accepted, in the course of implementation.
99.81. Accepted, in the course of implementation.
99.83. Accepted, in the course of implementation.
99.72. Accepted, in the course of implementation.
99.87. Accepted, in the course of implementation.
99.121. Accepted, in the course of implementation.
99.124. Accepted, in the course of implementation.
99.125. Accepted, in the course of implementation.
99.112. Accepted, in the course of implementation.
99.126. Accepted, in the course of implementation.
99.127. Accepted, in the course of implementation.
99.128. Accepted, in the course of implementation.
99.129. Accepted, in the course of implementation.
99.165. Accepted, in the course of implementation.
99.119. Accepted, in the course of implementation.
99.130. Accepted, in the course of implementation.
99.140. Accepted, in the course of implementation.
99.137. Accepted, in the course of implementation.
99.147. Accepted, in the course of implementation.

Disabilities

- 99.47. Accepted, already implemented.
99.63. Accepted, already implemented.
99.32. Accepted, already implemented.
99.131. Accepted, already implemented.
99.133. Accepted, in the course of implementation.
99.132. Accepted, in the course of implementation.
99.134. Accepted, in the course of implementation.
99.136. Accepted, in the course of implementation.
99.135. Accepted, already implemented.
99.138. Accepted, already implemented.

It is implemented, in particular through the Act on Vocational Rehabilitation and Employment of Persons with Disabilities.

- 99.139. Accepted, in the course of implementation.

LGBT persons

99.77. Accepted, in the course of implementation.

99.111. Not accepted.

Since 2007 Republic of Croatia implemented system of track record for all hate crimes. During that period all of the criminal offences and misdemeanours committed on account of a person's race, colour, religion, national or ethnic origin, disability, gender, sexual orientation, or gender identity were recorded in track record. During that period no law enforcement officers recorded as perpetrators of hate motivated criminal offences or misdemeanours. Also, since 2006 Croatian Police established education on hate crimes for police officers on Police Academy. According that, recommendation nr: 111 is not accepted because we have not recorded any hate motivated criminal offence committed by law enforcement officer against LGBT or ethnic persons.

Trafficking in persons

99.91. Accepted, in the course of implementation.

99.85. Accepted, in the course of implementation.

99.75. Accepted, in the course of implementation.

99.110. Accepted, in the course of implementation.

National minorities

99.146. Accepted, in the course of implementation.

99.56. Accepted, in the course of implementation.

99.150. Accepted, in the course of implementation.

99.154. Accepted, in the course of implementation.

99.141. Accepted, in the course of implementation.

99.152. Accepted, in the course of implementation.

99.142. Accepted, in the course of implementation.

99.144. Accepted, in the course of implementation.

99.155. Accepted, in the course of implementation.

99.143. Accepted, in the course of implementation.

99.145. Accepted, in the course of implementation.

99.149. Accepted, in the course of implementation.

99.151. Accepted, in the course of implementation.

99.153. Accepted, in the course of implementation.

99.156. Accepted, in the course of implementation.

99.157. Accepted, in the course of implementation.

99.148. Accepted, in the course of implementation.

99.166. Accepted, in the course of implementation.

99.60. Accepted, in the course of implementation.

Comment: The national minorities are not by itself treated as a vulnerable group in the Social Welfare Act and only in cases of social deprivation defined by the law they are eligible as social welfare users and enjoy the same level of rights as any other Croatian citizen.

99.115. Accepted, in the course of implementation.

99.116. Accepted, in the course of implementation.

Refugees, returnees

99.162. Accepted, in the course of implementation.

99.163. Accepted, in the course of implementation.

99.161. Accepted, in the course of implementation.

Those efforts especially concern the National Housing Program and the Regional Housing Program.

99.117. Accepted, in the course of implementation.

99.120. Accepted, in the course of implementation.

99.164. Accepted, in the course of implementation.

99.167. Accepted, in the course of implementation.

Migrants and asylum seekers

99.158. Accepted, in the course of implementation.

99.160. Accepted, in the course of implementation.

99.35. Accepted, already implemented.

99.159. Accepted, already implemented

War crimes and missing persons

99.26. Accepted, in the course of implementation.

99.95. Accepted, already implemented.

99.105. Accepted, in the course of implementation.

99.97. Accepted, in the course of implementation.

99.98. Accepted, already implemented.

99.100. Accepted, in the course of implementation.

99.101. Accepted, in the course of implementation.

99.92. Accepted, in the course of implementation.

99.107. Accepted, in the course of implementation.

99.89. Accepted, in the course of implementation.

99.99. Accepted, in the course of implementation.

99.90. Accepted, in the course of implementation.

99.104. Accepted, in the course of implementation.