

## **UNIVERSAL PERIODIC REVIEW ON HUMAN RIGHTS IN THE REPUBLIC OF CROATIA - NHRI REPORT, 2nd cycle, September 2014**

This Report was prepared by the Ombudsman of the Republic of Croatia, acting as the "A" status accredited NHRI, in cooperation with the Ombudsperson for children, Ombudsperson for gender equality and Ombudsperson for persons with disabilities. This Report is based on assessments of human rights situation resulting from received citizens' complaints, research and cooperation with relevant social stakeholders and refers to the Croatian Government's Mid-term report on the implementation of the recommendations from the first UPR cycle. Consultation meetings were held with the listed ombudspersons as well as with key representatives of CSOs.

### **I. LEGAL, INSTITUTIONAL AND INTERNATIONAL FRAMEWORK**

The period between two UPR cycles was characterised by meeting the criteria for accession of Croatia to the European Union finalised in July 2013 by Croatia's accession to EU membership, and the country's deep economic crisis. The accession process had positive effects on raising the standards of human rights and combating discrimination. However, the ongoing economic crisis which started in 2008 has adversely affected the most vulnerable social groups and resulted in restricting the citizens' social rights and reducing the capacities of public services and institutions. Although Croatia has established a relatively good legal and institutional framework in the field of human rights, the implementation of regulations and public policies is still lagging behind. Since 2011, Government is obliged to monitor and report on complying with the Ombudsman recommendations.

In July 2013, the Ombudsman was reaccredited as the status "A" NHRI. Since 2009 the Ombudsman is the National Equality Body; in 2011 activities of the NPM pursuant to the OPCAT were added, while the Ombudsman's Act from 2012 expanded the institution's mandate to judiciary, promotion of human rights and cooperation with various stakeholders. Centre for Human Rights was merged with the Ombudsman and Council for Human Rights as a special advisory body was established.

However, the expansion of mandates was not followed by appropriate personnel and financial strengthening. The funds allocated to other Ombuds stayed at the same level without any increase, although the scope of interventions was expanded. In December 2013 all Ombuds institutions signed the Cooperation Agreement. The institution of the Information Commissioner is established, which has also not received sufficient funds for performing its role prescribed by law.

Croatia has yet to submit the second periodic report to the CESCR, although the deadline for submission expired in 2006. The submission of reports under the CERD is also behind schedule, while the combined 4th and 5th report under the CEDAW was submitted with a great delay. The Government should appoint a coordination body with capacity to monitor regular reporting under the UN conventions, while all assessments and recommendations of international bodies should be translated and made available to citizens.

### **II. JUDICIARY AND FREE LEGAL AID**

Despite great efforts invested in the judicial reform, the number of complaints made by

citizens concerning the quality of judicial work and the duration of judicial proceedings points to the fact that the judiciary is still not fully efficient. The required measures are listed in the Strategy for the Development of the Judiciary 2013/2014 and the Action Plan for its implementation, but the number of backlog cases and the lack of funds do not indicate that these measures will achieve their expected results or that citizens will regain their trust in the judiciary. The budgetary funds allocated for orderly and efficient functioning of the courts are insufficient, so their debts are also growing. The number of citizens' cases before the ECHR has also increased significantly.

The new Free Legal Aid Act, which entered into force in early 2014, has de-bureaucratized the system, expanded the scope of beneficiaries and legal matters for which the aid is granted; however, the funds allocated for this purpose at the time when a growing number of citizens are stricken by poverty are insufficient. Victims of domestic violence are still not provided legal aid during criminal and misdemeanor proceedings. Primary and secondary legal aid should be funded equally, primarily by supporting the work of CSOs and legal clinics. An independent review of the Free Legal Aid Act's effectiveness from the perspective of beneficiaries has not yet been available, while the Legal Aid Commission's role in developing the system is still insufficiently autonomous.

### **III. SOCIAL RIGHTS; WRIT OF EXECUTIONS; RIGHT TO WORK**

Social welfare allowances are extremely low, particularly sustenance allowance for single persons and allowance for assistance and care. Social transfers need to be redirected to groups which are in the most unfavourable position i.e. persons with general incapacity for work without any means of sustenance.

An especially vulnerable group is elderly persons who, due to their functional incapacity, depend on the assistance of other persons and who, at the current level of social welfare allowances, cannot afford the required assistance at home. They should be enabled to stay in their home as long as possible, with available and quality home support and suitable community services; those that cannot stay in their own home should be provided with residential care, while ensuring best possible quality.

The problem of social housing has not been systematically regulated and adoption of the Social Housing Strategy is still pending. Responsibilities of relevant ministries should be defined, as well as inter-sectorial cooperation. Local self-government units disregard their obligations to ensure funds for covering the housing costs of socially vulnerable citizens, so it is necessary to carry out their regular supervision. The position of homeless persons has not significantly improved even with the reformed social welfare system. The financing of care for homeless persons is left to financial capacities and willingness of local self-governments, therefore minimum standards for their financing must be established. Shelters have different standards and quality, and a homeless person temporarily accommodated in a shelter loses his/her right to guaranteed minimum allowance.

Due to more and more frequent job losses and inability to find employment in an uncertain labor market, the excessive indebtedness of citizens is increasingly ended by debt executions, which is also facilitated by a poor level of information and insufficient financial literacy of citizens. Cases were recorded where citizens were not informed on the initiation of execution proceedings or where the deadline for servicing the debt was not listed. It is critical to use social measures, primarily by regulating the social housing system and social tariffs for utilities, to protect the most vulnerable groups: persons with disabilities, elderly, single

parents, families with many children. In order to protect the existential minimum, it is required to follow the practice of the European Court of Human Rights by establishing the principle of proportionality between the goal and measures of execution and eviction from the only property as the measure of last resort.

Complaints received by Ombudsman concern employment in state and public service with regard to changes in employment contracts, denying the right to annual leave, non-payment of overtime, irregular employment processes, illegitimate termination of employment contracts, etc. Moreover, politicization of public and state service was observed, reflected in a series of irregularities related to employment and work assignments in state service. Irregularities recorded in private sector employment concern termination of employment, non-recording and non-payment of overtime and salaries. Protection from mobbing is still not adequately regulated.

Croatia has yet to sign and ratify relevant international documents in the field of economic and social rights.

#### **IV. STATUS RIGHTS AND ASYLUM**

Despite the last amendments to the Croatian Citizenship Act, there are aggravating circumstances in demonstrating compliance with the conditions for persons who are seeking citizenship as returnees and as members of the Croatian people. Procedures for acquiring the citizenship or authorising temporary or permanent residence are still inadequately long. A separate issue relates to inability of foreigners to use previously acquired rights when their temporary residence has not been extended within the period prescribed by law.

Persons with strong ties to Croatia who would, by acquiring their citizenship, become members of a national minority are still unable to acquire the citizenship under privileged conditions granted to members of the Croatian people. The prescribed conditions for returnees to acquire Croatian citizenship are dire, one of the reasons being long duration for obtaining evidence required for regulating their permanent residence status.

The legislative framework for asylum is harmonised with the EU *acquis*, but there are problems in the implementation of the Asylum Act and social integration of asylees and asylum seekers, as well as foreigners under subsidiary protection. An extremely sensitive and vulnerable group are asylum seekers whose request for asylum was denied, but they cannot return to their country of origin, as well as other vulnerable groups (persons without legal capacity, minors, elderly and helpless persons, pregnant women, single parents with minor children, persons with mental disorders, etc.), as their specific needs are not recognised. If the number of asylum seekers would be higher, the existing capacities for their accommodation would be insufficient; there is also a problem of accommodation for those asylees who are, after two years spent in the reception centre, unable to provide accommodation for themselves.

Relatively high percentage of citizens exhibits xenophobia toward asylum seekers and, in places where reception centres are located, local population's attitude toward their occupants is negative. Integration in the local community is difficult as Croatian language courses are not systematically organized.

Croatia has yet to sign and ratify relevant international documents in this field.

## **V. REFUGEES AND INTERNALLY DISPLACED PERSONS; HOUSING CARE AND INTEGRATION OF RETURNEES; CIVIL VICTIMS OF WAR**

Despite the efforts invested in the return of refugees, in the last several years that process has slowed down. This is, *inter alia*, contributed by numerous difficulties in exercising the right to housing care for former tenancy right holders and also by difficulties related to employment in the place of return. Furthermore, returnees live mostly in the areas of special state concern, often in places with poor traffic connections, no developed infrastructure and lack of social services.

The existing system of housing care is neither efficient nor sustainable. In January 2014 there were still 20,500 pending applications for housing care submitted by all categories of beneficiaries - both in and outside the areas of special state concern. Moreover, there is an inequality between the conditions under which Serbian returnees who are former tenancy right holders may purchase a flat and the conditions for citizens who purchased their flats during 1990s.

There is no complete list of all civil victims of war nor there is legally prescribed indemnification for all of them. The number of cases before the ECHR concerning ineffective investigations of crimes committed during the war is rising.

## **VI. NATIONAL/ETHNIC MINORITIES**

In 2013 ethnic relations were aggravated as a result of the initiative calling for a referendum which would amend the Constitutional Act on the Rights of National Minorities and raise the threshold for exercising the right to equal official use of the language and script of national minorities.

Activities in the area of official and public use of the language and script of national minorities and employment of civil servants in state administration bodies did not have the desired effects, although a mild trend of increasing the representation of national minorities in public bodies is observed. The use of positive action measure in state service employment is still difficult.

National minorities issues are not sufficiently represented in the media.

## **VII. DISCRIMINATION**

In the implementation of the Anti-Discrimination Act there are still uncertainties about the limits and interpretations of certain grounds of discrimination. Research results indicate that as much as 37 % of citizens consider discrimination to be the most important or one of the most important social problems, but a small number of discrimination complaints made to ombudspersons and courts show the citizens' distrust in the system, fear of victimization and/or lack of information about who to contact. The social distance towards particular minority groups is rather high, pertaining (non) acceptance of persons whose skin color, nationality or religion is different than the majority population and LGBT persons.

The highest number of complaints submitted to the Ombudsman relates to discrimination on the grounds of race/skin color and national or ethnic origin, while the most frequent motive for committing hate crimes is hatred on the grounds of national origin. Despite government policies focused on Roma and the activities implemented, improvement of mutual relations between the Roma community and majority population in all parts of the country is yet to be

achieved in light of the present intolerance against members of the Roma community. Furthermore, social exclusion and poverty are significantly more frequent among the Roma than among other social groups and Roma are more exposed to discrimination.

The majority of complaints submitted to the Ombudsman by members of the Serbian national minority are related to discrimination in the area of labor and employment as well as in the area of judiciary, administration and housing.

Age discrimination is present in the area of labour and employment as well as in the provision of social and public services.

The problem of public racist and xenophobic outbursts is still present, particularly on the internet, social networks and comments on websites as well as in sports competitions.

Gender discrimination is present in all aspects of social life. Most of the complaints received by the Ombudsperson for Gender Equality relate to sexual harassment in the workplace, discrimination on the grounds of pregnancy and/or maternity in employment, inappropriate treatment of domestic violence and treatment of women in the media. The listed Ombudsperson is continuously warning the Croatian Parliament, Government and the entire public about these issues in reports and also by issuing warnings and recommendations in specific cases. From the aspect of gender equality, the reported hate crimes are mostly directed at homosexual persons, while the number of such acts is slightly declining<sup>1</sup>.

In the Croatian society, persons with disabilities are discriminated against others almost in every step; some of the examples include lack of access to public buildings due to architectural barriers, inability of independent use of public services because of the lack of sign language interpreters or elements of accessibility for the blind, non-provision of dental care when special conditions are required. The highest number of complaints submitted to the Ombudsperson for Persons with Disabilities in the period 2010 - 2014 relates to access to goods and services, labour and employment, and education. Discrimination is also present at the legislative level in an unequal treatment of athletes with disabilities in the Sports Act and in exercising social welfare rights where persons whose disability is not physical are discriminated against. Nevertheless, court cases involving discrimination on the grounds of disability are extremely rare (17 judgments in 5 years since the entry into force of the Anti-Discrimination Act.).

There is the lack of systematic education on anti-discrimination legislation for judges as well as civil and public servants, media representatives, trade unions, attorneys and other key actors.

Anti-discrimination measures are defined in the National Anti-Discrimination Plan 2008 - 2013 which is characterised by inconsistent and arbitrary selection of intervention areas without insight into actual problems as well as the lack of information of parties implementing these measures<sup>2</sup>.

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<sup>1</sup> According to the Ministry of Justice's data, in 2013 there were no newly reported hate crimes motivated by homophobia, while according to the Ministry of the Interior's data in 2012 there were four (two processed in criminal, and two in misdemeanour proceedings).

<sup>2</sup> How much equality? [http://www.centar-za-mir.hr/uploads/2013/godisnje\\_izvjesce\\_za\\_2012.pdf](http://www.centar-za-mir.hr/uploads/2013/godisnje_izvjesce_za_2012.pdf).

## VIII. GENDER EQUALITY AND DOMESTIC VIOLENCE

The situation in the area of gender equality is the following – the position of homosexual and gender dysphoric persons as well as of extramarital unions in the segment of family relations is improving<sup>3</sup>; however, their position in terms of the constitution is worse because of the referendum which resulted in the constitutional definition of marriage as a union of a man and a woman<sup>4</sup>. The Gender Equality Ombudsperson, together with the Ombudsman, at the time when the referendum was announced, issued a notification in which it was stated that this initiative is discriminatory against all other types of existing unions (same-sex, extramarital and single-parent) and also pointed out that the institution of marriage is primarily defined and protected by the Family Act.

On the other hand, the position of women workers, particularly of young and/or pregnant or older women, is becoming more difficult as a result of economic crisis coupled with the predominantly patriarchal attitudes towards women. Employers most frequently offer fixed term contracts to women, and their employment rate is generally low.<sup>5</sup> Women also represent the majority of victims of domestic violence in both misdemeanor and criminal offences and the number of such offences are not declining, but remain more or less constant.

The criminal offence of domestic violence no longer exists as an independent offence, but only as a qualified form of a particular criminal offence. More and more often women are reported for committing misdemeanors of violent conduct within the family, but it seems that this is caused by the fact that the public body authorised for filing an indictment proposal shows a lack of knowledge about the institute of necessary defence and also a lack of gender sensitivity. The Council of Europe Convention on preventing and combating violence against women and domestic violence has yet to be ratified. Under the National Strategy for Protection against Domestic Violence 2011 - 2016, special programmes for the purpose of education and employment of women victims of violence were designed and the obligation of local governments to provide housing care was introduced, but both are difficult to achieve in practice. Despite the recommendations, victims of violence are still not recognised as an especially vulnerable group within the social welfare system. Parental leave is predominantly used by women because of the difference in salaries and gender prejudices.

The issue of access to goods and services has arisen with respect to women's access to contraception and their right to reproductive health. In fact, individual women were denied the right to access to contraception because of a "conscientious objection" of the pharmacist and also denied the right to the so called "day after pill" without referral to an institution and gynaecologist who would be able and willing to prescribe it. This is in direct contradiction with women's rights to reproductive health protected by conventions.

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<sup>3</sup> The Life Partnership Act and the Ordinance on the method for collecting medical documentation and determining the conditions and presumptions for sex and/or gender identity change were under preparation; the listed acts entered into force in 2014.

<sup>4</sup> The initiative calling for a referendum was organised by the CSO "In the name of the family" and, pursuant to the existing regulations, managed to collect a sufficient number of signatures for holding it. In the referendum it was decided by a majority of votes that the listed definition of marriage is to be included in the Constitution. The Parliament did not ask the Constitutional Court for an opinion on this issue, so the Constitutional Court independently issued two communications - a notice and a warning.

<sup>5</sup> According to the Central Bureau of Statistics' last survey, the population activity rate by gender shows that the women's activity rate in Croatia stands at a low 39.1 % i.e. more than 60 % of working age women in Croatia are completely outside the labour market.

## **IX. RIGHTS OF PERSONS WITH DISABILITIES**

The Republic of Croatia submitted with a delay the initial report on implementing the Convention on the Rights of Persons with Disabilities in 2011. The Ombudsperson for Persons with Disabilities is also preparing a more comprehensive Parallel Report on the Implementation of the Convention for discussion which will be initiated by the UN Committee on the Rights of Persons with Disabilities in October 2014.

For the purposes of this report, the following is pointed out. Six years after entering into force of the UN Convention on the Rights of Persons with Disabilities, the awareness of decision-makers and experts on the social model of disability and obligation of the State to ensure reasonable accommodation is still low. Due to the lack of legislation which would systematically define the support for inclusion of students with disabilities into the regular education system, approximately 66 % of persons with disabilities have only elementary school education or less<sup>6</sup>, which makes their employment more difficult. As a consequence, the effect that can be expected from Government measures to increase employment of persons with disabilities by expanding the quota employment system to the private sector and monitoring its implementation is questionable. Inadequate attention is given to introducing flexible methods of work and ensuring support and accommodation for work on the open labour market. In addition, social policy measures do not stimulate employment because persons lose their disability benefits if they are employed. The system of professional rehabilitation is almost non-existent, so persons with disabilities who have a reduced work capacity are generally granted disability pension.

Complaints submitted to the Disability Ombudsperson show the increasingly difficult access to health care for persons with disabilities, particularly in the part related to rehabilitation procedures aimed at preventing more severe disability and the lack of experts specialised for individual types of disability. Government austerity measures have resulted in reducing the achieved standard of supply of orthopaedic and other aids. Although early intervention was introduced in the Social Welfare Act, according to the Ministry of Social Policy and Youth's data there are 4,800 children nationwide that require this service, while in 2013 there were only 641 beneficiaries i.e. 13 %. An extremely high number of children with disabilities have no access to early intervention treatments, while children with Autism Spectrum disorders are in a particularly difficult position. Croatia has around 2,000 registered children and adults with Autism Spectrum disorders, while on the basis of prevalence their number is estimated at 40,000. Because of the failure to identify these disorders and because of alternative diagnosing, a majority of adults with Autism Spectrum disorders live in institutions without appropriate professional treatment and under long-term psychopharmaceutical therapy or with elderly parents, excluded from activities available to other categories of persons with disabilities. The long-standing non-development of care for persons with Autism Spectrum disorders and failure to recognise autism as a disability category resulted in the fact that persons with autism are the most socially excluded group of persons with disabilities exposed to severe violation of their rights.

The initiated process of deinstitutionalisation, particularly for persons with intellectual and psychosocial disabilities, has slowed down. It is concerning that the development of the network of service providers is insufficient and uneven, including a lack of housing care programmes, adjusted transport, specialised health care and a lack of personal assistants and support to work and employment in the entire territory of the Republic of Croatia. This fact is also confirmed by long waiting lists for accommodation in institutions which is a violation of the right of persons with disabilities to independently live in the community.

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<sup>6</sup> Report on persons with disabilities in Croatia, Croatian Institute of Public Health, January 2013

The lack of outpatient treatment system or community services results in multiple hospitalisations of persons with psychosocial disabilities, loss of work capacity and consequently their separation from the community for the purpose of treatment or accommodation in social care homes. In this process they are often deprived of legal capacity. The amendments to regulations governing the deprivation of legal capacity were not geared toward the introduction of supported decision-making, which is a violation of the Convention on the Rights of Persons with Disabilities.

## **X. CHILDREN'S RIGHTS**

The Republic of Croatia submitted its consolidated 3rd and 4th periodic report on the implementation of the Convention on the Rights of the Child and the Ombudsperson for Children in 2013 submitted an alternative report<sup>7</sup> to the Committee on the Rights of the Child, which provides a more comprehensive view on the protection of children's rights in Croatia.

For the purpose of this report, the Children's Ombudsperson points out that the problem of inefficient social welfare system is still present, which is particularly reflected on the level of protection of children, both those without appropriate care and those involved in high-conflict divorces. Experts and decision-makers working in this area of protection are overburdened or understaffed, their continuous professional development or systematic professional support are not ensured. The process of decision-making takes too long. The institutions lack a quick and efficient procedural mechanism in cases when court orders are disobeyed by parents who are uncooperative or continue their harmful behaviour towards children. There is a noticeable lack of support services for parents with respect to parental care issues. Despite implementing various measures and activities aimed at improving foster care for children, the process of deinstitutionalisation is very slow<sup>8</sup>, while the scope and quality of foster care are insufficient. There is a lack of specialised foster families as well as foster families in urban areas. Children's stay in institutions is still too long.

The increasing poverty of the population caused by the economic crisis and general social conditions has a negative impact on the children's quality of life and threatens many of the children's rights, sometimes even their right to survival. The inefficiency of the child support collection system is especially concerning. Temporary support provided from the state budget was not designed in the best interest of children because it represents a half of the minimum amount required for monthly maintenance of a child, it lasts only 3 years and after that period children are left without support if a parent continues not to pay.

The inadequate number of experts and insufficient investments in their education and supervision has consequences on the protection of children's rights in many areas like children's health, education, safety and judicial protection. In the area of health care there is an insufficient number of paediatricians, orthodontists and psychiatrists for children and youth. The care for children's mental health is insufficient, particularly outside regional centres.

The education system has pronounced problems concerning the access to education and unequal personnel, spatial and content-related conditions, especially for children with developmental disabilities, as well as inadequate competencies of education workers in

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<sup>7</sup> Official web page: [www.dijete.hr](http://www.dijete.hr)

<sup>8</sup> On 31 Dec 2013 there were 1,067 children (of which 231 children under 7 years old) accommodated in institutions, which is 21 children more than in 2012.

handling crisis situations. There are no clear measures or corresponding regulations for improving the children's rights in the education system. One of the issues of concern is the increasing rate of violence among and against children via social media, as well as the fact that the mandatory education system fails to provide every child with a sufficient level of media literacy and knowledge about the safe use of internet.

Another issue of concern is the slowness, inefficiency and insensitivity of the judicial system and weaknesses in the functioning of the child protection system in proceedings ruling on the children's rights or having children as witnesses. Due to the lack of professional support workers in courts, lack of coordination, lack or non-use of technical requirements for interviewing children, inadequate professional training of judges and other experts working with child victims and witnesses, insufficient communication and cooperation between the judiciary and social welfare, there is a risk of secondary victimisation of children. There is an insufficient number of institutions that provide professional assistance to child victims of violence. The measure of detention on remand for children in conflict with the law is not executed in compliance with international standards and national regulations<sup>9</sup>. Homes for children with behaviour disorders are burdened by persistent lack of investments in facilities and professional personnel; they neither provide a quality alternative to family life nor meet the children's needs. The situation is especially difficult for children who manifest behaviour disorders in combination with mental disorders. The safety situation and lack of control over the work of playgroups and outdoor and indoor children's playgrounds are also causes for concern. The children's safety is also endangered by mine suspected areas located near schools<sup>10</sup>.

Experts working with and for children and making decisions on some segment of a child's life are inadequately educated about the children's right to participate in the society, so children generally view it as a declarative and not a real right. Although it signed the 3rd Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the State has yet to ratify it.

## **XI. RIGHT TO HEALTH, HEALTHY ENVIRONMENT**

The Act on the Protection of Patients' Rights has still not been amended by a provision on effective legal remedy, in accordance with the Constitutional Court decision of 2008.

The right to quality health care is jeopardised by long waiting lists, so patients are more and more forced to use private health care services, thus leaving persons with low income without timely health service. The level of health care of HIV positive persons has been lowered. Palliative care is inadequately organised, while the implementation of the Strategic Plan for the Development of Palliative Care in the period 2014 - 2016 is arguable.

There are growing health concerns of citizens inhabiting industrial and waste areas. Problems were noted in the air quality monitoring system. The overall health and mortality rate of population in industrial and waste areas is not systematically monitored and the public is not adequately included in decision-making on projects with potentially harmful health impacts.

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<sup>9</sup> No professional treatment is provided to juveniles on remand, they neither continue their education nor they are allowed to work.

<sup>10</sup> Currently in Croatia there are 726.5 km<sup>2</sup> of mine suspected areas with 90,000 mines and a large number of unexploded munitions

## **XII. TORTURE, INHUMAN TREATMENT AND PUNISHMENT**

Despite the fact that torture has not been identified, other violations of the rights of persons deprived of their liberty that could constitute inhuman or degrading treatment were identified. One of the most frequent causes for violation or restriction of the rights of persons deprived of their liberty is the accommodation conditions, which are still, despite the observed declining trend, characterised by overcrowding and inability to ensure compliance with legal and international standards.

In addition, one of the key shortcomings and causes of violations of the rights of persons deprived of their liberty is unequal treatment which primarily arises from shortcomings in the legal framework, restrictive interpretation of laws or inconsistent application of regulations, as well as personnel and accommodation conditions. Failures to act upon prisoners' complaints within the prescribed period, duration of processing requests for judicial protection and failures to act upon decisions establishing a violation of the rights of prisoners, suggest that legal instruments and their implementation are often inefficient.

A special problem is the provision of health care to persons deprived of their liberty. The efficient supervision of the quality of health care in prisons is not carried out. Provision of health care in the prison system should be placed within the authority of Ministry of Health instead of Ministry of Justice, thus ensuring professional independence of physicians and the autonomy of patients.

Involuntary medical treatment is an especially sensitive area in the protection of human rights of persons with mental disorders. As a consequence, all regulations, particularly those prescribing the procedures of involuntary hospitalisation, involuntary medical treatment and the use of means of coercion should be aligned with the Convention on the Rights of Persons with Disabilities. The types, purpose and conditions for the use of means of coercion on persons with severe mental disorders who are placed in a psychiatric institution, as well as any restrictions on the use of means of coercion on particular categories of persons with mental disabilities should be prescribed in a law and not an ordinance. The minimum conditions regarding premises, staffing and medical and technical equipment needed to provide health services that must be complied with by all health institutions which carry out involuntary confinement and involuntary placement of persons with mental disorders should also be prescribed.

The complaints of domestic violence victims submitted to the Gender Equality Ombudsperson revealed cases of abuse of the institute of involuntary hospitalisation against women who participated in domestic violence as either a victim or a suspected offender. During the visits to prisons it was also established that women prisoners have organised work activities and possibility of additional education, but these work activities are in line with the prevailing gender stereotypes.