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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Croatia**

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## I. Methodology

1. In early 2019, the Republic of Croatia (RC) submitted the voluntary and extensive Mid-term Report on the follow-up of the recommendations of the second cycle (MTR)<sup>1</sup>.
2. The third report under the Universal Periodic Review (UPR) is submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. It was compiled in coordination of the Ministry of Foreign and European Affairs (MFEA), in cooperation with the following competent state administration bodies: the Ministry of Justice (MJ); the Ministry of the Interior (MI); the Ministry of Demography, Family, Youth and Social Policy (MDFYSP); the Ministry of Science and Education (MSE); the Ministry of Public Administration (MPA); the Ministry of Labour and the Pension System (MLPS); the Ministry of Croatian Veterans (MCV); the Office for Human Rights and Rights of National Minorities (OHRRNM); the Gender Equality Office (GEO); the Central State Office for Reconstruction and Housing Care (CSORHC) and the State Attorney's Office of the Republic of Croatia (SAORC). Interactive discussions with the civil society (November 2019) and members of the Parliament (January 2020) were held and a number of proposals put forward were adopted<sup>2</sup>. The Report was adopted by the Government of the RC (Government) on 23 January 2020.

## II. Legislative and institutional framework and the promotion and protection of human rights – examples of good practice

3. The achieved legislative progress and challenges in practice in the protection of human rights will be a part of the **introductory speech by the Croatian delegation** at the presentation of the Report.
4. To support the presented implementation of recommendations (Chapter III), the following is used to give an overview of several **examples of good practice (selected priority topics – fight against violence and poverty and war crimes)** (Chapter II):
  - following the ratification of the Istanbul Convention, the Government adopted a new **Protocol to be followed in Cases of Sexual Violence** (2018) with a view to introducing a standardised procedure towards victims, ensuring uniform practice of competent bodies and institutions and providing quality and efficient assistance to victims<sup>3</sup>;
  - **the Protocol on Procedures to be followed in Cases of Domestic Violence** (June 2019) – see paragraph 33.
  - in 2014-2015, the **project “My Voice against Violence”**, by the GEO and partner associations, (EU funds – EUR 202,680) was implemented with the aim to raise awareness, especially of young people, about the unacceptability of all forms of violence against women and girls; a public campaign was conducted, a video spot “Dust” was created and re-broadcast in 2017–2018; educational workshops were organised in schools and an international conference on sexual violence was held; the Istanbul Convention was printed for the first time within the framework of the project;
  - the MI, in cooperation with representatives of the education system, the welfare system, the judiciary, the specialised ombudsman's offices and LRSGU, business entities, institutions, media and CSOs, developed a new **prevention project “LILY”**, directed to preventing all forms of violence against women and promoting awareness on the importance of gender equality and life without violence<sup>4</sup>.
5. In addition to the Social Welfare Act, **the Strategy for Combating Poverty and Social Exclusion 2014-2020** was also adopted, which defines the most vulnerable groups exposed to poverty and social exclusion (children and young people, elderly people and pensioners, unemployed persons and persons with disabilities). A poverty map has also been developed and the Twinning project “Together against Child Poverty” (a joint project between the Croatian and French public administrations – EUR 1 million) has been

implemented. To alleviate poverty, under the Fund for European Aid for the Most Deprived, contracts have been concluded with 32 beneficiaries in the amount of HRK 163.14 million. HRK 85.02 million were contracted for co-financing school meals for children at risk of poverty in school years 2016/2017, 2017/2018 and 2018/2019 and 9.3 million meals were provided for 30.000 children annually. A call in the amount of HRK 25 million was published for the new school year.

6. In 2015, the State Attorney General of the RC, the Chief Prosecutor of Bosnia and Herzegovina, the War Crimes Prosecutor of the Republic of Serbia and the UN's resident coordinator in Bosnia and Herzegovina signed **the Guidelines for the improvement of regional cooperation in prosecuting war crimes and searching for missing persons**, on the basis of which the SAORC also participates in the UNDP project "Strengthening regional cooperation in the prosecution of war crimes and search for missing persons"<sup>5</sup>.

7. The MCV initiated the adoption of **the Act on Missing Persons in the Homeland War (2019)** which was adopted unanimously in the Croatian Parliament on 12 July 2019. Until then, there was no single law regulating non-material rights of persons missing in the Homeland War and members of their families. The Act ensures a higher level of protection of the right of families to learn the truth about the fate of their missing members and the preservation of dignity of missing persons.<sup>6</sup>

### III. Implementation of the recommendations of the second UPR cycle

#### International instruments and the reporting process<sup>7</sup>

8. **Croatia is a party to almost all international instruments in the area of human rights.** In 2017, Croatia ratified CRC-OP-IC and, in 2018, the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter: Istanbul Convention)<sup>8</sup> and, in 2019, the CoE Convention against Trafficking in Human Organs. Ratification of ICPPED and OP-ICESCR is still under consideration. In the field of international protection and migration, in addition to ratification of the main instruments, the Convention relating to the Status of Refugees (1951) and its Protocol (1967), Croatia fulfils the accepted international obligation by directly applying regulations and transposing directives into its legislation<sup>9</sup>.

9. **Croatia rejected UPR recommendations related to the ratification of ICRMW and MOR Convention 189** on male and female domestic workers<sup>10</sup>.

10. **The drafting of the due reports is underway:** CERD<sup>11</sup>; CRC; CRC-OP-SC and ICESCR. CSOs participate in the drafting of the reports.

11. Croatia rejected **recommendation 5.41. for establishing an inter-ministerial committee responsible of the implementation of its international obligations**<sup>12</sup>. With respect to **recommendation 5.23.** to recognise the competence of the Committee on Elimination of All Forms of Racial Discrimination pursuant to Article 14 of CERD, **we hereby state that Croatia has a comprehensive national legislative framework for individual complaints in the area of human rights, including violations of rights whose protection is a part of CERD.**

#### Legislative and international framework<sup>13</sup>

##### The National Programme for Protection and Promotion of Human Rights 2019-2024

12. Drafting is underway<sup>14</sup>.

##### Activities of ombudsman's offices

13. Ombudsman's offices regularly submit their annual reports to the Croatian Parliament. In addition to the Ombudsman's Office, there are also three specialised

ombudsman's offices: for children, for gender equality and for persons with disabilities. To improve accessibility to citizens, regional ombudsman's offices and offices of the ombudswoman for children (Rijeka, Osijek and Split) and of the ombudswoman for persons with disabilities (Osijek and Split) were set up.

14. Funds for the work of all offices of the Ombudsman have been secured in the state budget and increased annually, which is reflected in the number of employees (ten new employees in the period 2015-2019). The Office may acquire additional funds for special projects.

#### **Human rights indicators**

15. They are implemented through various activities. An example of good practice is the "Comprehensive research of basic data for monitoring the implementation of the National Strategy for the Inclusion of Roma 2013-2020".

#### **Corruption**

16. Bi-annual action plans are adopted for the implementation of the Anti-corruption Strategy 2015-2020. In May 2019, the Action Plan for 2019-2020 was adopted, which is also the last implementing document in the current strategic period. In February 2019, the Act on the Protection of Whistleblowers was adopted, which establishes a system for efficient reporting of irregularities and protection of the integrity of whistleblowers. The ombudsman was appointed as the external body for reporting irregularities. The Anti-corruption Programme for Companies Predominantly Owned by the State 2019-2020 was also adopted, with measures for strengthening anti-corruption mechanisms in managing public assets at the state level. The Act on Financing Political Activities, Election Campaigns and Referendums (2019) introduced an electronic system for monitoring financing (which facilitates financial reporting by supervisory mechanisms and public monitoring).

#### **Health care of the population**

17. The number and the distribution of healthcare institutions are determined by the Public Healthcare Service Network<sup>15</sup>.

#### **Discrimination<sup>16</sup>**

##### **National Anti-discrimination Plan for the period 2017-2022**

18. With the accompanying Action Plan 2017-2019 it includes measures, competent authorities, indicators and time frames for its implementation and financing. Its implementation has been monitored through reports submitted to the Government<sup>17</sup>.

##### **Raising awareness**

19. Professional seminars on hate crime and hate speech are organised for judges, attorneys-at-law, state attorneys, police and CSOs, during which public campaigns for fighting discrimination are presented.

##### **Discrimination in employment**

20. In 2019, a seminar for employers, workers' representatives, commissioners for the protection of workers' dignity, trade union commissioners and members of workers' councils was organised to raise awareness about discrimination in the labour sector at local level and a campaign aimed at promoting a positive working environment was presented.

## **Hate crime, hate speech and defamation<sup>18</sup>**

### **Criminal legislation**

21. The CC defines hate crime as a criminal offence committed on account of a person's race, colour, religion, national or ethnic origin, language, disability, gender, sexual orientation or gender identity. Such conduct will be considered an aggravating circumstance if the CC does not expressly impose a more severe penalty<sup>19</sup>. The CC also prescribes the criminal offence of “public incitement to violence and hatred”<sup>20</sup>.

22. The CPA forbids discrimination in the criminal procedure<sup>21</sup>.

### **Mechanisms**

23. The Anti-discrimination Action Plan 2017-2019 contains specific measures regarding prevention and fight against hate crime and hate speech, improvement of the system of data collection, organisation of round tables and campaigns, monitoring of the implementation of the Code of Conduct on countering illegal hate speech online, publication of annual data on cases of hate crime and records of support provided to hate crime victims. The Interdepartmental Hate Crimes Monitoring Working Group is active, which was established for the exchange of information among competent bodies and for planning efficient prevention and fight against hate crime.

### **Training**

24. Professional seminars on provisions of the CC regarding hate crime and hate speech (especially directed to members of national and gender minorities) for judges, attorneys-at-law, state attorneys, the police and CSOs are regularly organised<sup>22</sup>. Recommendations for fight against hate speech in the political arena and sanctioning of public incitement to violence and hatred form part of campaigns.

## **Prisons/torture<sup>23</sup>**

### **Legislation**

25. The criminal offence of torture and other cruel, inhuman or degrading treatment or punishment is prescribed in the CC and aligned with CAT<sup>24</sup>. Under the Act on the Execution of Prison Sentences, prison sentences are executed in the manner guaranteeing prisoner's human dignity<sup>25</sup>. The CPA forbids undertaking any medical intervention on the defendant or witness or administering to him some such product intended to influence his will when giving his statement or to use force or threats. A statement obtained contrary to the prohibition may not be used as evidence in the proceedings.

### **The concept of individual assessment of a victim**

26. Its introduction strengthened the position of the victim (the latest 2019 amendments of the CPA). The assessment is carried out by the body conducting the questioning, in cooperation with the bodies, organisations or institutions providing assistance and support to victims of criminal offences, and establishes whether there is a need to take special protection measures in respect of the victim and if yes, which ones. The individual assessment of a victim takes into account personal characteristics of the victim, the type and the circumstances of the criminal offence (victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence and exploitation are duly included). The number of interviews of a victim is kept to a minimum.

### **Support to victims and witnesses**

27. The goal of the National Strategy for the Development of the Victim and Witness Support System 2016-2020 is to provide appropriate support to victims and witnesses from the time of the commission of the criminal offence and during the proceedings. It is ensured by victim and witness support departments operating in courts and the Department for Victim/Witness Support operating within the MJ. An Action Plan was adopted to widen the

support system and to establish new victim and witness support departments. Victim and witness support departments at seven county courts (competent for conducting war crimes procedures) provide emotional support to victims and witnesses (and their escorts present during interviews) and provide information on the rights of victims and witnesses.

### **Reducing overcrowding in prisons**

28. The Probation Service monitors perpetrators exercising their punishment (or a part of it) at liberty. Penal policy has created the conditions for alternative sanctions (community service/suspended sentence under protective supervision) to be imposed more frequently on persons assessed as being at low risk of recidivism.

### **Treatment of minors**

29. Minors are ensured the conditions for executing investigative imprisonment in accordance with the Juvenile Courts Act which has been aligned with the CRC and the Ordinance on House Rules in Prisons for Executing Investigative Imprisonment (2010). Investigative imprisonment of a minor is applied only as a measure of last resort<sup>26</sup>. Criminal proceedings are urgent. Care is taken about the best interests of the minor, and the police operate in the presence of a parent or a guardian.

### **Guardianship**

30. The Family Act sets out the procedure in relation to guardianship and the deprivation of legal capacity and has been aligned with the CRPD. The competent social welfare centre proposes to the court, *ex officio*, to initiate proceedings to deprive an adult of his/her legal capacity if it considers that the adult, on account of mental impairment or for other reasons, is unable to look after his or her own needs, rights and interests, or presents a risk to the rights and interests of other persons for which he or she has caring responsibilities, and appoints a special guardian. A court issues a decision only partially depriving a person of his or her legal capacity (the concept of full deprivation of legal capacity has been abolished) and determines the activities that the person concerned is not capable of performing on his/her own – he/she independently performs other activities and, to the best of his/her ability, provides his/her opinion in proceedings in which decisions are made regarding his/her rights.

31. A social welfare centre will place the person partially deprived of legal capacity under guardianship and appoint a guardian within 30 days of the court decision becoming non-appealable<sup>27</sup>.

### **Accommodation services**

32. They are provided under the Social Welfare Act, as institutional or non-institutional care (foster families and family homes). A beneficiary may not be provided with accommodation services without his/her consent (or without consent of his/her guardian or legal representative), except in cases prescribed by law<sup>28</sup>.

### **Domestic violence<sup>29</sup>**

#### **Legislative framework**

33. Domestic violence has been recognised as a criminal offence and a sentence of imprisonment of three years will be imposed on anyone who gravely violates the law on the protection against domestic violence and thus causes a family member or a close person to fear for his or her personal safety or the safety of persons he or she is close to or puts a family member or a close person into a degrading position and in doing so does not commit a more serious criminal offence. Thus, the CC covers more serious forms of domestic violence which go beyond the misdemeanour liability under the Act on Protection against Domestic Violence. The Act on Amendments to the CC (2018) introduced no statutory limitation for criminal prosecution, no statutory limitation for execution of sentences passed

for serious criminal offences of sexual abuse and sexual exploitation of children causing the death of the child and aggravation of punishment for these criminal offences.

34. The CPA prescribes that proceedings will be conducted without procrastination, and in the case of proceedings in which the defendant has been temporarily deprived of liberty, the court and state bodies will proceed with particular urgency<sup>30</sup>.

35. The new Act on Protection Against Domestic Violence systematises and prescribes a broad catalogue of rights of victims<sup>31</sup> and extends the definition of domestic violence, which includes physical violence, physical punishment or other forms of humiliating treatment of children, psychological violence that causes injury to dignity or anxiety, sexual harassment, economic violence as an act of prohibiting or preventing the use of joint or personal property, inability to dispose of personal income or property acquired through personal means or through inheritance, disabling the opportunity to be employed, deprivation of resources for maintaining a common household and child care, neglecting the needs of a person with a disability or an elderly person that causes them anxiety or insults to their dignity and thereby causes bodily or mental suffering. Amendments to this Act and to the CC aimed at increasing protection of victims are under preparation.

36. In addition to the general catalogue of rights, the CPA also prescribes a separate catalogue of rights of victims of a criminal offence against sexual freedom. Under one of the principles of criminal proceedings, the CPA prohibits discrimination.

37. The MDFYSP prepared a new proposal of the Protocol on Procedures to be followed in Cases of Domestic Violence which was adopted by the Government in June 2019<sup>32</sup>. A number of ordinances have been adopted<sup>33</sup>.

38. The CSORHC, in accordance with the Act on Housing Care in Supported Areas, carries out housing care of victims of domestic violence throughout Croatia - housing was provided to six families in 2019.

39. The National Strategy for Protection against Domestic Violence 2017-2022 is the continuation of the implementation of the national policy and is aimed at ensuring a higher level of protection and improving the quality of victim's life<sup>34</sup>.

40. Since 1 October 2018, the Istanbul Convention has been in force for the RC and HRK 71,082,327.00 and HRK 70,566,264.00 were allocated for its implementation in 2018 and 2019, respectively<sup>35</sup>. From 2016 to 2019, the GEO printed the Convention in 1600 copies.

#### **Assistance to the victim**

41. The police operate with priority in preventing domestic violence and violence against women and make it possible for ombudspersons to gain insight into the procedures undertaken in concrete cases, which ensures an independent supervision of the effectiveness of investigations. In order to improve this cooperation, the "Monitoring body for comprehensive supervision, data collection, analysis of cases of femicide and reporting" has been set up and police units for prevention and crime committed to the detriment of youth and family have been established. Criminal offences are statistically monitored by sex, age and kinship relationship between the victim and the perpetrator.

42. At first contact with the police victims are informed of their rights, orally and in writing<sup>36</sup>. The "Commission for the monitoring and improvement of the work of bodies engaged in criminal and misdemeanour proceedings and the enforcement of sanctions related to protection against domestic violence" is in charge of supervising the implementation of the Act on Protection against Domestic Violence. Police administrations use tailor-made forms containing information on the rights of, and support available to, various categories of victims (children, human trafficking, sexual freedoms), which were translated into more than 20 languages and are given to victims on a compulsory basis<sup>37</sup>.

43. In 2019, the MDFYSP launched a call for proposals for support to the work of counselling offices for victims of domestic violence – HRK 3,000,000.00 (counselling of victims and training of the counselling office staff).

## **Training**

44. The MI intensified training<sup>38</sup> and is continuously undertaking educational and preventive activities, in which it involves CSOs dealing with gender and sex equality and domestic violence<sup>39</sup>. Training is also conducted by the MDFYSP<sup>40</sup> and the SAORC (further training of police officers, state attorneys and judges).

## **Gender-based violence**

45. It is covered by the definition of hate crime (see paragraph 21). The CC prescribes a number of criminal offences (aggravated murder, female genital mutilation, serious bodily injury, serious criminal offences against sexual freedom, etc.) which are motivated by hatred as an aggravating circumstance and punished more severely.

46. Recommendations of the Committee on Human Rights on gender-based violence (2015) are implemented and, in accordance with the Welfare Act, services are provided to victims aimed at improving their quality of life. Providers of services (social welfare homes, centres providing community-based services) provide accommodation, counselling and assistance in 19 shelters for victims of domestic violence. They are operated by CSOs, religious communities and other legal persons, and services are funded through a capitation system – HRK 3,400.00 per victim monthly. Support is provided to autonomous women's shelters for domestic violence victims (triennial competitions – HRK 2,100,000.00 annually). New shelters in the remaining six counties are being established in order to achieve regional balance, in accordance with the Istanbul Convention.

47. Seminars are also conducted<sup>41</sup>. Freedom of expression of gender identity is guaranteed by the CC, which prescribes a criminal offence of violation of equality<sup>42</sup>.

## **Providing healthcare to victims of violence**

48. A number of laws<sup>43</sup> and ordinances govern the procedures to be followed in cases of domestic violence and/or child abuse and neglect. The Protocol on Procedures to be followed in Cases of Sexual Violence introduced a standardised procedure to be followed by competent authorities when dealing with victims<sup>44</sup>.

## **Women's rights<sup>45</sup>**

### **National Policy for Gender Equality**

49. A new National Policy 2020-2024 is under preparation.

### **Raising awareness on gender equality**

50. The GEO regularly informs the public about the Gender Equality Act and other anti-discrimination laws, and national and international documents and publishes and distributes them to a wide range of stakeholders. The GEO translated Council of Europe Recommendation CM/Rec (2019) on preventing and combating sexism (1000 copies were printed). About the GEO projects see endnotes<sup>46,47</sup>. As a sponsor it regularly supports the "Woman of the Year" event (in the areas of entrepreneurship, culture and science) organised by the "Zaposlena" magazine.

51. Following the international initiative of the Mediterranean Network of Regulatory Authorities whose member is the Agency for Electronic Media, a new web portal *zeneimediji.hr* was launched, which deals with the position of women, gender equality and the role of media<sup>48</sup>.

52. The Government signed the EU Declaration of commitment on women in digital and entrusted the Central State Office for the Development of the Digital Society and the GEO to coordinate its implementation<sup>49</sup>.

### **Equality in politics**

53. The local elections in 2017 brought an increase in the share of women in the representative and executive branches. Compared to 2013, the share of women municipal councillors rose by about 10.3% (from 15.7% to 26%), the share of women city councillors rose by almost 4% (from 23.1% to 27%), and the share of women county councillors rose by 6.1% (from 20.7% to 26.8%). The share of women deputy county-prefects rose by 7.4% compared to 2013, from 22.2% to 29.6%. The share of women mayors rose by 1.6% and the share of women deputy mayors rose by 4%. The share of women municipal prefects rose by about 2%, while the share of women deputy municipal prefects rose by about 4%. (Sources: State Bureau of Statistics, "Women and Men in Croatia in 2018" and the State Electoral Commission). In the last parliamentary elections in 2016, there were 39.7% women candidates, and in the current Croatian Parliament they hold 20% of the parliamentary seats. Currently, the share of women ministers in the Government is 20%. At elections for the European Parliament (2019) on 33 lists of candidates in the RC there were 40.9% women - 5 women (41.6%) and 7 men were elected.

### **Fighting gender-based discrimination in the work environment**

54. The Labour Market Act sets out an exhaustive list of exemptions<sup>50</sup>. The Labour Act prescribes absolute prohibition of dismissal of a pregnant woman and a mother on maternity or parental leave. The Gender Equality Act prohibits discrimination in the areas of employment and work. The employer may not refuse to employ a woman due to her pregnancy or offer her the conclusion of an employment contract under less favourable conditions. Campaigns and projects are also carried out<sup>51</sup>. In 2016, the Office of the Ombudswoman for Gender Equality, together with the CSO "Roda", carried out a survey on the use of the right to a breastfeeding break during work time.

55. The project "Make a wish – a job creation programme for women" of the MLPS, complies with European standards and the guidelines for employment policies<sup>52</sup>.

56. The Croatian Bank for Reconstruction and Development offers a loan programme with the aim of development of small and medium-sized enterprises majority-owned by women.

### **The pension system**

57. The category of additional pensionable service (2019) was introduced. Six months of service is added to all mothers, for each born or adopted child when realising the right to pension when they fulfil the condition of age and pensionable service for calculation of the pension (this contributes to reducing the difference between men and women). The Office of the Ombudswoman for Gender Equality, in partnership with various departments and CSOs launched an EU project called "Equal rights – equal pay – equal pensions" aimed at achieving gender equality and preventing poverty.

### **Rights of children<sup>53</sup>**

#### **National Strategy for the Rights of Children in the Republic of Croatia 2014-2020**

58. It was adopted with the aim of improving a comprehensive and integral approach to children's rights and eliminating all forms of violence against children (annual reports are submitted to the Government)<sup>54</sup>.

#### **Care for children**

59. The Family Act contains the principle of the priority right of parents to care for the child, and the duty of the institutions to provide them with assistance is prescribed only when necessary and resorts to the principle of proportional and the mildest intervention in family life<sup>55</sup>. Obligatory insurance is introduced for standard and specialised foster parents (2019).

**Discrimination of children**

60. Any form of discrimination is prohibited by the Anti-Discrimination Act and the CPA, and protection from discrimination is the content of national documents<sup>56</sup>. The MDFYSP provides financial support to projects aimed at combating poverty and social exclusion, especially those providing school meals to primary school children coming from socially vulnerable families.

**Prevention of violence and reintegration of victims**

61. The Family Act regulates the protection of children and specifies the measures<sup>57</sup>. In addition to the National Strategy for Protection against Domestic Violence 2017-2022, cooperation is regulated by a number of documents<sup>58</sup>. The MDFYSP continuously provides financial support to counselling centres and shelters for women and children who are victims of domestic violence and to projects of CSOs (HRK 4,000,000.00 annually). Successful work is done by the national call centre for children (116111).

**Sexual violence**

62. The CC prescribes criminal offences of sexual abuse and sexual exploitation of children, criminal offences against marriage, family and children and criminal offences against sexual freedom. The National Strategy for Protection against Domestic Violence 2017-2022 contains measures for the protection against sexual exploitation of children, and the new Protocol on Procedures to be followed in Cases of Sexual Violence<sup>59</sup> specifies the obligations and areas of cooperation. The MDFYSP provides financial support to CSO's projects aimed at preventing sexual and emotional violence against children.

**The right of children to education**

63. It is ensured to every child in accordance with the CRC, laws and the National Strategy for the Rights of Children in the Republic of Croatia 2014-2020 which contains numerous measures<sup>59</sup>.

**Inclusive education for children with developmental disabilities**

64. Improvement measures are carried out throughout Croatia, including rural areas. The MSE provides funds for: employment in educational institutions (class assistants<sup>60</sup>, professional communication mediators who provide direct support to pupils with developmental disabilities), adapted forms of transport, teaching aids and school meals<sup>61</sup>. The MSE ensures education for 29,868 students with developmental disabilities in regular or special primary and secondary school institutions (ordinances were adopted<sup>62</sup>). The National Strategy for the Equalisation of Opportunities for Persons with Disabilities 2017-2020 promotes: implementation of principles of universal design by enabling access to public services and public transport, training of professionals in the education system to prepare them to work with children with developmental disabilities and the introduction of this field of study in university curricula.

**Education in the language and script of national minorities**

65. It is guaranteed by the Constitution of the Republic of Croatia, the CARNM and the Act on Education in Languages and Scripts of National Minorities. This is realised through three education models: A) all subjects are taught in the language and script of a national minority; B) natural science subjects are taught in Croatian, while social sciences and humanities subjects are taught in the language of the national minority; and C) nurturing language and culture when, in addition to regular classes taught in Croatian, classes in the language and culture of the national minority are provided and taught in the minority language<sup>63</sup> (for statistics see endnote<sup>64</sup>). Minority schools use textbooks from the parent country for learning their minority language (Czech, Hungarian, Serbian and Italian), but also for other subjects. Professional training is continually provided to class/subject teachers teaching in the language and script of national minorities.

### **Roma – equal access to education**

66. The NRIS defines the activities for ensuring equal access of Roma to rights to education, to health and to live in a family environment, to their language and cultural identity<sup>65</sup>. More than HRK 10 million is allocated annually for the education of Roma<sup>66</sup>. Croatia does not implement a segregation policy. Roma children receive education together with other pupils, except in the areas where Roma are the majority. Therefore, in the Međimurje County (covering almost 1/3 of all Roma primary schoolers) there are classes with only/primarily Roma children<sup>67</sup>. The Government makes continuous efforts to establish an optimum ratio (30% Roma, 70% others) by providing conditions for it (facilities, transport, staff, etc.).

### **Pre-trial detention of minors**

67. High standards are applied in the protection of minors. In accordance with the Juvenile Courts Act, the police must immediately, and no later than 24 hours from arrest (or no later than 12 hours from arrest in cases of criminal offences carrying a sentence of imprisonment of up to one year) hand over the arrested minor to the custody supervisor or release him/her (for further procedure see endnote<sup>68</sup>). Legislative amendments for transposition of Directive (EU) 2016/800 on Procedural Safeguards for Children who are Suspects or Accused persons in Criminal Proceedings are under preparation. Investigative imprisonment of a minor is applied only as a measure of last resort, in proportion to the seriousness of the offence and the expected sanction, and for the shortest necessary period of time and only if its purpose cannot be achieved by application of precautionary measures, temporary accommodation or investigative imprisonment at home<sup>69</sup>.

### **Children seeking international protection**

68. Such children have the same right to primary and secondary education as children who are Croatian citizens<sup>70</sup>, and are placed in the international protection seeker reception centres (Zagreb; Kutina) and, shortly after arrival, included in the preschool and school system together with children who are Croatian citizens<sup>71</sup>.

### **Deinstitutionalisation**

69. The “Plan for the deinstitutionalisation and transformation and prevention of institutionalisation 2018-2020” and the operation “Support to the process of deinstitutionalisation and prevention of institutionalisation of children and youth” (phase I in the amount of HRK 63,000,000.00 under the ESF) are underway. Seven projects in the amount of HRK 39.65 million have been contracted.

### **Persons with disabilities<sup>72</sup>**

#### **Implementation of the CRPD**

70. The Government's Commission for Persons with Disabilities monitors the implementation of the Convention and, in 2017, it determined priorities for amendments to legislation in order to improve the quality of life of persons with disabilities and to comply with the Convention. The National Strategy for the Equalisation of Opportunities for Persons with Disabilities 2017-2020 strengthens the implementation of the Convention and the implementation of the principles of universal design and reasonable accommodation. Through social welfare institutions<sup>73</sup> a wide range of services aimed at improving the quality of life of families of persons with disabilities is provided. For the protection of these persons under the ESF, until November 2019 projects were conducted in the amount of EUR 28.6 million, and an additional amount of EUR 32.33 million has been ensured (projects to be carried out/ contracted by the end of 2020).

### **Legislative progress and removing obstacles**

71. In order to equalise opportunities for the deaf and the deaf-blind, and to recognise their right to use sign language, the Act on the Croatian Sign Language and Other Communication Systems of the Deaf and the Deaf-Blind in the RC was adopted.

72. The 2017, amendments to the Social Welfare Act provide that salaries of persons with disabilities are no longer an obstacle to the exercise of the right to personal disability allowance (which is granted for the purpose of fulfilling the person's need for inclusion)<sup>74</sup>.

73. The Act on Pensionable Service with Increased Duration (2018) widened the circle of insurees - persons with disabilities whose pensionable service is calculated with increased duration (deaf-blind persons, persons with Down syndrome, etc.), which contributes to the improvement of the status of persons with disabilities.

### **Guardianship**

74. The amendments to the Family Act abolished the concept of "parental care after the age of maturity" as it is unacceptable to treat adult persons with disabilities as children. The most important step forward was the prescribing of partial deprivation of legal capacity (only in areas in which it is necessary to protect the rights of the ward and with as little restrictions as possible) and the abolishing of the concept of full deprivation of legal capacity. All decisions on deprivation of legal capacity issued under previous laws are being reviewed with the aim of restoring legal capacity. The Centre for Special Guardianship (for children and adults) has been established. The concept of advance directives was introduced – every person is enabled, while still in possession of legal capacity, to designate the person they wish to be their guardian (a register of advance directives and powers of attorney has been set up)<sup>75</sup>.

### **Rights of persons with mental or intellectual disabilities**

75. The Act on the Protection of Persons with Mental Disorders (2014) is in force with new regulation of: shortened time of reception into a psychiatric institution, psychiatric treatment of mentally incompetent persons at liberty, substitution of involuntary admission with psychiatric treatment at liberty, restriction of the application of coercion measures towards a person with more severe mental disorders, determining a person of trust who will make decisions when the person concerned will not be able to decide themselves. Forced detention/involuntary admission are possible only if the person, due to his/her disorder, seriously and directly endangers his or her or others' life, and only upon court's decision. The measure is decided on by a psychiatrist and it lasts until the decision on release or forced detention is made. Additional protection is ensured by the obligation of the psychiatric institution to notify without delay the ombudsperson for persons with disabilities about the involuntary admission.

### **Improving community services**

76. In 2015 and 2016, three operations were implemented under the ESF<sup>76</sup>. Numerous other ESF<sup>77</sup> and different other operations are also underway<sup>78</sup>.

### **Equal opportunities to find employment**

77. The Act on Professional Rehabilitation and Employment of Persons with Disabilities introduced a single framework for ensuring uniform standards for the implementation of professional rehabilitation<sup>79</sup>. Since 2015, new professional rehabilitation centres have been established, with the aim of assessing the ability to work and providing persons with disabilities with training to prepare them for work and providing professional support to employers when recruiting<sup>80</sup>. The Act allows positive discrimination in the employment of persons with disabilities by implementing the models of employment on the open market or under special conditions (integrative and sheltered workshops), subject to the commitment to ensure a reasonable accommodation of the workplace<sup>81</sup>. The trend of their employment has been steadily increasing<sup>82</sup>.

78. Amendments to the Pension Insurance Act improved professional rehabilitation aimed at strengthening the remaining working capacity; salary compensation during rehabilitation was increased; acquiring the right to rehabilitation was increased to 55 years.

### **Unimpeded access**

79. In accordance with the Building Act, buildings must be designed and constructed in such a way that they are accessible to and usable by persons with disabilities with reduced mobility<sup>83</sup>.

### **Deinstitutionalisation**

80. Under the ESF, projects within the operation “Support to further deinstitutionalisation and transformation of social welfare homes for persons with disabilities – phase 1” (HRK 135,000.00) are being implemented, and a call for proposals has been sent out to 18 institutions providing services to persons with disabilities<sup>84</sup>. Five projects in the amount of HRK 55.96 million are being implemented, three of which are targeted also to children with developmental difficulties<sup>85</sup>.

### **Care for victims of landmines**

81. Education about dangers of landmines with a view to reducing the risks of casualties is carried through public information campaigns, which contributed to a significant decline in the number of landmine victims. Measures proportionate to the obligations under the CRPD are incorporated into a wider legal framework and national plans for persons with disabilities. The institutional efforts are complemented by activities of CSOs providing support to landmine victims through psychosocial and economic projects<sup>86</sup>.

## **LGBT persons<sup>87</sup>**

### **The Action Plan for the Implementation of the National Anti-Discrimination Plan 2017-2019**

82. It sets out a number of activities aimed at preventing and combating discrimination on the basis defined by the Anti-Discrimination Act. This included prohibition of discrimination based on sexual orientation.

### **Training**

83. With regard to criminal provisions concerning hate crime and hate speech, particular attention is given to the protection of LGBT persons and members of national minorities, by organising seminars for judges, lawyers, state attorneys, police officers and representatives of CSOs.

### **Recommendation 5.111**

84. The RC did not accept the recommendation regarding officers and abuse against LGBT persons<sup>88</sup>.

## **Human trafficking<sup>89</sup>**

### **Documents**

85. New strategic documents are aimed at prevention and early detection of victims of human trafficking, particularly children<sup>90</sup>.

### **Training**

86. The following is being implemented: education programme for police officers, addressing issues of human trafficking from the criminal justice aspect; professional development and specialisation training courses for police officers; training courses in combating human trafficking and smuggling for officers of the border and intervention

police; specialist graduate studies in criminal investigation at the Police College<sup>91</sup>. In 2018 and 2019, two workshops on combating human trafficking were held for judges, state attorneys, police officers and police managers.

### **Activities**

87. Measures for the prevention, detection, prosecution and sanctioning of offenders in human trafficking and measures for providing assistance to, and protection of, victims are set out in the National Plan<sup>92</sup>. The Operative Team of the National Committee holds regular monthly meetings to coordinate activities for each particular case of victim identification and to provide assistance and protection. In order to improve the identification of offenders of the criminal offence of human trafficking, state attorney's offices cooperate with the MI. The use of advanced methods for the detection of criminal offences, including financial investigations, results in a better efficiency.

### **Women and Children**

88. In order to prevent and combat human trafficking, especially in women and children, coordinated actions are taken by juvenile police officers and police officers specialised in combating human trafficking<sup>93</sup>. All proceedings in relation to a suspicion of child abuse are urgent and are carried out in accordance with the principles of the best interest of the child<sup>94</sup>.

89. New modes of action have been identified, particularly as regards child trafficking<sup>95</sup>.

### **Financing**

90. National shelters for victims of human trafficking (one for children and one for adults) are financed from the State Budget, and are operated by CSOs which prepare an individual plan for each victim. Resources for free legal aid<sup>96</sup> are increased each year. In 2018 and 2019, the MDFYSP financed six projects for raising awareness of the public on human trafficking, through a campaign. HRK 422,000.00 were ensured out of the revenues generated from lottery games.

## **National minorities<sup>97</sup>**

### **Rights of national minorities – framework**

91. The legislation is aligned with international agreements. In accordance with the CARNM and other regulations, members of national minorities are guaranteed the exercise of special rights in the areas of education, cultural autonomy, religious freedoms, employment in the state and local administration, representation in representative and executive bodies at the national and local levels and representation in the media<sup>98</sup>.

### **Raising awareness**

92. The Government, in cooperation with CSOs, organises seminars and meetings to raise awareness and strengthen of the role of the media in combating stereotypes and hate speech in the media and developing sensibility to discrimination and non-observance of rights of the members of national minorities<sup>99</sup>.

### **Discrimination**

93. A number of measures are implemented to develop tolerance and combat discrimination, particularly on grounds of ethnic origin, including training of employees in state administration bodies. In order to further improve the rights of national minorities, the Government has adopted Operational Programmes for National Minorities 2017-2020<sup>100</sup>. Specific activities for national minorities<sup>101</sup>.

### **Representation and the decision-making process**

94. The Act on the Election of Representatives to the Croatian Parliament prescribes that members of national minorities have the right to elect eight representatives to the Parliament elected in a special electoral district comprised of the territory of the RC<sup>102</sup>. Representatives are elected by individual election and the elected representative is the candidate who wins the greatest number of votes cast<sup>103</sup>. Also, members of national minorities are guaranteed: (i) the right to be represented in representative bodies of LRSGU (ii) representation in the executive bodies of such units; (iii) election of councils and representatives of national minorities in the LRSGU in accordance with the and the Act on the Election of Councils and Representatives of National Minorities (2019), which regulates these elections in a comprehensive way.

95. In accordance with the Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, other Regulations and Acts, members of national minorities actively participate in this process (obligation for state administration bodies).

96. The Central State Portal has been operating since 2014, providing access to all public services for citizens, and thus for members of national minorities<sup>104</sup>.

### **Equality in the use of languages and scripts**

97. Croatia is a party to main international instruments governing the right to use a minority language and script (the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages) and has the obligation to submit reports under them. The Croatian Constitution guarantees to members of all national minorities the freedom to use their language and script. These rights are additionally specified by: the CARNM, the Act on the Use of Languages and Scripts of National Minorities and the Act on Education in Languages and Scripts of National Minorities<sup>105</sup>.

98. In 2015, the City Council of Vukovar adopted the Statutory Decision Amending the Statute of the City of Vukovar and the Statutory Decision on the Exercise of Equal Official Use of the Language and Script of the Serbian National Minority. In 2016, the Committee on Human and National Minority Rights of the Parliament submitted to the Constitutional Court of the RC a request to decide on the conformity with the Constitution and the law of certain provisions of these statutory decisions. The Decision of the Constitutional Court of the RC of 2 July 2019 rejected the request to decide on the conformity with the Constitution and the law of certain provisions of the Statutory Decision Amending the Statute of the City of Vukovar whereas certain provisions of the Statutory Decision on the Exercise of Equal Official Use of the Language and Script of the Serbian National Minority were abolished.

### **Improving the rights of the Roma community**

99. The analysis of the implementation of the NRIS shows that continuous progress has been made towards the integration of Roma in the society<sup>106</sup>. In 2018, the project “Collecting and monitoring basic data for the efficient implementation of the NRIS” was carried out, which defines starting values for measuring the effects of these documents at all levels, the needs of Roma communities and obstacles for their inclusion<sup>107</sup>. The results were distributed to many addresses and are the basis for further expert analyses<sup>108</sup>.

### **Education for Roma**

100. The following is co-financed: pre-schooling and extended day programmes; kindergartens (parents’ share), school trips and extra-curricular activities, courses in the Croatian language, scholarships for pupils and students, accommodation in pupil/student dormitories and literacy and qualification programmes for adults.

101. A proposal for the national curriculum for the course Language and Culture of the Roma National Minority, for both equal-footing modules - Romani (*romani čhib*) and Boyash (*lįimba dā bįjaš*) was prepared (according to C model)<sup>109</sup>.

### **Citizenship – Roma**

102. Applications of Roma for Croatian citizenship are immediately processed and separate records are kept. Citizenship is also granted to Roma of unknown or undetermined nationality, if they meet the requirements laid down in Articles 8 and 9 of the Croatian Citizenship Act<sup>110</sup> (for statistics see endnote<sup>111</sup>).

103. According to the UNHCR research from 2018 a relatively small number of Roma is stateless or in risk of statelessness (other estimates range from 500 to 3000 persons).

### **Employment**

104. In accordance with Article 22 of the CARNM, during the recruitment procedure for employment in state administration bodies, administrative bodies of local administration units and judicial bodies, members of national minorities have the right to declare themselves as belonging to a national minority and call upon the right of preference over other candidates under the same conditions<sup>112</sup>.

### **Fight against poverty**

105. This area is regulated by the Social Welfare Act, the Family Act and the Strategy for Combating Poverty and Social Exclusion of the RC 2014-2020 which detects the causes of poverty and social exclusion and provides the projection of further action.

106. With regard to the fight against poverty, the Social Welfare Act prescribes the guaranteed minimal allowance, housing allowance, heating allowance and home assistance and organising food in the beneficiary's home<sup>113</sup>.

107. From the Fund for European Aid to the Most Deprived, within the framework of the "Food and/or Basic Material Assistance Operational Programme, 2014-2020 to Tackle Material and Food Deprivation", five calls for proposals were carried out – three for co-financing school meals and two for alleviating the worst forms of poverty by providing non-financial assistance to the most deprived persons (food and/or basic material assistance)<sup>114</sup>.

108. The MDFYSP, within the call for projects for vulnerable groups for 2018–2019, finances seven projects for reducing social exclusion of Roma (HRK 1,441,000.00 from lottery games).

### **Drinking water**

109. The right to safe drinking water is regulated by the Water Act and the Act on Water Intended for Human Consumption<sup>115</sup>.

## **Refugees and returnees<sup>116</sup>**

### **Returnees**

110. On 7 November 2019, 37 persons were recorded as having the status of displaced persons, returnees or refugees (25 displaced persons, 8 refugees and 4 returnees)<sup>117</sup>.

### **Former tenancy rights holders**

111. The Action Plan for the Accelerated Implementation of Housing Care within and outside the Areas of Special State Concern for Refugees – former tenancy rights holders who wish to return, and who are mostly members of the Serbian national minority, has been fully implemented. In accordance with its criteria from 2007-2009 (revised in 2010), housing was provided to 4,915 families of former tenancy rights holders in the areas directly affected by war, as well as outside these areas<sup>118</sup>. In 2015, at the time when state administration offices undertook deciding in first-instance procedures, there were 3,033 applications. The majority of them were decided on by November 2019, and 85 applications remain to be decided on<sup>119</sup>.

### **The Regional Housing Programme**

112. Croatia is an active participant in the regional process to resolve the refugee issue<sup>120</sup>. Seven Regional Housing Programme sub-projects are being implemented, which will provide housing solutions to 349 families. By mid-2019, housing units for 302 families were constructed. The implementation of the Programme will continue until mid-2021 and two new projects have been approved, which will provide housing to additional 63 families. The construction of an apartment building for 21 families in Vukovar is underway, project HR7, and projects HR8 “Renovation, reconstruction or construction of up to 25 family houses” and HR9 “Purchase of up to 38 apartments” are in the procedure of approval by the Government.

### **The National Housing Programme**

113. It is provided according to different models<sup>121</sup>. Through the programme of renovation of war-damaged family houses and apartments, 150,768 family houses and 7,658 apartments were renovated. The model of housing care of donation of building materials covers 12,239 beneficiaries. The new Act on Housing Care in Supported Areas (2019) came into force, the aim of which is to contribute to the economic growth and return and stay of the population in supported areas and areas of special state concern.

114. In the period 2017–2018, HRK 833.5 million were invested in regional development, and new laws<sup>122</sup> promote uniform regional development and the allocation of additional 434 million was provided to the Regional Development Fund for 2019, so that the amount invested during these three years will be six times higher than that invested in the 2012–2015 period.

### **Recovery of property**

115. For the accommodation of displaced persons and refugees, abandoned private structures were used and have since been returned to their owners<sup>123</sup>.

116. The CSORHC is in charge of activities related to court proceedings against the RC, and for other non-administrative cases concerning the return of private property<sup>124</sup>. The CSORHC has taken all measures to ensure that persons entitled to housing care are provided with appropriate alternative housing units and has initiated eviction procedures against users who are not entitled to that right and have refused to move out of the private property of other persons. In the period from 2015 to 2019, 47 private property housing units were returned and return will take place in the still remaining 17 cases<sup>125</sup>.

### **The so-called “due but unpaid pensions”**

117. The necessary rulings have been issued (the Constitutional Court of the Republic of Croatia, the ILO, the European Court of Human Rights) to the effect that RC is not obliged to pay these pensions for persons who fled from the occupied areas of the RC to the Republic of Serbia during the Homeland War. The basic complaint is that pensions are an individual and not a collective right. However, regardless of the rulings, anyone who considers himself to be an injured party (including citizens of Bosnia and Herzegovina) may, in personal capacity, initiate proceedings before the competent authority of the RC.

## **Migrants, seekers of international protection and persons who have been granted international protection<sup>126</sup>**

### **Protection of the rights of migrants**

118. Further compliance with the Return Directive 2008/115/EC was achieved by amendments to the Foreigners Act (2018), based on which the MI, in cooperation with the Croatian Legal Centre, has been monitoring forced returns. The Ordinance on Free Legal Aid in the Return Process became applicable on 1 January 2019 and prescribes the obligation to issue an open call for candidates interested in providing legal aid.

### **Granting international protection**

119. The procedures are prescribed by the Act on International and Temporary Protection and by the Protocol on the Treatment of Unaccompanied Children (2018). The procedure for international protection is preceded by the Dublin procedure, regulated by EU Dublin III Regulation, which sets the time limits for procedures and legal remedies. In order to increase the efficiency of the international protection procedure, continuous training is provided in accordance with the EASO training curriculum (Office based in Malta) either online or at seminars in Malta. The number of employees in this field is increasing because of the increase in the workload. An increase in the number of seekers of international protection and the number of decisions made on granting international protection was recorded<sup>127</sup>.

### **Temporary stay on humanitarian grounds**

120. It is regulated by the Foreigners Act, which is aligned with Council Directive 2004/81/EC (2004) on the Residence Permit Issued to Third-country Nationals who are Victims of Human Trafficking or who have been the Subject of an Action to Facilitate Illegal Immigration, who Cooperate with the Competent Authorities<sup>128</sup>.

### **Integration**

121. In accordance with the provisions of the Act on International and Temporary Protection, persons who have been granted international protection in the RC have the right to integration, i.e. to social inclusion<sup>129</sup>.

122. Croatia actively participates in the European scheme for the resettlement of refugees on the basis of European and international instruments and, until now, 250 Syrian citizens to whom asylum has been approved were resettled from Turkey, and thus RC met the quota in accordance with Government decisions from 2015 and 2017<sup>130</sup>.

123. During 2017 and 2018, the project “Support for integration of third-country nationals who need international protection” was implemented with the aim of raising awareness and strengthening capacities of the integration system<sup>131</sup>. In accordance with the decisions on the right to accommodation, free two-year accommodation in newly reconstructed (51 persons) and rented state-owned apartments (132 persons) was provided for persons granted international protection. From the total of 64 reconstructed and equipped state-owned apartments, 29 were leased for 107 persons granted international protection. Such persons will continue to be assigned to apartments as decisions on the right to accommodation are being issued. Currently, 104 apartments rented on free market for 230 persons are under lease.

124. In July 2018, the project “Integration of asylees and foreigners under subsidiary protection in the Croatian society, education and preparation for inclusion in the labour market” was approved, with the aim of ensuring prerequisites for inclusion of asylees and foreigners under subsidiary protection in the society by increasing the level of knowledge of the Croatian language, history and culture, by translating school certificates and university diplomas which enable integration, and by continuing their education and/or vocational training for positioning on the labour market (EUR 560,000; of which EUR 420,000 by AMIF). Persons granted international protection have the right to primary, secondary and higher education under the same conditions as Croatian citizens in accordance with special provisions<sup>132</sup>.

125. The Action Plan for the integration of persons who have been granted international protection 2017-2019 was adopted, which defines strategic areas and the measures for the integration of foreigners into the society<sup>133</sup>.

### **Unaccompanied children**

126. Immediately after an unaccompanied child becomes known to the police, the body competent for social welfare issues designates a special guardian for the protection of the child’s personal and property rights and interests<sup>134</sup>.

127. Unaccompanied children are placed in an appropriate environment<sup>135</sup> and have the right to education under the same conditions as Croatian nationals, to additional classes in Croatian language and appropriate healthcare. Within the Dublin procedure, the re-uniting of an unaccompanied child with his family living in the territories of the EU Member States is carried out, taking into account the child's best interest. The Protocol on the Treatment of Unaccompanied Children (2018) prescribes the standardised procedure, the obligations of actors, provision of a quality health care services and a stronger cooperation of competent authorities.

## **War crimes and missing persons<sup>136</sup>**

### **Legal framework**

128. The CC prescribes the criminal offences of genocide, crime against humanity, and war crime as well as the criminal offence of public incitement to violence and hatred and a sentence of imprisonment not exceeding three years will be imposed on anyone who publicly approves of, denies or grossly trivialises the crimes of genocide, crimes of aggression, crimes against humanity or war crimes. An attempt to commit a criminal offence will also be punished and no statutory limitation applies for these criminal offences. The Act on the Implementation of the Statute of the International Criminal Court and the Prosecution of Crimes against International Law of War and Humanitarian Law sets out an exhaustive list of courts that are competent for conducting criminal proceedings for criminal offences from this Act. Four specialised courts (Osijek, Rijeka, Split and Zagreb) deal with cases of war crimes and by their expertise contribute to quality trials. Similar specialisation was made also by the SAORC and the MI, with specialised departments with seats that follow the four specialised courts.

### **Procedure in the war crime cases**

129. It is conducted in accordance with legislative standards. Impartiality is also ensured by the specialisation of police officers, courts and state attorneys. In order to ensure uniform procedures in cases, the SAORC provided prosecutors with guidelines on setting standards, and the uniform application of standards for the prosecution of war crimes has been introduced<sup>137</sup>.

### **Witness protection mechanism**

130. It is implemented in accordance with international standards in all specialised courts for war crimes, and also in other courts that have special departments for witness support. The issue of witness protection was strengthened by transposing EU Directives into the CPA.

### **Victim and witness support**

131. The National Strategy for the Development of the Victim and Witness Support System 2016-2020 has been adopted, and the Action Plan was adopted aimed at a systematic enhancement of the support system and setting up of new support services. Within the MJ, the Service for Victim and Witness Support has been set up, which provides direct forms of assistance<sup>138</sup>. At seven county courts, including the four specialised for war crimes, departments for victim/witness support were set up<sup>139</sup>. The MJ finances CSOs that provide support in counties in which support departments have not been set up. In 2014, the SAORC issued Mandatory Instructions to all state attorneys concerning the right of a victim of a criminal offence to access witness support services. (*See paragraph 26. The concept of individual assessment of a victim*).

132. The project "Networks of support and cooperation for victims and witnesses of criminal offences", which includes 10 CSOs from 13 counties (escort to courts, on-call time at information desks in courts, telephone counselling on working days), is planned to be implemented in the period 2018–2020.

133. The project of the MJ “Improvement of the quality of the judiciary through capacity building of the prison and probation system and the victim/witness support system” will finance the activities aimed at improving skills and competencies of the prison and probation system officers and the victim/witness support system (HRK 9,172,920.00). The project is co-financed by the resources of the ESF and the Operational Programme “Efficient Human Resources 2014-2020”.

#### **Protection of witnesses**

134. The CPA prescribes the concept and treatment of a witness at risk (where it is probable that by testifying or answering a particular question, a witness might expose himself or a person he or she is close to a serious risk to life, health, physical integrity, freedom or property of considerable volume) who may refuse to disclose information or answer certain questions or testify altogether until he or she is provided protection, i.e. a special manner of interrogation and participation in the proceedings<sup>140</sup>. Also, the court and other state bodies must prevent any abuse of the rights which the participants in the proceedings have, and therefore the court shall issue an order denying a party, a defence counsel, an injured party, a proxy or a statutory representative the right to perform an act by which he/she evidently abuses a right provided for in the Act.

135. **Training** is carried out continuously<sup>141</sup>.

#### **Regional cooperation**

136. Since regional cooperation is one of the key elements in prosecuting war crimes, Croatia has undertaken activities for its improvement. Regional cooperation in war crime cases is continuing on the basis of agreements concluded between prosecutors' offices of neighbouring countries, while county state attorney's offices continue to exchange data needed for prosecution. Also, the SAORC continues to search the ICTY's and IRMCT's databases for the purpose of using them in domestic cases of war crimes.

#### **Sexual violence**

137. The Act on the Rights of Victims of Sexual Violence during the Military Aggression against the Republic of Croatia in the Homeland War<sup>142</sup> also includes victims from camps and prisons located in neighbouring countries to which persons from the territory of the RC were taken and prescribes the obligation to report any information on sexual violence. Under the “National Programme of psychosocial and health care assistance to veterans and victims of the Homeland War, the Second World War and returnees from peacekeeping missions” activities for providing psychosocial and other forms of assistance to victims of sexual violence have been elaborated, aimed at improving the quality of life and resocialisation of beneficiaries and members of their families. Assistance is provided in the National Psychotrauma Centre, in three regional psychotrauma centres and in centres for psychosocial assistance operating at local level<sup>143</sup>.

#### **Civic education**

138. It is carried out as mandatory, on a cross-curricular basis, in primary and secondary schools, and as an elective subject in the 8th grade in 35 primary schools. In secondary schools, a mandatory subject is Politics and Economy (one year, two classes a week) dealing with the topics of human rights and democracy<sup>144</sup>.

#### **Missing persons - activities**

139. The Directorate for Detained and Missing Persons of the MCV collects information on missing persons, irrespective of their origin. The Croatian model of searching for missing persons has been continuously improved, especially by introducing new technologies for searching for hidden graves (such as geological radars, biological detectors – cadaver dogs and drones). The following was found: mass graves from the period 1991–1992, more than 1,300 individual graves and 30 sanitation graveyards from 1995, from which 5,170 victims were exhumed and 4,297 victims identified. 1,872 persons are still missing, mostly Croatian defenders and civilians forcibly taken away in 1991–1992 (1,129

persons). The challenge is 873 unidentified human remains (decently buried at “memorial sites”) which were processed by traditional forensic and DNA methods, but they did not match with the blood samples taken from family members. Campaigns for collecting information on missing persons and encouraging family members to give blood samples and for improving the methodology for processing and identification of human remains continue.

### **Bilateral cooperation**

140. In 2017, agreements were concluded with Bosnia and Herzegovina and Montenegro, requests for search of missing persons were exchanged and methods of cooperation were determined. However, the progress in resolving the fate of missing persons is possible only if Serbia begins to fully cooperate on the basis of Croatia's requests from 1995 for the information on graves, access to military archives, the return of documentation from the Vukovar Hospital and Borovo Commerce as well as other relevant sources that are necessary to determine the fate of missing persons. In 2018, Croatia took the initiative to improve the legal framework for cooperation with Serbia so as to shed light on the fate of all missing persons.

### **International cooperation**

141. Croatia, in cooperation with the International Commission on Missing Persons – ICMP: (i) carries out the “Joint DNA-identification project” (525 cases solved); (ii) acceded to the Agreement on the establishment of the database of open missing persons cases from the armed conflicts in the former Yugoslavia (2017); (iii) signed the Framework Plan to address the issue of persons missing from conflicts in the territory of the former Yugoslavia (2018). Croatia also participates in the UNDP project “Strengthening regional cooperation in the prosecution of war crimes and search for missing persons” (2017–2019) whose primary aim is to increase the efficiency of cooperation between prosecutor’s offices of countries emerged on the territory of former Yugoslavia in prosecuting war crimes and strengthening capacities for searching for missing persons. In order to collect information on grave sites from the Homeland War, the Memorandum of Understanding between the MCV and the International Committee of the Red Cross on the transmission and use of information and documents on missing persons in the Homeland War in the Republic of Croatia (1991-1095) obtained from international archives, was signed in 2019.

### *Notes*

- <sup>1</sup> See the website: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>. When assessing the efforts and systematic activities of the Government for efficient implementation of UPR recommendations, it is recommended to take MTR into account when examining this Report.
- <sup>2</sup> This shows the interest of the Committee on Human and National Minority Rights of the Croatian Parliament which carefully monitors and examines reports to UN Treaty Bodies and alternative reports of the civil society, which was especially expressed with regard to UPR follow-ups in the stage of preparation of reports and in the stage of implementation of recommendations.
- <sup>3</sup> The Protocol specifies the obligations of competent authorities involved in the identification and suppression of sexual violence and in the provision of help and protection to persons exposed to sexual violence and regulates the manner of their cooperation; the Protocol was printed in the Croatian and English language.
- <sup>4</sup> The project has been conducted systematically in cooperation with CSOs, through trainings of experts and campaigns aimed at raising awareness of consequences of violence on individuals and the community.
- <sup>5</sup> Within the framework of the project, prosecutors from the region regularly meet in order to improve the efficacy of their work and exchange information. In May 2019, the Regional Conference of War Crime Prosecutors was held in Belgrade.
- <sup>6</sup> It also strengthens the activities and unambiguously stipulates the competences, which is important for relations with neighbouring countries. The Act represents a continuation of the dedication of the state to resolve all cases of missing persons.
- <sup>7</sup> 99.1–99.19, 99.22–99.23, 99.41, 99.64–99.66.
- <sup>8</sup> HRK 200,000.00 annually was provided for the implementation of the Convention in the first three

- years, and HRK 600,000.00 was provided for psychosocial treatment in criminal and misdemeanour proceedings, as well as additional HRK 400,000.00 for protective measure of mandatory psychosocial treatment and the security measure of mandatory psychosocial treatment. HRK 600,000.00 has been ensured for free legal aid in civil matters and for implementation of Article 57 of the Convention.
- <sup>9</sup> The Dublin Regulation No 604/2013, the Regulation on the establishment of “Eurodac” No 603/2013, the Qualification Directive No 2011/95/EU, the Directive on the asylum procedure No 2013/32, the Directive laying down standards for the reception of applicants for international protection No 2013/33, the Directive on temporary protection No 2001/55/EC.
- <sup>10</sup> See: document A/HRC/30/14/Add. 1.
- <sup>11</sup> Text covering the period 2007–2019 (IX–XIV reports) is in its final stages of preparation; discussions with CSOs were conducted.
- <sup>12</sup> See: document A/HRC/30/14/Add. 1.
- <sup>13</sup> 99.24, 99.36–99.40, 99.42–45, 99.118, 99.122–5.123.
- <sup>14</sup> The Programme is being prepared by a special working group within OHRRNM that follows recommendations from the Expert Analytical Report on the implementation of the previous Programme, recommendations of the Ombudswoman and other special ombudswomen and recommendations of international organisations in the field of human rights.
- <sup>15</sup> In order to improve provision of primary healthcare services (healthcare centres and private medical practices operating as concessionaires) investments are made in equipment and infrastructure through the operative programme “Competitiveness and Cohesion 2014-2020” (85% EU; 15% counties). In undeveloped areas, HRK 186 million (ESF 85%; national co-funding 15%) were ensured for specialist offices of family/general medicine, paediatrics, gynaecology, radiology and emergency medicine.
- <sup>16</sup> 99.55, 99.57, 99.73.
- <sup>17</sup> In accordance with the Plan, training of employers and representatives of employees has been conducted about the Anti-discrimination Act and the Act on Gender Equality aimed at raising awareness on the responsibility of the employer for creating a working environment without discrimination and for the protection of the dignity of employees.
- <sup>18</sup> 99.33–99.34, 99.76, 99.106, 99.102–99.103.
- <sup>19</sup> In 2006, the SAORC issued a binding instruction on the procedure and records (later amended) which prescribes how to proceed in cases of hate crime, how to draft its factual and legal description and stressing the importance of its more severe penalisation.
- <sup>20</sup> It is committed by whoever in print, through radio, television, computer system or network, at a public gathering or in some other way publicly incites to or makes available to the public tracts, pictures or other material instigating violence or hatred directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, language, descent, colour, gender, sexual orientation, gender identity, disability or any other characteristics, for which he shall be punished by imprisonment not exceeding three years. The same punishment will be inflicted on whoever publicly approves of, denies or grossly trivialises the crimes of genocide, crimes of aggression, crimes against humanity or war crimes, directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent or colour, in a manner likely to incite to violence or hatred against such a group or a member of such a group.
- <sup>21</sup> A statement obtained contrary to the prohibition may not be used as evidence in proceedings. Fair procedure is guaranteed, the defendant is entitled to have any charge against him decided on in accordance with the law, in a fair and public hearing held within a reasonable time, by an independent and impartial court established by law.
- <sup>22</sup> In 2018, a round table was organised on reporting these crimes and an expert discussion was conducted on reasons for non-reporting and on incentive measures. In 2018, the International Human Rights Day and the 70<sup>th</sup> anniversary of the Universal Declaration of Human Rights were marked under the topic “Hate speech in public spaces”. The MI, in cooperation with competent authorities, LRSGU, the academic and scientific community, CSOs, media, educational institutions and artists carries out the prevention programme “Together against hate speech”. The topics of racism, xenophobia and hate speech form a part of the continuing education of the Education and Teacher Training Agency, and of programmes for professional training of nursery-school teachers, professional teaching assistants, teachers and headmasters. These topics are priority ones for grants to CSOs projects in the field of out-of-institutional upbringing and education of children and youth. Special attention is dedicated to activities related to the Paris Declaration and media literacy aimed at preventing radicalisation.
- <sup>23</sup> 99.31, 99.78–99.80, 99.88, 99.94.
- <sup>24</sup> A public official or other person who at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity inflicts on another severe pain or suffering, whether physical or mental, for such purposes as obtaining from him or a third person

- information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, shall be punished by imprisonment from one to ten years.
- <sup>25</sup> Punishable procedures subjecting the prisoner to any form of torture, abuse or humiliation and medical or scientific experiments are forbidden. The victim has the right to compensation for damages, and victims of intentional criminal offences have the right to monetary compensation from the state budget under the Act on Monetary Compensation for Victims of Criminal Offences.
- <sup>26</sup> Article 66, paragraph 1 of the Juvenile Courts Act: “When, pursuant to the CPA, requirements are met for imposing investigative imprisonment towards a minor, investigative imprisonment shall be applied only as a measure of last resort, in proportion to the seriousness of the offence and the expected sanction, its length shall be minimal and it shall be ordered only if its purpose cannot be achieved by the application of precautionary measures, measures of temporary accommodation or home detention. Execution of investigative imprisonment shall be monitored by specialised juvenile judges”.
- <sup>27</sup> The guardian has the duty to obtain from the family doctor the opinion on the ward's state of health, based on the opinion of a medical specialist, and submit a report on his/her work and on the condition of the ward's property. The social welfare centre must, every three years, assess whether the ward still needs to be protected by guardianship, and make a report to that effect.
- <sup>28</sup> The social welfare centre must, at least once a year, reassess the facts that were decisive for rendering a decision on granting this right and, if the circumstances have changed, issue a new decision. Continuous work is being done on the transformation of social welfare homes and deinstitutionalisation, or replacing institutional accommodation and care with community-based care.
- <sup>29</sup> 99.20–99.21, 99.25, 99.27, 99.30, 99.50–99.52, 99.58, 99.61, 99.82, 99.84, 99.86, 99.93, 99.96, 99.108–99.109.
- <sup>30</sup> If a party, defence counsel, injured party, proxy or statutory representative by any of his acts evidently abuses a right provided for in the CPS, the court shall issue an order denying him the right to that act. The Act prescribes effective conduct of an investigation, deadlines for its completion and the possibility of extending them, and the control mechanism within the state attorney's office conducting the investigation.
- <sup>31</sup> The right to access services providing support to victims of domestic violence, the right to efficient psychological and other professional assistance of an organisation or institution providing assistance to victims of domestic violence; the right to protection from intimidation and retaliation; the right to protection of the dignity of the victim when testifying as a witness; the right to be accompanied by a person enjoying his/her confidence when taking part in any acts, the right to be informed without unjustified delay, at his/her request, of the release of the defendant from custody or of the defendant having fled, and of the decisions on imposing protection measures and revoking precautionary measures determined for his/her protection having been repealed, or of the convicted person having been released from imprisonment; the right to the confidentiality of data whose disclosure could jeopardize his/her security or the security of other persons to whom the Act applies; the right to demand that proceedings before the court be closed to the public, the right to be represented by another person authorised through power of attorney, the right to be informed, at his/her request, of the acts performed as a result of his/her complaint and of the outcome of the proceedings; the right to be interviewed without unjustified delay shortly after filing a complaint; the right to be interviewed in the proceedings before the court and the right to be further interviewed only to the extent necessary for the purposes of misdemeanour proceedings; the right to be interviewed at the police by a person of the same sex; the right to avoidance of contact with the offender before and during proceedings, unless misdemeanour proceedings require such contact; the right to temporary accommodation in an appropriate institution in accordance with a special law; the right to be provided with police protection, upon a court order, when collecting personal belongings upon leaving the common household.
- <sup>32</sup> The objective of the Protocol is to ensure timely and efficient implementation of legislation on the protection of victims of domestic violence in accordance with powers of competent authorities, to advance cooperation and to have long-term influence on reduction of violent behaviour. It was drafted in cooperation with ministries and CSOs active in the field of domestic violence and is aligned with new legislative provisions. It prescribes that proceedings should be conducted with urgency, taking into account the rights of the victim and with particular sensibility for women, children, persons with disabilities and elderly persons as victims of domestic violence.
- <sup>33</sup> The Ordinance on the method of collecting, processing and submitting statistical data and reports in the area covered by the scope of the Act on Protection against Domestic Violence, the Ordinance on the Enforcement of the Security Measure of Compulsory Psychosocial Treatment (an expert supervisory body has been established) and the Ordinance on Manner of Implementation of Protective Measures of Prohibition from Approaching, Harassing and Stalking a Victim of Domestic Violence

- and the Measure of Removal from the Shared Household.
- <sup>34</sup> It covers seven strategic areas and its measures are based on articles of the Istanbul Convention. Competent authorities for the implementation of measures are state administration bodies, LRSGU and CSOs.
- <sup>35</sup> Obligations from the Convention were anticipated by the Act on Protection against Domestic Violence and amendments to other laws (the Act on Gender Equality, the CPA and the CC), while respecting international recommendations and EU Directives.
- <sup>36</sup> A procedure is then carried out in accordance with the Ordinance on making individual assessment of victims in order to take special protection measures and victims are given contact details of counsellors and CSOs providing support to victims and witnesses (available during the preliminary procedure and the criminal procedure). The application of protection measures and of the victim support system is supervised by a special working group at the national level, while at regional level coordinators in police administrations are in charge.
- <sup>37</sup> Contact data on the websites of the Office for Victim and Witness Support in Courts, the National Call Centre for Victims of Criminal Offences and Misdemeanours, state administration bodies and CSOs operating in the territory of a particular police administration.
- <sup>38</sup> In addition to those mentioned in the MTR, the following trainings were conducted: six basic courses for the needs of operative duty of police stations in cases of domestic violence (182 police officers and two members of the Military Police); and nine two-day workshops in 2018 and 2019 for police officers and judicial officials on the topic of “Domestic Violence” on solutions aimed at combating and preventing domestic violence, including the Istanbul Convention and EU Directives, and exercises on how the police, the SAORC and courts are to deal with cases of domestic violence (170 police officers and 121 judicial officials).
- <sup>39</sup> “Living without violence”, “Together against hate speech”, “I have a choice” and “Lily”. Also, interdepartmental activities have been carried out under the project “Support to victims of criminal offences and misdemeanours”, and the (first) International Educational and Prevention Film Festival on Safety was held.
- <sup>40</sup> In 2016, the MDFYSP carried out a two-month education project “We can do it together” for county teams in charge of prevention and action in cases of domestic violence, composed of representatives from the police, social welfare, health care, education and justice sectors and CSOs. The aim was to train the county teams, by examining domestic violence cases, in how to act. Also, four two-day training courses were held in four cities, which were attended by 181 members of the county teams. Furthermore, on the eve of the National Day for the Elimination of Violence against Women (22 September 2018), the Ministry provided training on legislative novelties and on how to improve procedures in cases of domestic violence. In 2018 and 2019, three training courses for staff of social welfare centres on domestic violence and assistance to victims and three two-day training courses on violence against elderly persons and persons with disabilities were held. In cooperation with the MI, training was held for 112 operators on the topic of conducting interviews with victims of violence and providing information.
- <sup>41</sup> In 2017, the GEO and the Finnish National Institute for Health and Welfare, in cooperation with Ludwig Boltzmann Institute of Human Rights from Vienna, organised three rounds of training sessions for 45 judges working in the field of criminal, misdemeanour and labour law. The “Manual on gender mainstreaming and promotion of gender equality for judges, advisers and lawyers” was developed. The Manual describes actual cases of discrimination based on sex and court proceedings.
- <sup>42</sup> It is committed by anyone who, on the basis of race, ethnic affiliation, skin colour, gender, language, religion, political and other convictions, national or social origin, property, birth, education, social status, marital or family status, age, state of health, disability, genetic inheritance, gender identity expression, sexual orientation or other characteristics, denies, limits or conditions another the right to acquire goods or receive services, the right to carry out an activity, the right to employment and promotion, or anyone who on the basis of any such characteristic gives another privileges or advantages in relation to these rights. The perpetrator will be punished by imprisonment not exceeding three years, as will anyone who persecutes individuals or organisations because of their commitment to equality of people.
- <sup>43</sup> The Health Care Act, the Act on Mandatory Health Insurance, the Act on the Protection of Patients' Rights, the Act on Protection against Domestic Violence, the Medical Practice Act.
- <sup>44</sup> Victims are examined in hospitals and clinical health care institutions which are obliged to provide the victim with urgent and comprehensive health care to protect the victim's physical and mental health and to collect and maintain evidence. Specialised training in victim protection is part of continuing education courses that are provided to health professionals and organised by health institutions and in cooperation with CSOs.
- <sup>45</sup> 99.53, 99.59, 99.67–99.70, 99.74, 99.113–99.114.
- <sup>46</sup> Together with the Finnish National Institute for Health and Welfare within the twinning project

“Support to Gender Equality”, the GEO carried out a public awareness campaign on mechanisms of protection against gender-based discrimination. Street actions in four largest cities were attended by numerous citizens and public persons (leaflets, postcards with messages from the campaign, etc.) and a Facebook page was launched. Fourteen TV and radio interviews with the partner's representatives were held, and 52 articles were published in the press and on the Internet.

Together with the Embassy of the Republic of Finland, the GEO carried out the campaign “100 Acts for Gender Equality” (which was also carried out in Finland) with the aim of collecting information on 100 initiatives and awarding the best ones. The campaign encouraged the civil society, companies and the governmental and public sectors to design activities promoting gender equality.

Together with the Union of Societies “Naša djeca” (Our Children) the GEO made a video promoting the Agenda 2030 global goal No 5 “Gender equality and empowerment of women and girls”.

The GEO is a partner of the CSO B.a.B.e. on the project “HELPLINE” (support to victims of gender-based violence).

The GEO supported the Croatian Red Cross in the project “SPARC” (prevention of sex and gender-based violence in the migrant population).

<sup>47</sup> The GEO signed the cooperation agreement with the Council for Electronic Media and the Croatian Olympic Committee for the project “For higher visibility of women's sports in the electronic media” in order to support electronic media in support to gender equality in sports. The international conference “Addressing inequality in sports: women's status in leadership positions and prevention of violence against women in sports” (a project of the CoE and the EC) was held in cooperation with the Central State Office for Sports.

<sup>48</sup> The project contributes to raising awareness by carrying out campaigns, analysing media contents and by publications.

<sup>49</sup> Signatory states undertook the commitment to cooperate on the causes of underrepresentation of women in this sector with public authorities and representative of public and private sector and the civil society.

<sup>50</sup> The Act prescribes: exemption from the obligation to accept the offered employment for a pregnant woman, one of the parents of a child under eight years of age, one of the parents of a child with serious developmental disabilities if the other parent is employed, one of the parents with three or more minor children if the other parent is employed and a parent who is the sole caretaker of a child under fifteen years of age.

<sup>51</sup> The public campaign called “Inequality must not remain a business secret” was carried out: two jingles were broadcast on 54 radio stations for 30 days and reached a million listeners); 2,000 message postcards and 1,500 posters were printed; and a special website of the GEO was launched. In the four largest cities 1,500 posters were placed in public transport vehicles for 15 days (1,164,000 persons were exposed to the message). As posters were also placed in places across Croatia, it is estimated that 3 million persons saw the message.

<sup>52</sup> It is focused on the inclusion of women who are in an unfavourable position in the labour market, and who will care for senior citizens and persons in an unfavourable position. The project is financed within the framework of the Efficient Human Resources 2014-2020 operational programme (HRK one billion from the ESF). Grants were approved for 294 projects and 5,970 women were employed to care for 28,331 persons.

<sup>53</sup> 99.46, 99.48, 99.49, 99.54, 99.62, 99.72, 99.81, 99.83, 99.87, 99.112, 99.119, 99.121, 99.124–99.130, 99.137, 99.140, 99.147, 99.165.

<sup>54</sup> The Council for Children, an advisory body to the Government, monitors the implementations of the Strategy's goals and coordinates cooperation.

<sup>55</sup> Milder measures towards parents aimed at avoiding the removal of the child from the family are: warning about mistakes and failures, professional assistance and support and intensive professional support and supervision. If a child's life is in danger or if it is in the interest of a child's development, the child is entrusted to the care of another person or a foster family or, exceptionally, to the care of a social welfare institution.

<sup>56</sup> The National Strategy for Protection against Domestic Violence 2017-2022; the National Strategy for the Equalisation of Opportunities for Persons with Disabilities 2007-2015; the National Roma Inclusion Strategy 2013-2020.

<sup>57</sup> The courts and social welfare centres, parents and other persons and social welfare institutions that have the care of a child must report about the activities undertaken following a complaint of violation of a child's personal rights or property rights. Within 24 hours of initiating the proceedings, the court, the state attorney and the police must inform the competent social welfare centre thereof.

<sup>58</sup> The Protocol on Procedures to be followed in Cases of Sexual Violence, the Protocol on the Treatment of Unaccompanied Children (both from 2018), the Protocol on Procedures to be followed in Cases of Violence among Children and Youth (2004), the Protocol on Procedures to be followed in Cases of Child Abuse and neglect (2014), the Protocol on Procedures to be followed in Cases of

Domestic Violence.

- <sup>59</sup> Support to parents to strengthen their competencies and facilitate early detection of risk factors influencing child's development; creating conditions for achieving equality of opportunities for the inclusion of children with developmental disabilities in the education system and in the community, and the establishment of a non-discriminatory model for assessing the educational achievements of children, analysis of the early school leaving phenomenon and the implementation of activities based on the actual needs of youth.
- <sup>60</sup> In the school year 2018–2019, through projects of 62 CSOs, the MSE provided financial support for 416 class assistants for 430 pupils (HRK 16,156,118.68). Within the framework of ESF and domestic funds, 2648 class assistants were funded.
- <sup>61</sup> In the school year 2017–2018, the MSE co-financed adapted transport for 3,062 pupils; meals and special teaching aids were provided to 1,378 primary school students (HRK 23,823,281.00) and 598 secondary school students (HRK 2,080,000.00).
- <sup>62</sup> The Ordinance on the Primary school and Secondary School Education of Pupils with Developmental Disabilities (2015) is based on principles of inclusive education and individualised approach and enables education, primarily in the regular system, to all pupils with developmental disabilities in accordance with their aptitudes, opportunities and interests; the Ordinance on Class Assistants and Professional Communication mediators (2019) equalises work of class assistants and professional communication mediators in the territory of the RC.
- <sup>63</sup> Model A – for Italian, Serbian and Hungarian national minorities in primary and secondary schools and for the Czech national minority only in primary school; Model B – for Hungarian and Serbian national minorities in primary school, and for the Czech national minority in secondary school. Model C - in primary school for Albanian, Czech, Serbian, Slovak, Slovenian, Hungarian, Macedonian, German and Austrian, Ukrainian, Ruthenian, Russian, Jewish and Polish national minorities and in secondary school for Albanian, Czech, Macedonian, Hungarian, Russian, Slovak, Slovenian, Serbian and Italian national minorities.
- <sup>64</sup> At the beginning of the 2017–2018 school year, education in the languages and scripts of national minorities under A, B and C models included 7,159 pupils (3,413 M / 3,746 F) in 172 primary schools, 821 classes/teaching groups and 987 class/subject teachers. 1,547 pupils (740 M / 807 F) were included in 31 secondary schools, in 183 classes/teaching groups and 408 subject teachers. Preschool education in the languages of national minorities included 32 kindergartens and 3 primary schools offering preschool education; in 94 groups there were 1,957 children (170 of the Czech minority, 156 of the Hungarian minority, 470 of the Serbian minority, and 1,161 of the Italian minority).
- <sup>65</sup> Figures show that the number of Roma children in the preschool and secondary school systems has increased, but that the number of children in the primary school system has slightly declined (which reflects the same trend in the general population). The MSE carries out activities on preventing early school leaving and ensuring an easier transition from school to employment.
- <sup>66</sup> For the implementation of the Operational Programme “Efficient Human Resources 2014-2020” in 2017, the MSE prepared a call for proposals “Programme, technical and financial support to education of children and pupils of the Roma national minority” (HRK 15,300,000.00) with the aim to support inclusion of Roma (extended day programmes, organised transport to kindergarten/school, additional classes and remedial classes, summer camps, professional development of preschool and other teachers and Roma assistants and preventing early school leaving).
- <sup>67</sup> (The satellite school Držimurec Strelec –100% of pupils are Roma, the Primary School Vladimir Nazor – 61.2% etc.).
- <sup>68</sup> The custody supervisor must immediately notify a juvenile judge, a state attorney, the minors' parents or his/her guardian and the social welfare centre thereof. The state attorney shall order that the arrested minor be released or brought before the juvenile judge who must interrogate the minor within 12 hours of the moment the minor was handed over to the custody supervisor, in the mandatory presence of the state attorney and a defence lawyer. Immediately after interrogation, the juvenile judge shall, upon a request by the state attorney, determine that the minor be detained in custody or investigative imprisonment or be released. Such decision may be appealed by the detainee or by the state attorney within 6 hours, and the appeal shall be decided upon by the council within 8 hours. During custody, the minor is separated from adults. The custody supervisor shall immediately release the minor if ordered to do so by the state attorney or if the minor has not been interrogated within 12 hours of being handed over to the custody supervisor. The minor shall be released if, within 20 hours of his being handed over to the custody supervisor, custody or investigative imprisonment is not ordered.
- <sup>69</sup> The period of such investigative imprisonment, until the decision becomes unappealable, may not exceed one half of the period of the investigative imprisonment prescribed by the CPA. There is no problem with overcrowding at correctional facilities. Minors serving a sentence of juvenile

- imprisonment or investigative imprisonment have the right to receive visits from their family members to an extent greater than that allowed for adult inmates.
- <sup>70</sup> Children and young people must be included in the education system within the shortest possible period at all levels (this is also one of the measures set out in the Action Plan for Integration of Persons who have been Granted International Protection 2017-2019). Schools are obliged to enable these students to master the Croatian language and catch up on the knowledge they lack in particular school subjects (70 hours of the preparatory course). Textbooks and supplementary teaching materials (atlases, workbooks and/or books of problems) are also co-financed.
- <sup>71</sup> In 2018, the two-year project “Psycho-social support and social services to seekers of international protection” was completed in these reception centres but, in January 2019, a new contract on the implementation of the project and continuation of the activities of the Croatian Red Cross in reception centres was signed (EUR 480,000, of which EUR 360,000 from AMIF). The aim is to provide assistance to children in mastering school curriculum and learning Croatian and to parents with enrolment of children in school.
- <sup>72</sup> 99.32, 99.47, 99.63, 99.131–99.136, 99.138–99.139.
- <sup>73</sup> These are: social welfare centres, centres providing community-based services, social welfare homes and family centres.
- <sup>74</sup> The amount of the assistance and care supplement has been raised to 120% of the base amount and the personal disability allowance to 300% of the base amount, and it has been made possible for the marital or non-marital partner and for life partner or informal life partner of a person with disabilities to be granted caretaker status.
- <sup>75</sup> The Act specifies: a) which decisions on personal conditions are made exclusively by the ward; b) when prior authorisation by a social welfare centre is required; c) when decisions on health matters are issued by the court; and d) management and representation in matters relating to the ward's property. A new procedure has been introduced by which county courts make important decisions concerning the life of the ward (such as a decision on life support) which are appealable before the Supreme Court of the Republic of Croatia.
- <sup>76</sup> “Improving labour market access of persons with disabilities” (12 projects); “Expanding the network of community based social services – phase 3” (28 projects); “Expanding the personal assistance service for persons with disabilities” (51 projects).
- <sup>77</sup> “Development of the personal assistance service for persons with disabilities – phase 1” (HRK 116,985,131.71) (93 projects): 72 contracts for persons with the most severe type of disability and/or with intellectual and mental impairments (897 beneficiaries and 895 personal assistants); 7 contracts for Croatian sign language interpreters (206 beneficiaries and 16 interpreters); and 14 contracts for sighted escorts (318 beneficiaries and 15 sighted escorts).  
 “Development of the personal assistance service for persons with disabilities – phase 2” (HRK 155,000,000.00) for enhancing the quality of personal assistance, for persons with the most severe type of disability and/or with intellectual and mental impairments; deaf, deaf-blind and blind persons. (94 projects in the amount of HRK 152,871,340.03): 69 contracts for persons with the most severe type of disability and/or with intellectual and mental impairments (1083 beneficiaries and 1078 personal assistants are planned to be involved); 8 contracts for Croatian sign language interpreters (220 beneficiaries and 12 interpreters are planned to be involved); and 17 contracts for sighted escorts (341 beneficiaries and 22 escorts are planned to be involved).  
 “Expanding the network of community based social services – phase 1” (HRK 110,150,000.00). One of the four components - Component 2 (HRK 30,000,000.00) involves persons with disabilities, members of their families and professionals working with members of the target groups.  
 “Expanding the network of community based social services – phase 1” (HRK 110,150,000.00) involves persons with disabilities, members of their families and professionals working with members of the target groups.
- <sup>78</sup> In accordance with the practice since 2006, a call for the implementation of “Three-year programmes of associations providing assistance services to persons with disabilities for the period 2016-2018” has been launched, which contributed to better quality of care and prevention of institutionalisation in a greater number of cases.  
 The personal assistance service is provided in cooperation with CSOs of persons with disabilities. The amount of HRK 40,109,753.00 annually or HRK 120,329,259.00 has been allocated for the implementation of the project for 82 CSOs (653 beneficiaries, 653 personal assistants), 23 CSOs (23 sighted escorts) and 30 CSOs (64 Croatian sign language interpreters/translators).  
 A call has been launched for the “Development and enhancement of a network of social services provided by associations 2017–2020” aimed at building beneficiaries' capacity to stay in their homes, increasing the accessibility of services in rural areas and on islands and reducing social exclusion. In a three-year cycle, the amount of HRK 24,300,000.00 (total: HRK 72,900,000.00) is made available annually for 112 CSOs.

- <sup>79</sup> This is further elaborated in the Ordinance on Professional Rehabilitation and Centres for Professional Rehabilitation of Persons with Disabilities.
- <sup>80</sup> In 2017, four regional professional rehabilitation centres were established (in Zagreb, Split, Osijek and Rijeka) which have a key role in implementing these activities (assessment of the work ability level, knowledge, work habits and professional interests, workplaces and work environment assessment, provision of professional support and monitoring at a particular job and work environment etc.).
- <sup>81</sup> Employers in the public sector are required to give recruitment priority to persons with disabilities under equal conditions (equal results in recruitment tests). The Act prescribes a mandatory quota for the employment of persons with disabilities. All employers employing at least 20 workers have an obligation to ensure that 3% of the total number of employees are persons with disabilities employed at appropriate workplaces under appropriate working conditions. The quota obligation can also be met by applying alternative measures: internship, rehabilitation or vocational training, scholarships for regular education or signing a contract on business cooperation with a sheltered and integrative workshop. Employers who do not meet the quota are obliged to pay 30% of the minimum salary in Croatia, monthly, for each person with disability they were required to hire. Funds generated in such a way are used solely for the purpose of developing the professional rehabilitation system, paying incentives and rewards for employment and implementing projects for the employment of persons with disabilities.
- <sup>82</sup> In 2017, a total of 3,366 persons (18% more than in 2016 and 28.8% more than in 2015) were employed. By mid-2018, a total of 1,707 persons were employed.
- <sup>83</sup> A use permit cannot be issued for buildings that are not constructed in accordance with the accessibility provisions. The procedure for works that are to be done to ensure the accessibility of buildings have been simplified, so now works on stairs, hallways and other access areas to or within a building and in public areas may be done without a building permit and a main design. If the Building Inspection finds that accessibility requirements are not fulfilled, it shall set a deadline for their fulfilment, and after the expiry of the deadline it shall impose a fine. With regard to ensuring accessibility of the existing buildings, no time limit has been set within which they must be made accessible; however, they must be made accessible in the event of reconstruction (including the entrance area and communication linking various parts of the building). It must be ensured that one in ten apartments in a building is easily adaptable.
- <sup>84</sup> Non-institutional forms of accommodation include care in foster families, family homes and housing communities, or organised housing in the community provided by state and non-state homes and other legal persons. Non-institutional services for children and young people that are offered by transformed institutions include: a full-day or a half-day care, counselling and assistance to individuals and families, early intervention and organised housing.
- <sup>85</sup> Services will be provided to 600 persons with disabilities, including children with developmental difficulties and 270 expert associates will be trained.
- <sup>86</sup> The Office for Mine Action and the Croatian Mine Action Centre are implementing the project “Mine Action and Socio-economic Integration”, which consists of two complementary components: mine action (humanitarian demining) and victim support, and is financed by Switzerland. Comprehensive databases will be established, victims' needs will be assessed and direct support will be provided to victims through programmes aimed at increasing their employability, in the territory that was affected by the Homeland War. The relevant sectors (health care, veterans, social welfare) and institutions (the Ombudswoman for persons with disabilities, the Croatian Employment Service, the Croatian Institute for Public Health, the Croatian Pension Insurance Institute) will participate in the project.
- <sup>87</sup> 99.77, 99.111.
- <sup>88</sup> See: A/HRC/30/14/Add. 1.
- <sup>89</sup> 99.75, 99.85, 99.91, 99.110.
- <sup>90</sup> Recently, the following documents have been adopted: the National Plan for Combating Human Trafficking 2018-2021, the Protocol on the Identification, Assistance and Protection of Victims of Human Trafficking, the Protocol on Procedures to be followed in the Case of a Voluntary and Safe Return of Victims of Human Trafficking, and the Protocol on the Integration/re-integration of Victims of Human Trafficking.
- <sup>91</sup> Police officers dealing with organised crime provide professional development training courses to other police officers in how to recognise potential victims of human trafficking, and elements of a crime, and how to carry out criminal investigations.
- <sup>92</sup> Special focus is placed on strengthening cooperation in criminal procedures, improving methods for the identification of victims and protecting the best interests of victims.
- <sup>93</sup> Juvenile police officers are educated to recognise various forms of violation of the rights of the child and to provide support to children victims and to ensure appropriate conditions (a room adapted for interviewing children, interviewing a child in his/her home, the presence of a trustworthy person, in

addition to the guardian, during an interview if the child so wishes, the presence of a social welfare centre staff member if the parent/guardian of a child is unavailable or is a suspect, protection of child's privacy, confidentiality of investigative examinations etc.).

- <sup>94</sup> This includes especially considerate treatment and the provision of support to the child through the social welfare and health care systems as well as by CSOs providing assistance and support to victims. Particular attention is given to cases of threat to children belonging to vulnerable groups, unaccompanied children or children placed in an institution. In the case of missing children, it is required to urgently determine the circumstances of disappearance and assess the possibility that the child may be a victim of crime. Since early marriage also carries the risk of slavery, forced labour or servitude, sexual exploitation and prostitution, due attention is paid to these circumstances during criminal investigation if a criminal offence is suspected.
- <sup>95</sup> In addition to sexual exploitation and abuse of children, which is becoming increasingly widespread (including through the Internet), cases of children being victims of labour exploitation and exploitation for the purpose of forcing them to commit unlawful acts also occur. Therefore, when investigating offences such as begging and stealing, attention is paid to determining whether a child is recruited, forced and exploited by his/her parents, foster parents, guardian or other persons entrusted with the care of the child (criminal offence “violation of the rights of the child”).
- <sup>96</sup> In 2016, the funding for primary legal aid (legal counselling by authorised associations and legal clinics) amounted to HRK 700,000.00, which was increased by 50% in 2017, and by an additional 25% in 2018. The funding for secondary legal aid (representation by lawyers before courts and exemption from payment of court costs) amounted to HRK 2,120,500.00 in 2016, HRK 1,960,000.00 in 2017 and HRK 2,700,000.00 in 2018. In 2019, the funding for primary legal aid increased by 47% compared to 2018, and remained the same for the secondary legal aid.
- <sup>97</sup> 99.56, 99.60, 99.115–99.116, 99.141–99.146, 99.148–99.157, 99.166.
- <sup>98</sup> The progress of implementation of the CARNM is continuously monitored through annual reports, and action plans and operational plans ensure its efficient application (Operational Programmes for National Minorities 2017-2020, the National Anti-Discrimination Plan 2017-2022, the NRIS). Through the National Minorities Council funds are allocated for cultural autonomy programmes (with an increasing trend). The implementation of the Programme of the Government of the Republic of Croatia for the 2016-2020 mandate, in the spirit of tolerance and pluralism and appreciation of diversity, continues work on improving the level of protection of rights of national minorities.
- <sup>99</sup> The project REC-RRAC-RACI-AG-2017 aimed at improving identifying hate crimes and their adequate prosecution and punishment, in partnership with the MJ and state attorney's offices, is currently underway.
- <sup>100</sup> Programmes provide for improving development programmes in the areas in which national minorities have historically lived and which are demographically, economically or socially weak and below the average level of national development, in order to ensure a larger financial support and special development programmes ensuring a minimum standard of municipal and social infrastructure. Part of the measures concerns: the use of the language and script of a national minority, education, cultural autonomy, access to the media, the right to self-organisation, to representation in political life and to participation in public life, a part of which was developed taking into account the specificities of particular national minorities.
- <sup>101</sup> Activities concerning the Serbian national minority include the return and housing care of refugees and their integration.  
The activities concerning the Roma national minority include legalisation of sites inhabited by Roma and implementation of housing care. A special Annual Programme for 2019 for improving living conditions and housing care of members of the Roma national minority in the amount of HRK 1,500,000.00 through which Roma families were provided help in over 900 occasions mainly by distribution of household appliances (and to a lesser degree of construction materials).  
Activities concerning the Italian national minority include: implementation of the bilateral agreement on the rights of national minorities, regulation of the system for the financing of associations, strengthening of the system of schools providing schooling in the Italian language and of modalities of action, and support to the development of the infrastructure of associations.  
Activities concerning the Czech and Slovak national minorities include: implementation of the bilateral agreement on the rights of national minorities, improvement of conditions for work in schools, improvement of the system for financing associations and construction of infrastructure, reconstruction of war-destroyed structures.  
Activities concerning the Hungarian national minority include: implementation of the recommendation of the Croatian-Hungarian Joint Committee for Minorities, construction of educational institutions and provision of resources for their completion, provision of information in the mother tongue.  
Activities concerning the Albanian national minority include: improvement of bilateral relations with

- Albania and the Republic of Kosovo, establishment of institutions and provision of support for their construction, provision of support to activities of the Albanian Catholic Mission.
- <sup>102</sup> The Serbian national minority elects three representatives; the Hungarian and Italian national minorities elect one representative each; the Czech and Slovak national minorities jointly elect one representative; the Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Vallachian and Jewish national minorities jointly elect one representative; and the Albanian, Bosniak, Montenegrin, Macedonian and Slovenian national minorities jointly elect one representative.
- <sup>103</sup> In early elections of representatives to the Croatian Parliament (2016), a member of the Roma national minority was elected as a representative of Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Vallachian and Jewish national minorities; a member of the Czech national minority was elected as a representative of Slovak and Czech national minorities; a member of the Albanian national minority was elected as a representative of Albanian, Bosniak, Montenegrin, Macedonian and Slovenian national minorities. Three representatives of the Serbian national minority, one representative of the Italian national minority and one representative of the Hungarian national minority were also elected.
- <sup>104</sup> One of the components of the Portal is the project “*e-Citizens*” which provides an easy electronic access to all information from public administration. In 2019, a series of new e-services was introduced (currently 62) and work is ongoing on setting up new platforms, such as “*e/Business*”, “*e/m-Signature*” and “*e/m-Seal*”, (“*e/Poslovanje*”, “*e/m-Potpis*” and “*e/m-Pečat*”). Activities are also carried out related to the development and support to the relationship parent/guardian–child (in order to enable parents to use services for children); and the development of e-service “*e-Enrolment into educational institutions*” (“*e-Upisi u odgojne i obrazovne ustanove*”).
- <sup>105</sup> Equality in the official use of languages and scripts is continuously monitored through annual reports on the implementation of the CARNM. According to the data from the 2011 Census, the legal requirement for introducing the equality of the official use of the language and script of a national minority is fulfilled in 27 local self-government units including the City of Vukovar (for the following languages: Czech, Slovak, Hungarian, Serbian and Italian). In accordance with the Act on Education in Languages and Scripts of National Minorities, resources are being ensured for printing textbooks, including in the Serbian language and Cyrillic script (cooperation between the MSE and the Serbian Cultural Society *Prosvjeta*).
- <sup>106</sup> The Government also adopted the Action Plan for the Implementation of the NRIS 2019-2020 after an extensive discussion which also included policy directions after 2020.
- <sup>107</sup> <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Uklju%C4%8Divanje%20Roma%20u%20hrvatsko%20dru%C5%A1tvo%20-%20istra%C5%BEivanje%20baznih%20podataka.pdf>
- <sup>108</sup> The publication *Inclusion of Roma in the Croatian Society: Research of Basic Data* was distributed to 371 addressees in Croatia (councils and members of the Roma national minority, LRSGU, state administration bodies, CSOs, academic community) and 63 addressees abroad (EU candidate countries, EU agencies, EC, the CoE). The project drew attention as a model of the best practice and the European Union Agency for Fundamental Rights (FRA) and the CoE expressed their interest and, in 2019, the OHRRNM hosted the thematic visit of the Committee of Experts on Roma and Traveller Issues on the topic of mapping and collecting data aimed at monitoring the efficiency of national policies.
- <sup>109</sup> In August 2019, a meeting of the Working Group for the preparation of that curriculum (including Roma representatives) was held, to harmonise the methodology for its drafting. Adoption and publication of the document is expected in early 2020, followed by preparation of textbooks and teaching materials.
- <sup>110</sup> Motivated by UPR recommendations, Croatia adopted the Act on Amendments to the Croatian Citizenship Act (2015), contributing to protection of the acquired rights of many Roma, who would otherwise be at risk of statelessness.
- <sup>111</sup> The number of resolved applications for admittance to Croatian citizenship of members of the Roma national minority in the period from 1 January 2018 to 31 October 2019 was as follows: approved – 18; refused – 6; issued guarantees of admittance to citizenship – 5; decision on termination/rejection – 0; procedures underway – 22.
- <sup>112</sup> Employment of members of national minorities is thus encouraged, and the bodies covered by Article 22 of the CARNM are obliged to take care of this when announcing vacancies. However, since the Decision prohibiting new recruitments of civil servants in state administration bodies (2016) is still in force, this also impacts such employment. In accordance with the obligation under the Operational Programmes for National Minorities 2017-2020, a methodology has been developed for monitoring such manner of employment in the civil service and administrative bodies of local administration units, and the MPA sent to those bodies instructions for recording/monitoring of admission to civil

- service by calling upon the right of preference.
- <sup>113</sup> The right to the guaranteed minimal allowance is revoked if the beneficiary works for longer than three months, and the average income in that period exceeds the amount of the granted guaranteed minimal allowance for a single person or a household.
- <sup>114</sup> The implemented projects covered 356,266 beneficiaries (HRK 234.5 million). In mid-2019, the fourth call for co-financing school meals was announced, and evaluation of applications is underway. A call for projects by humanitarian associations is under preparation.
- <sup>115</sup> Croatia is a party to the Protocol on Water and Health under which the following is being implemented: the monitoring plan for water intended for human consumption, official controls of suppliers of water services, examination of water at water extraction points, and water monitoring. 93% of the population has the opportunity to connect to a public water supply system, of which 87% are connected, while others use private wells. Water supply systems are continuously being improved and, in response to the problems in some local water supply systems, a thorough analysis is being carried out and is to be completed in 2020.
- <sup>116</sup> 5.117, 5.120, 5.161–5.164, 5.167.
- <sup>117</sup> The beneficiaries, based on the Reconstruction Act, the Act on the Status of Displaced Persons and Refugees and the Act on Housing Care on Supported Areas, exercise their rights in the fields of reconstruction, housing care and status rights (records, payment of financial support and issuing of status certificates) in proceedings before the competent administration bodies.
- <sup>118</sup> After the plan was completely implemented in 2011, applications are submitted in accordance with the Regulation on Determining the Status of Former Tenancy Rights Holders and Members of their Families and the Conditions and the Procedure for their Housing Care.
- <sup>119</sup> From 2014 to 2019, the CSORHC with respect to lease contracts for former tenancy rights holders, issued: 282 contracts out of areas of special state concern (of which 72 were not signed because of withdrawal, death or other circumstances of the beneficiary) and 467 contracts in areas of special state concern (of which 89 were not signed).
- <sup>120</sup> It commenced with the Sarajevo Declaration in 2005 and was continued by the Joint Declaration signed by foreign ministers of the Republic of Croatia, Bosnia and Herzegovina, Montenegro and the Republic of Serbia in Belgrade in 2011. The aim of the Regional Housing Programme is to permanently meet the housing needs of the most vulnerable categories of displaced persons and refugees and provide durable housing solutions either through integration in the country of refuge or by returning to the country of origin. On 3 December 2013, the RC and the Council of Europe Development Bank signed the Framework Agreement defining the legal basis for using financial resources from the Regional Housing Programme Fund.
- <sup>121</sup> Through the lease of state-owned family houses or apartments, donation of state-owned buildable land and building materials for the construction of a family house, donation of building materials for renovation, expansion and completion of construction of a family house owned by the beneficiary, donation of building materials for the construction of a family house on the buildable land owned by the beneficiary, donation of a state-owned uninhabitable family house and building materials for its renovation or reconstruction.
- <sup>122</sup> The Islands Act, the Act on Supported Areas and the Act on Hilly and Mountainous Areas.
- <sup>123</sup> The CSORHC assumed the obligation to return private property under the Act on Temporary Takeover and Management of Certain Property, in accordance with its competences regarding the management of property in areas of special state concern.
- <sup>124</sup> Since 2014, 67 active cases of occupied property have been recorded, of which 22 cases concern occupied property, and 45 cases concern the property that Croatia has to return to their owners due to subsequent loss of ownership of that property because the owners obtained a judgement declaring void the sales contracts. Of 22 cases of occupied property recorded in 2014–2018, 14 cases have been solved. Of 45 cases of “false purchase” recorded in 2014, 30 cases were solved by 2018.
- <sup>125</sup> In some cases private property was not returned because of unsettled ownership, however, solutions are still sought and, in cases where compensation has not been paid to owners for not being able to use their property, agreements for peaceful resolution of the dispute are proposed.
- <sup>126</sup> 99.35, 99.158–99.160.
- <sup>127</sup> Applications are processed within legal deadlines. Most seekers of international protection perceive Croatia as a transit country and, in a great number of cases, seekers of international protection leave Croatia before the procedure has been completed.
- <sup>128</sup> It is granted to: a victim of human trafficking; a minor who has been abandoned or is the victim of organised crime or has been left without parental care, custody or accompaniment; a third-country national who, until the date of submission of the application had refugee status for at least 10 years or was included in the programmes of reconstruction, return or housing care for refugees from the RC; and for serious and justified reasons of a humanitarian nature. These persons can work without a residence or work permit on the basis of the approved temporary stay.

- <sup>129</sup> This covers procedures, i.e. exercising the right to stay in RC, re-uniting of families, accommodation, work, health protection, education, religion, free legal aid, social care, ownership of a real estate in accordance with the 1951 Convention and acquisition of Croatian citizenship (in accordance with regulations).
- <sup>130</sup> With the purpose of quality integration of these persons the project “Integration of persons with approved international protection resettled from Turkey and integration and care of persons on the basis of other forms of solidarity with the Member States of the European Union” is implemented.
- <sup>131</sup> Activities: TV, radio and Internet campaigns, a survey of attitudes of citizens, national conferences, public discussions, publication of the results of the survey and a new integration guide). An awareness-raising spot reached 2.5 million television viewers and Internet visitors; a radio spot was played more than 140 times on 5 stations with a national coverage; there were 9 public events on the theme of integration challenges, organised for representatives of professional and general public in 7 cities and attended by more than 600 participants; a survey of attitudes and integration capacities was carried out in 30 LRSGU and more than 1,400 persons participated; awareness-raising workshops for children and young people were carried out in 17 primary schools in 6 cities for more than 950 children and young people; a brochure “Children's questions about being a refugee and how to answer them” was printed.
- <sup>132</sup> They must attend a course in the Croatian language, history and culture as a basis for quality integration.
- <sup>133</sup> In order to inform the public about the rights of migrants, the Guide on the integration of foreigners in the society, which contains an overview of the rights of different categories of foreigners, including asylum seekers, has been supplemented with new information and translated into English, French, Ukrainian, Arabic, Farsi and Urdu.
- <sup>134</sup> The special guardian contacts and visits the child and takes care about his/her appropriate care and healthcare. All decisions are made in the best interest of the child, and the child is informed about the appointment of a special guardian who represents him or her in procedures before the state and other bodies, prepares for interviews and informs on the results. If the child does not understand Croatian, an interpreter will be provided. Procedures take priority and are carried out in the best interest of the child, respecting the child's opinion taking into account the child's age and the level of development. During the procedure for granting international protection, the unaccompanied child submits an application in person, but the special guardian must be present (the special guardian may only exceptionally submit an application on behalf of the child – if he or she considers that this is necessary).
- <sup>135</sup> These are: homes for education of children and young people, the Centre for Community-based Services Zagreb – Dugave and the reception centre for asylum seekers in Kutina, which is intended for vulnerable groups, and, exceptionally and only for those over 16 years of age, the reception centre for asylum seekers in Zagreb.
- <sup>136</sup> 99.26, 99.89, 99.92, 99.95, 99.97–99.101, 99.104–99.107, 99.190.
- <sup>137</sup> In order to increase the quality of trials a number of judges in first-instance proceedings for war crimes have been reassigned accordingly, the Judicial Academy provides training to judges and the SAORC has developed a “Handbook on procedures to be followed in cases of war crime” (methods by which crimes are committed, international criminal law, case law of the European Court of Human Rights and national courts).
- <sup>138</sup> It provides support to witnesses summoned through international legal aid (including witnesses of war crimes), organises psychosocial assistance and provides information about the rights of victims and witnesses and psychological support via phone. In war crime cases, intermediary services are provided to witnesses and other actors in securing physical protection (if necessary) and assistance in accessing the competent judicial body in Croatia and abroad. The Service carries out activities to provide compensation to victims and informs victims about the offender's release from imprisonment (including victims of war crime) and cooperates with prisons, police administrations, county teams for prevention and combating family violence and violence against women and with social welfare centres.
- <sup>139</sup> They provide emotional support to victims, provide information about the rights of victims and witnesses and refer victims to competent services. In war crime cases, victims and witnesses who are summoned to witness are called via phone. If necessary, transport is organised, and in international cases police escort and protection is provided. Departments submit information about the victim to the competent bodies responsible for an individual assessment of the victim and provide support to county and municipal courts and misdemeanour courts.
- <sup>140</sup> Where the special manner of interrogation of a witness at risk only refers to non-disclosure of data, the interrogation will be conducted under a pseudonym without specifying any other data. Where it refers to the concealment of his physical appearance, the interrogation will be conducted by an audio-video device and the witness will be placed in a separate room and his physical appearance and voice

will be changed. Outside the context of proceedings, the protection of the witness and the persons close to him will be carried out in accordance with the Witness Protection Act.

- <sup>141</sup> During 2016, workshops “Procedures in cases of war crimes” (training on the application of international war and humanitarian law, as well as the international criminal law, and on the case law of the ICTY and the European Court of Human Rights). In May 2019, the SAORC organised a workshop for deputy state attorneys and advisors working on war crime cases on standards of efficient investigation developed before the European Court for Human Rights. Two workshops for judges and state attorneys dealing with war crimes “Prosecuting war crimes – equalisation of practice” were added to the programme of the Judicial Academy for 2019.
- <sup>142</sup> The Act prescribes the right to compensation in a one-off amount of HRK 100,000.00 and an increased financial compensation of HRK 150,000.00 (in cases where sexual violence resulted in consequences such as pregnancy, abortion or birth of a child or where the victim was a minor). In addition to the one-off compensation, victims may receive monthly compensation (calculated on the bases of 73% of the budgetary base – which currently amounts to HRK 2,428). It also prescribes the right of the heir of a victim who died before the adoption of the Act. From 2015 to late November 2019, applications for recognition of the status of a victim of sexual violence were submitted by 264 persons (69 men and 195 women).
- <sup>143</sup> There were 49 women victims of sexual violence from the Homeland War and, in 2017, there were 9 women victims. In 2018, psychosocial assistance was sought by 20 women – victims of sexual violence, and by other five women in the first half of 2019.
- <sup>144</sup> The Education and Teacher Training Agency organises fairs and competitions in the field of civic education.
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