

Introduction

1. This joint submission has been prepared by HRHZ based on findings presented in the annual human rights reports for 2017¹ and 2018² and in consultations with 10 CSOs³ which endorsed it, in whole or in part.

A. Constitutional, Legislative and Institutional Framework

International Human Rights Obligations

2. Although Croatia ratified the majority of the international human rights instruments, ratification of the remaining treaties has been on hold. There was no progress to ratify the International Convention for the Protection of All Persons from Enforced Disappearance⁴ despite voluntary pledges and commitments that Croatia expressed in presenting its candidature for Human Rights Council (HRC) membership⁵, and recommendations accepted during the 2nd Cycle of the UPR⁶. There was also no progress to ratify the European Social Charter (revised) signed in 2009⁷.
3. Croatia has not taken significant steps to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination. Furthermore, Croatia has not considered making a Declaration recognizing the competence of the Committee on the Elimination of Racial Discrimination in accordance with article 14 of the CERD despite receiving recommendations⁸ to do so.
4. Despite the voluntary pledges presented in its candidature for HRC membership⁹, Croatia failed to submit periodic reports to treaty bodies on the implementation of the following human rights instruments: CAT (due November 2018), CEDAW (due Jul 2019), CERD¹⁰ (due October 2011), CESC (due Jun 2006) and CRC-OP-SC (due June 2014).
5. **Croatia should sign and ratify the remaining human rights treaties as soon as possible and should submit periodic reports to the Treaty Bodies.**

Domestic Implementation of UN Recommendations

6. Croatia fails to organize meaningful consultations with civil society prior to the submission of its state reports to the treaty bodies, and on the implementation of the received concluding observations and recommendations thereof. The same

failure vis-a-vis implementation is noted in regard to the UPR process, although Croatia made a commitment to achieve this standard in its candidature for HRC.

7. Croatia did not make significant progress in the translation of concluding observations, general comments and other country relevant treaty bodies' documents into Croatian, thus failing in making the international human rights standards available to experts and the general public.¹¹
8. **Croatia should engage in genuine consultations with human rights NGOs over fulfilling international standards and translate all relevant human rights documents into Croatian.**

Domestic Institutional and Policy Framework

9. Currently, Croatia does not have necessary public policies in the field of human rights since the *National Program for the Protection and Promotion of Human Rights*¹² and the *National Strategy for the Creation of an Enabling Environment for Civil Society Development*¹³ both expired in 2016, and the *National Policy for Gender Equality*¹⁴ expired in 2015.
10. The independence of the Children's Ombudsperson is seriously limited with the adoption of a new Act in 2017 that gives Parliament the possibility to dismiss the Ombudsperson by not accepting its annual report on the state of children's human rights. The Ombudsperson's independence is additionally hindered by the requirement of obtaining parliamentary approval of its annual working plan.
11. **Croatia should amend its legislation to guarantee full independence of the Children's Ombudsperson and promptly adopt public policies in the field of human rights.**

B. Promotion and Protection of Human Rights on the Ground

Participation in Public Life

12. Croatia's Referendum Act¹⁵ does not exclude holding referendums on human rights. This legal void opens a possibility for misuse of this democratic instrument to encroach upon the human rights of minorities and socially vulnerable groups. This was illustrated by two popular referendum initiatives during 2018 with collection signatures to cancel just ratified Istanbul Convention and to significantly reduce the rights of Members of Parliament representing national minorities.

- 13. Croatia should amend the referendum legislation to exclude holding referendums on restricting human rights.**
14. The overall quality of civic participation in processes of legislation and policy development is not on an adequate level. While an online public platform “e-savjetovanja” facilitates easier access, the quality of participation is hampered by the fact that citizens’ suggestions and other recommendations are very often not genuinely welcomed and considered by public institutions.¹⁶

Freedom of Expression

15. Exercise of the right of access to information is hampered by the new provisions on personal data protection which are sometimes being disproportionately used to deny access to information owned by public institutions. Furthermore, the implementation of the Act on the Right of Access to Information is impeded by some public institutions which ignore decisions of the Information Commissioner¹⁷. Penalization of those in breach of the law is inefficient due to the lengthy nature of misdemeanor proceedings resulting in reaching the statute of limitations before proceedings are concluded.
- 16. Croatia should make the necessary steps to ensure institutional compliance with the right of freedom of information legislation.**

Freedom of Assembly

17. Citizens face difficulties during the assembly notification procedure due to imprecision and ambiguity of the legislation; and demanding and complicated procedure. The attempts to compel the organizers to pay additional fees for public authorities’ services related to managing and regulating assemblies due to, for instance, an increased need for police engagement or extended traffic stoppages are concerning. The criteria to calculate the fees are not clearly defined, neither are the circumstances in which fees might be levied. Such obstacles are contrary to the standards of the freedom of public assembly, which should be subject to minimal, necessary limitations.¹⁸
- 18. Croatia should harmonize its legislation and proceedings with the highest standards of the right to freedom of assembly.**

Human Rights Defenders and Freedom of Association

19. The public delegitimization and discrediting of the work of human rights defenders and civil society organizations has increased, especially by ultra-conservative and populist politicians and media close to them.¹⁹
20. Organizations and defenders working on the protection of the rights of refugees are the targets of intimidation and destruction of their property and workspace.²⁰

Particularly worrying are the attempts to criminalize their work through a broad interpretation of legal regulations, groundlessly linking them to people-smuggling and other criminal offenses.²¹

21. Human rights defenders and environmental organizations are under pressure from private investors who take legal actions against them due to their activities to protect the public interest.²²
22. The short-term format of public funding for CSO projects negatively affects the work of human rights organizations engaged in long-term advocacy and watchdog activities. Additionally, delays in announcing and processing EU funded project calls poses a significant danger for the operational capacity of human rights organizations.²³
23. Due to the absence of systemic public financing for organizations providing social services in deprived communities to vulnerable groups, these groups of human rights defenders face difficulties in securing the sustainability of their support programs. Project financing and delays in project calls have a negative effect on the turnover of professional staff which is crucial for the quality of social service provision.
24. **Croatia should ensure an enabling and safe environment for the work of human rights defenders and secure public funding schemes for sustainable and long-term human rights work on advocacy and provision of social services.**

Media Freedoms and Freedom of the Press

25. Journalists in Croatia are exposed to threats, assaults and death threats, especially journalists covering issues such as war crimes, organized crime, and corruption.²⁴ Particularly worrying is the inefficiency of police investigations and lack of success in finding perpetrators that result in a decrease in reporting of these incidents. Online threats often go uninvestigated while threats and intimidation against investigatory journalists by public officials are of particular concern.²⁵
26. **Croatia should ensure a safe and enabling environment for the work of journalists and promptly investigate all threats against journalists.**
27. Croatia has a pressing issue with misusing legal actions to pressure media and journalists. At the end of 2018, there were at least 1 163 lawsuits for causing offense, libel and public defamation against 90 Croatian media organizations and their journalists.²⁶ Particularly worrying were the actions of HRT (Croatian public broadcaster) which pressed legal charges against one of their journalists who publicly criticized the leadership and operations of HRT. In total, HRT initiated 36

lawsuits against their journalists, other media organizations and the Croatian Journalist Association.²⁷

28. **Croatia should review its legislation, particularly media legislation and harmonize it with international human rights standards and ensure that judges apply the principle of proportionality when deciding in these cases.**
29. The work of non-profit media in Croatia has been seriously hampered since the Ministry of Culture made sharp cuts to public funding schemes for independent media in 2016.²⁸ The absence of domestic public funding in combination with delays in the EU funding scheme is putting non-profit media in a difficult position by forcing them to reduce their work which is of paramount importance for promotion and protection of human rights of most vulnerable groups in Croatian society.²⁹
30. **Croatia should secure an enabling environment and sustainable funding schemes from public sources to support non-profit media.**

Security and Human Rights

31. After a few years of vacancy, Croatian Parliament finally appointed members of the Council for Civilian Oversight of Security and Intelligence Agencies, however the civilian oversight of repressive apparatus is still incomplete since neither members of the Council for Civilian Oversight over the Use of Specific Police Authorities nor the Commission for Complaints of Illegal Police Conduct have been appointed.³⁰
32. **Croatia should without further delay appoint members of the two civilian oversight bodies.**

Civic and Health Education

33. Civic education (CE) is introduced into the Croatian educational system as a cross curricular topic in 2019 and covers, *inter alia*, education on human rights and democracy. Besides teacher education (in-service training and initial education at university level) being inadequate for the CE field, the main problem is that CE is organized on a cross-course basis together with six other themes. Therefore, it does not ensure high-quality outcomes of acquired educational competences of students. In these circumstances, it is challenging for teachers to implement CE in a meaningful and effective manner.
34. Health education is composed in a similar manner as civic education, and it is carried out in a general class meeting, up to 12 hours a year. The curricula of health education have been substantively narrowed down resulting in the exclusion of psychological health education, prevention of violence or sexual health education.³¹

35. **Croatia should implement civic and health education as standalone courses and widen the scope of health education to include missing fields.**

Administration of Justice

Free Legal Aid

36. Access to free legal aid is territorially uneven³² since the certified organizations providing free legal aid only exist in 9 counties while in the other 12 this service is non-existent or sporadic mainly due to the lack of available funds.³³ Although in 2019 the available funds were increased as well as the number of free legal providers, they are still insufficient for organizations to hire highly qualified legal experts and establish even territorial coverage.³⁴
37. **Croatia should increase financial allocation for funding free legal aid providers.**
38. According to the Free Legal Aid Act, there is a possibility that funding may be obtained from local and regional budgets. However, such funding is generally absent.
39. **Croatia should encourage local and regional authorities to provide public funding for organizations providing free legal aid.**

Detention Conditions

40. While the general conditions in prisons improved and some prisons are no longer overcrowded, the lack of capacity to accommodate inmates in certain prison facilities still represents a problem. In some prisons, the minimum living space of 4 m² per inmate is not reached.³⁵
41. Although detention conditions generally improved, some of the detention units showed several deficiencies and thereof do not comply with proscribed basic³⁶ minimum standards.³⁷
42. **Croatia should implement the CPT recommendations that every prisoner accommodated in multiple-occupancy cells is provided with a minimum of 4 m² of living space and to improve conditions in detention cells.**
43. Women deprived of liberty are held in conditions akin to solitary confinement in single cells and are not offered any purposeful activity apart from their regular outdoor exercise entitlements.
44. **Croatia should implement the CPT recommendation to increase its efforts to avoid *de facto* solitary confinement of female prisoners and to enjoy access to meaningful activities equally as their male counterparts.³⁸**

45. Conditions remained deficient in the unrenovated cells where sanitary annexes were only semi-partitioned in accommodating female prisoners, toilets are dilapidated and the common shower facilities in a poor state of repair.³⁹
- 46. Croatia should implement the CPT recommendation to pursue efforts to ameliorate the conditions of detention.**
47. The Act on the Execution of Prison Sentences was not amended in order to change the practice of separating a mother and child after the child's third birthday⁴⁰.
- 48. Croatia should amend the prison sentence legislation to avoid exposing the mother and child to trauma and stress after the child's third birthday.**
49. The pre-trial detention measure is still not fully aligned with the Juvenile Courts Act (JCA), and international standards. Instead of the foreseen closed prison facilities for minors, whose establishment is prescribed in JCA, minors serve pre-trial detention at the nearest prison, under the same conditions as adults. In those facilities no educational activities, psycho-social support and more frequent contacts with their families are organized.⁴¹
- 50. Croatia should harmonize measures of pre-trial detention with international human rights standards and national legislation.**
51. There are still no special educational institutions for juvenile offenders with certain psychological or psychiatric problems. A sufficient number of child psychiatrists and psychologists and other health workers is a key prerequisite for guaranteeing appropriate educational and health measures. These categories of minors are still not adequately recognized since they are automatically placed in the correctional institution for minors in Turopolje.⁴²
- 52. Croatia should establish special institutions for juveniles with certain psychological or psychiatric problems as an alternative measure to a correctional institution in Turopolje or juvenile detention.**

Hate Crime

53. Police, prosecutors, and judiciary face difficulties in identifying hate crime and appropriately applying the law. Hate-motivated violence is not always classified consistently, while the bias motivation is not clearly specified as well.⁴³ Another problem is inadequate prosecutions - hate crime is prosecuted as a misdemeanor instead of a criminal offense.⁴⁴
- 54. Croatia should create and implement a new, comprehensive plan aimed at ensuring that all parts of the criminal justice system recognize, properly classify, and treat with appropriate seriousness bias-motivated crimes.**

55. Statistics on hate crimes, including hate-motivated misdemeanor offenses, are not published in an adequate form that can serve for further meaningful analysis of this type of violence. There is no disaggregated data showing hate crimes by the different bias grounds and the number of convictions is not necessarily linked to the year in which statistics are collected.
56. **Croatia should develop standards for a common methodology for reporting and monitoring data related to hate crimes and public incitement and make publicly available hate crime data disaggregated by bias motivation.**

Procedural Rights of Suspects and Accused

57. Suspects and arrestees who do not have sufficient means to settle the costs of defense in cases where defense is not legally mandated are unable to exercise their right to defense at the state's expense during police questioning.⁴⁵ Although a suspect has the right to a defense lawyer from the beginning of the proceedings, in reality, this option exists only for privileged suspects with the financial means to pay for one. This leads to income based discrimination and the inequality of citizens before the law, which consequentially results in violations of the right of access to a court.
58. **Croatia should secure the right to defense at the state's expense during police questioning for those criminal offenses for which no mandatory defense is proscribed.**
59. There is no significant change in the application of the principle of proportionality in determining pre-trial detention. Judges do not sufficiently question whether imposing the last resort measure of pre-trial detention is justified when the presence of the accused can be guaranteed using less severe means.
60. **Croatia should ensure that in each and every case when deciding on pre-trial detention the courts apply the principle of proportionality and, with particular concern determine and justify the reasons for such a decision.**

The Rights of Victims of Criminal Offences

61. Although the 2017 amendments to the Criminal Procedure Act (CPA) expanded victims' rights there are a number of rights a victim can exercise only upon a request. It is not specified to whom to file such a request, within what time frame and in what form. No sanctions have been prescribed against the judicial authorities that reject such requests without justification; likewise, the victims have no recourse to any kind of legal remedy in case their requests are denied.⁴⁶ In addition, victims are not sufficiently informed about their rights by the institutions.⁴⁷

62. Croatia should amend the CPA in order to ensure the right to remedy when victims' rights are being rejected or violated.

63. The 2017 CPA amendments introduced an institute of individual assessment which represents a significant step in the protection of victims' rights, primarily in accessing and testifying in court. However, the CPA and related bylaws⁴⁸ do not prescribe special education and training for the police, prosecutors and courts on victim sensitive approach.⁴⁹

64. Croatia should regularly organize training for law enforcement officials on victim sensitive approach.

65. The system of support for victims of criminal offenses and misdemeanors is provided by court departments in 7 out of 15 county courts. In the rest of the country support systems is covered by the Support Service of the Ministry of Justice and CSOs. However, this provisional system is not sufficient and frequently not used by the prosecutors and police which are usually the first institutions in contact with victims.

66. Croatia should establish victim and witness support service in the rest of the county courts and ensure police and prosecutors advise victims to use their services.

67. A victim of a criminal offense of violence committed intentionally is by the law⁵⁰ entitled to financial compensation payable from the state budget. However, the procedure is extremely formalistic⁵¹, complicated and expensive which hinders the efficient exercise of the right to financial compensation. Only 161 requests were submitted between 2013 and 2017 indicating the burdensome procedure and lack of awareness among victims of their rights.⁵²

68. Croatia should raise awareness about the right to financial compensation and simplify the procedure for compensation claims.

69. Due to the impreciseness of the legal text⁵³ on medical care, the Committee for Financial Compensation acknowledges only requests covered by the universal and mandatory health insurance. Requests for compensation of expenses incurred for surgeries or long hospital stays covered by supplementary and additional health insurance are not eligible.⁵⁴

70. Croatia should make legislative changes to secure financial compensation for supplementary and additional health insurance.

Juvenile Justice Administration

71. According to the JCA, a juvenile suspected or accused of a crime does not have the right to an accompanying person during the overall duration of the proceedings, unlike the juvenile victims of crimes.⁵⁵

- 72. Croatia should implement (EU) Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.**
73. Juvenile criminal proceedings are proscribed as a priority, while in practice they last between 6 months and 1 year.
- 74. Croatia should increase efforts to urgently prosecute juvenile cases.**
75. JCA stipulates that youth judges must have a certain “affinity for the youth’s education, needs, and benefits, and to have mastered the basic knowledge in the fields of criminology, social pedagogy, youth psychology and social work for young people”.⁵⁶ In practice, such criteria are not verified. Moreover, once appointed, youth judges are not obliged to undergo additional training for working with children.⁵⁷
- 76. Croatia should regularly examine and evaluate criteria for juvenile judges and evaluate them over a three to five-year period. In addition, Croatia should increase their efforts in organizing necessary interdisciplinary training on the rights and needs of children.**
77. Questioning of children in criminal proceedings is sometimes conducted by persons who are insufficiently educated to conduct a forensic interview of a child, especially in rural areas. In addition, a lack of a child-friendly environment in public institutions still remains a problem.⁵⁸
- 78. Croatia should sustain efforts to reach overall child-friendly standards in criminal prosecution, particularly to establish special courts and specialized police units.**

Transitional Justice and International Humanitarian Law

79. Although the intention of setting up special war crime sections at county courts in Zagreb, Osijek, Rijeka, and Split was to assign “the best-qualified judges and prosecutors” to conduct these complex proceedings, in reality, the number of judges trialing war crime cases for the first time has increased in the first instance proceedings.⁵⁹
- 80. Croatia should conduct regular training for the War Crimes Chambers judges at designated courts, especially due to an increase in the number of first instance judges as well as new prosecutors on these complex cases in order to contribute to the objective and qualitative war crimes prosecution.**
81. Croatian justice system still faces a number of non-processed war crimes, the data available points to the presence of ethnic prejudice and profiling in war crime procedures and the presence of ethnic partiality when sentencing for two comparable criminal acts. As stated in the State Attorney’s Report database, 80

percent are crimes committed by members of Serb units, while registered crimes committed by Croatian units make only 18 percent.⁶⁰ Further, members of Serb units are frequently more severely punished for very similar criminal offenses than are members of Croatian units.⁶¹

- 82. Croatia should unambiguously investigate and prosecute war crimes without ethnic profiling. The problems with efficiency in investigations into war crimes indicate the need for considering the establishment of a special department at the State Attorney's Office for War Crimes modeled on the existing department for combating corruption and organized crimes - USKOK.**
83. Courts continue with the practice of applying mitigating circumstances while sentencing accused members of Croatian forces. According to data, 31 court proceedings were conducted in 2018 before the courts competent for war crimes. Of these cases, only 6 are against members of the Croatian Army⁶² and 2 proceedings for crimes committed in the territory of Bosnia and Herzegovina against the Croatian Defense Council (HVO)⁶³. The largest number of trials is conducted against members of Serb units, out of which 14 are tried in absentia.
- 84. Croatia should unambiguously condemn applying mitigating circumstances while sentencing accused members of Croatian forces in order to ensure standardized non-discriminatory legal framework while sentencing.**
85. The inordinate length of war crimes investigations and trials also contribute to the failure in providing justice and reparation to the victims and their families. Croatia has yet to adopt the Act on the Rights of Civilian Victims of War (ARCVW).⁶⁴ The institutional practice concerning missing persons, particularly in locating burial sites of victims, and identifying exhumed remains is ineffective and conducive to a climate of impunity for war crimes.⁶⁵
- 86. Croatia should take further steps to ensure justice and reparation for victims of war crimes and bring to an end the climate of impunity by adopting the ARCVW. Croatia should increase the efficiency in finding missing persons, locating burial sites and identifying exhumed remains.**
87. Although the 2013 CPA amendments have been introduced to secure effective investigation aimed at preventing inexplicable delays in investigations, the average case resolution time in 2017 was 2 529 days which points to the issue of inordinate length of proceedings in war crime trials.⁶⁶ Special courts rarely schedule hearings, and assessment on the merits of criminal charges often takes longer than anticipated.
- 88. Croatia should increase efforts to bring outgoing investigations into war crimes to an end.**

89. Identifying missing persons is not fast enough. According to the Ministry of Croatian Veterans, 82 percent of missing person cases were solved, while there are still active searches for 1,491 persons and the burial sites of the remains of 412 persons killed.

90. Croatia should increase efficiency in finding missing persons.

91. The regional cooperation between Croatian and Serbian authorities on exhumation and identification of mortal remains is insufficient and inadequate.⁶⁷ The work of the Office for the Detained and Missing Persons is largely non-transparent since the names of the persons are not published after the identification has been carried out with explanation of implementing GDPR, although personal data protection provisions do not apply on deceased persons.

92. Croatia should improve and intensify the cooperation with other states and their public and judicial bodies on resolving the issues of missing persons.

93. Although the Act on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War represents a positive step forward in recognizing the rights and reparations for civilian war victims, its restrictive application hinders the efficient exercise of the reparation. The main reason for not recognizing victims of sexual violence is in the supposed impossibility to directly link sexual violence to war operations. The restrictiveness of the provisions can be seen in the segment demanding that sexual acts must be committed “without the victim’s consent or by use of force or threat”.⁶⁸

94. Croatia should align the Act with international standards in order to include all situations of absence of consent when it comes to other means of coercion characteristic of states of war, such as fear for life, captivity, abuse, etc.

LGBT Persons

95. Although a relatively satisfactory anti-discrimination legislative framework exists, prejudices against LGBT persons are still widespread exposing them to various forms of discrimination in everyday life.⁶⁹ Access of transgender persons to healthcare services has not been improved. Medical procedures in relation to sex change still remains a problem with regard to costs and preconditions to initiate them.⁷⁰ Also, hospitals do not perform relevant medical operations.

96. Croatia should increase efforts to raise awareness of the human rights of LGBT persons and implement ECRI recommendations to make gender reassignment treatment available, and to develop clear guidelines on the reimbursement of costs by public health insurance schemes.

97. Adopting children by same-sex partners still remains impossible. A new Act on Foster Care adopted in 2018 does not recognize life partners as a group

permitted to foster children although different-sex couples in the marital union have that right. Life partners as a legal equivalent to a marital union are thus discriminated as is the case in many other laws, namely in the provisions pertaining to marital and non-marital partners. Civil servants are generally unacquainted with the rights of life partners, for which impedes exercise of their rights in certain institutions.⁷¹

98. Croatia should amend national legislation in order to specifically include life partners into relevant laws, particularly to recognize life partners as a group entitled to foster children.

99. The problem of harassment and bullying of LGBT pupils in schools is still significant.⁷²

100. **Croatia should implement ECRI recommendation to introduce compulsory human rights education as part of civic education into all school curricula, especially as regards the right to equality and the prohibition of discrimination.**

101. A large number of hate-motivated cases of violence against LGBT persons remain unreported to the police, state attorney's office or LGBT organizations.⁷³

102. **Croatia should scale up training activities for law enforcement officials and the judiciary on hate crime.**

Migration, Refugees and Asylum

103. In 2019, Croatia has no migration policy. The previous policy expired at the end of 2015. The Action Plan for Integration, adopted in 2017, still does not recognize seekers of international protection as a distinct vulnerable group.

104. **Croatia should adopt a new migration policy. Furthermore, Croatia should include asylum seekers and other foreigners in the next Action Plan for Integration.**

105. A deterioration in police conduct towards refugees on Croatian borders has been recorded since the end of 2016, through numerous cases of physical and verbal abuse and expulsion from Croatian territory. Numerous domestic⁷⁴ and international organizations⁷⁵ reported irregular (mass) expulsions from Croatian territory.

106. **Croatia should cease and investigate irregular practices perpetrated by the authorities. Croatia should act in accordance with national and international law, especially in accordance with the UN Convention and Protocol Relating to the Status of Refugees and the UDHR.**

National Minorities

107. Implementation of the Constitutional Act on the Rights of National Minorities is without significant progress, especially in the area of the right to priority employment for members of national minorities in public institutions. Implementation is hampered mostly by not the existence of appropriate penalties for public entities not complacent with the Act provisions.⁷⁶
108. **Croatia should secure systemic implementation of the Constitutional Act and secure employment of members of national minorities in public institutions according to the provisions of the law.**
109. Contrary to the decision of the Constitutional Court, the Croatian Government has not presented to the Parliament the draft amendments to the Act on the Official Use of Language and Script on National Minorities which is in direct violation of the Court's decision and an impediment of the exercise of the right of national minorities to the official and equal use of their language and scripts in the Vukovar area.⁷⁷
110. **Croatia should without delay send the draft amendments to the Act to the public debate and parliamentary procedure for the adoption.**
111. Although 21 municipalities and cities in Croatia are legally bound to officially use the language and script of the Serb minority, this obligation is virtually ignored. In most cases, there are no signs in the Serbian language and Cyrillic script on institutions and on signs denoting names of settlements; there are no public administration forms and materials available in the minority language either.⁷⁸
112. **Croatia should ensure that the right to official and equal use of minority scripts and languages is being respected on the local level.**
113. In recent years, statements and actions by public figures characterized by ethnic intolerance, hate speech, discriminatory speech, and historical revisionism have been of particular concern. These negative tendencies are intensely present in the media and on social networks and are particularly targeting the Serb national minority.⁷⁹
114. **Croatia should take all measures to condemn and eradicate public statements of ethnic intolerance and hate speech against Serb national minority.**
115. The implementation of the National Roma Inclusion Strategy is hardened by a years-long delay in adopting a new action plan for the implementation of the Strategy since the previous one expired in 2015. The Action plan for 2019-2020 was adopted in 2019. Most local and regional self-government units where a significant number of Roma live have not adopted local action plans for the

implementation of the Strategy in their areas, or have not implemented such plans.

116. **Croatia should encourage local authorities to adopt and implement local action plans for Roma inclusion.**

117. Roma civil society is insufficiently developed, especially when it comes to civil society organizations dealing with various groups within the Roma population such as LGBT, youth, and women. There is a lack of targeted financing and systematic support to such CSOs which results in insufficient participation of these groups in social and political life.

118. **Croatia should develop effective and sustainable measures to strengthen participation of Roma youth and women in CSOs and political life.**

119. Members of Roma national minority, as a consequence of historically based stereotypes and discrimination, still face numerous obstacles in exercising their rights, particularly in employment and access to services. Research shows that Roma persons live in unfavorable economic conditions and with a low standard of living: only 7 percent of Roma persons have a full-time paid job, while 54 percent use the guaranteed minimum income.⁸⁰

120. **Croatia should secure favorable economic conditions for members of Roma national minority and implement effective policies to increase their employment rate and to raise the level of income.**

121. The data on the inadequate living conditions of the Roma national minority is concerning. In the findings of the same research, approximately one-third of the 1500 Roma households that were analyzed live in dwellings which are in a very poor or ruinous state, and often do not meet the minimum sanitary conditions.

122. **Croatia should develop and implement effective measures to achieve adequate living conditions for Roma national minority, based on the principle of non-segregation.**

123. The segregation of Roma in the education system is still present, representing a serious problem in many parts of Croatia where significant numbers of the Roma live. The proportion of Roma children who abandon school or do not complete education successfully is several times above the average. According to the study, 20 percent of Roma children are in classes that consist only of Roma pupils, which entirely precludes even the lowest level of integration. The reasons cited for abandoning schools include early parenthood, poor previous school results, and economic reasons.

124. **Croatia should eradicate the segregation of Roma in the education system and raise the level of school attendance of Roma pupils in secondary and high education.**
125. Failing to register Serb minority schools is still a problem. Registration and permits for such schools are continuously delayed, and the Ministry of Science and Education has failed to act. The public financing of textbooks and other educational materials for programs in minority languages and scripts is not sufficient. There is no available educational material for certain school subjects while most teachers lack didactic handbooks and educational resources.
126. **Croatia should without delay conduct the process of registering minority schools and secure adequate funding to support the production of all necessary and quality-based textbooks and other educational material for programs in minority languages and scripts.**

¹ HRHZ, *Human Rights in Croatia: Overview of 2017*, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2018/04/KLJP_PregledStanja_ENGWeb.pdf.

² HRHZ, *Human Rights in Croatia: Overview of 2018*, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.

³ Members of NGO Coalition are: B.a.B.e., Center for Peace Studies, Documenta – Center for Dealing with the Past, Human Rights House Zagreb, Rainbow Families Croatia, Roma Youth Organization Croatia, Serb National Council, Victims and Witness Support Service Croatia, Youth Initiative for Human Rights – Croatia, and Zagreb Pride.

⁴ Croatia signed CED in 2007, available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&clang=en.

⁵ A/71/225 Annex: *Candidature of the Republic of Croatia to the Human Rights Council, 2017-2019 - Voluntary pledges and commitments pursuant to GA resolution 60/25*, §3, available at <https://undocs.org/en/A/71/225>.

⁶ Croatia accepted seven recommendations to ratify CED: 99.2. To 99.8, see *A/HRC/30/14/Add.1 Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, §9, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/200/54/PDF/G1520054.pdf?OpenElement>.

⁷ Chart of signatures and ratifications of Treaty 163: European Social Charter (revised), available at https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=CV5IR4ti.

⁸ See: *Committee on the Elimination of Racial Discrimination*, CERD/C/HRV/CO/8 24 March 2009, §24, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fHRV%2fCO%2f8&Lang=en.

⁹ A/71/225 Annex: *Candidature of the Republic of Croatia to the Human Rights Council, 2017-2019 - Voluntary pledges and commitments pursuant to GA resolution 60/25*, §3, available at <https://undocs.org/en/A/71/225>.

¹⁰ Although the draft Combined Periodic Report on the Implementation of the International Convention on the Elimination of all Forms of Racial Discrimination was presented at the 8th session of the Council for Civil Society Development, the Government did not adopt it and submit it to the UN. See <https://udruga.gov.hr/istaknute-teme/savjet-za-razvoj-civilnoga-drustva/zapisnici-sa-sjednica-savjeta/144>.

¹¹ A/71/225 Annex: *Candidature of the Republic of Croatia to the Human Rights Council, 2017-2019 - Voluntary pledges and commitments pursuant to GA resolution 60/25*, §6, available at <https://undocs.org/en/A/71/225>.

¹² *National Program for Protection and Promotion of Human Rights*, available at <https://pravamanjina.gov.hr/UserDocsImages/arhiva/15012016/Nacionalni%20program%20za%20c5%a1tite%20i%20promicanja%20judskih%20prava%20za%20razdoblje%20od%202013%20do%202016%20godine.pdf>.

¹³ *National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016*, available at <https://udruga.gov.hr/UserDocsImages/UserFiles/File/Nacional%20Strategy-Civil%20Society-Croatia-2012-2016-eng.pdf>.

- ¹⁴ *National Policy for Gender Equality for the Period 2011-2015*, available at <https://ravnopravnost.gov.hr/UserDocsImages//arhiva/images/pdf//National%20Policy%20for%20Gender%20Equality%202011-2015.pdf>.
- ¹⁵ *Zakon o referendumu i drugim oblicima osobnog sudjelovanja u obavljanju državne vlasti i lokalne i područne (regionalne) samouprave* (NN 33/96, 44/06, 58/06, 69/07, 38/09, 100/16, 72/17).
- ¹⁶ HRHZ, *Human Rights in Croatia: Overview of 2018*, §36-38, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ¹⁷ An independent body charged with overseeing the legislation.
- ¹⁸ European Center for Not-for-Profit Law and HRHZ, *Monitoring the Right to Free Assembly: Croatia 2017 and 2018*, page 38, available at http://ecnl.org/wp-content/uploads/2019/01/Croatia_-_Monitoring-assembly-report-2017-18.pdf.
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- ²⁰ Ibid, page 21.
- ²¹ Ibid, page 24.
- ²² Ibid, page 30.
- ²³ Ibid, page 49.
- ²⁴ HRHZ, *Human Rights in Croatia: Overview of 2018*, §58, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ²⁵ Ibid, §61.
- ²⁶ Ibid, §62.
- ²⁷ Ibid §64.
- ²⁸ HRHF and HRHZ, *Resisting Ill Democracies in Europe - Understanding the playbook of illiberal governments to better resist them: A case-study of Croatia, Hungary, Poland and Serbia*, pages 19-20, available at <https://humanrightshouse.org/noop-media/documents/22908.pdf>.
- ²⁹ HRHZ, *Human Rights in Croatia: Overview of 2018*, §68, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ³⁰ Ibid §70.
- ³¹ Ibid, §172.
- ³² Government of the Republic of Croatia website, *Free Legal Aid*, link available at <https://pravosudje.gov.hr/UserDocsImages/dokumenti/Besplatna%20pravna%20pomoć/Odluka%20o%20dodjeli%20financijskih%20sredstava.pdf>
- ³³ HRHZ, *Besplatna primarna pravna pomoć u Hrvatskoj iz perspektive ovlaštenih pružateljica*”, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2018/04/besplatna_web-1.pdf.
- ³⁴ As for comparison, in 2016, out of a total of 55 provider associations, the state financed only 13 with 694.414,00 hrk. The downward trend continued in 2017 as well. In 2017, there was 700,000.00 HRK distributed to 11 providers, while a subsequent decision added another HRK 351,454.92 to another five providers. For 2018 there was a slight increase in the increase of funds by approximately HRK 200,000.00 in such a way that 1mil and 300,000.00 HRK were distributed to 16 providers from 8 counties. In 2019, 25 providers are financed with 1.833.520,62 HRK.
- ³⁵ CPT, *Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 22 March 2017*, page 20, link available at <https://rm.coe.int/16808e2a0e>.
- ³⁶ Rulebook on Treatment of Arrested and Detained Persons (OG 8/2010).
- ³⁷ CPT, *Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 22 March 2017*, page 18, link available at: <https://rm.coe.int/16808e2a0e>.
- ³⁸ Ibid, page 30, § 40.
- ³⁹ Ibid, page 26.
- ⁴⁰ HRHZ, *Human Rights in Croatia: Overview of 2018*, §218, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ⁴¹ Ibid §111.
- ⁴² Ibid, §110.

- ⁴³ ECRI, *Fifth monitoring cycle for Croatia*; May 2018, § 59, link available at <https://rm.coe.int/fifth-report-on-croatia/16808b57be>.
- ⁴⁴ HRHZ, “*V START - Support system for victims of hate crime*”, link available at https://www.kucaljudskihprava.hr/wp-content/uploads/2018/11/Support-System-for-Victims-of-Hate-Crime-Croatia_launch.pdf
- ⁴⁵ HRHZ, *Human Rights in Croatia: Overview of 2018*, §79, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ⁴⁶ Ibid, §83.
- ⁴⁷ Documenta, *Položaj i prava žrtava kaznenih djela u Republici Hrvatskoj (2018)*, available at <https://www.documenta.hr/assets/files/publikacije/polozaj-i-prava-zrtava-kaznenih-djela-2017-web.pdf>.
- ⁴⁸ Ordinance on the Mode of Conducting Individual Victim Assessments (OG 106/17).
- ⁴⁹ HRHZ, *Human Rights in Croatia: Overview of 2018*, §86, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ⁵⁰ Act on Monetary Compensation for Victims of Criminal Offences (OG 80/08, 27/11)
- ⁵¹ HRHZ, *Human Rights in Croatia: Overview of 2018*, §99, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ⁵² HRHZ, “*V START - Support system for victims of hate crime*”, link available at https://www.kucaljudskihprava.hr/wp-content/uploads/2018/11/Support-System-for-Victims-of-Hate-Crime-Croatia_launch.pdf.
- ⁵³ Act on Monetary Compensation for Victims of Criminal Offences (OG 80/08, 27/11).
- ⁵⁴ HRHZ, *Human Rights in Croatia: Overview of 2018*, §98, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ⁵⁵ According to the Directive (EU) 2016/800, such right is granted to juvenile suspected or accused of crime. The accompanying person in light of the Directive refers to the parent, legal guardian or any other trustworthy individual to the juvenile.
- ⁵⁶ Zakon o sudovima za mladež (OG 84/11, 143/12, 148/13, 56/15), Article 38.
- ⁵⁷ HRHZ, *Human Rights in Croatia: Overview of 2018*, §103, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ⁵⁸ Ibid, §105.
- ⁵⁹ Committee of Ministers, *DH-DD(2019)344, 1348th meeting (June 2019) (DH) - Action plan (28/03/2019) - Communication from Croatia concerning the SKENDZIC AND KRZNDARIC group of cases v. Croatia (Application No. 16212/08)*, §113, available at [http://hudoc.exec.coe.int/eng/?i=DH-DD\(2019\)344E](http://hudoc.exec.coe.int/eng/?i=DH-DD(2019)344E).
- ⁶⁰ Serb National Council, *Bulletin #16 "War Crimes Against Serbs In Croatia 91-95*, page 10-11, link available at <https://snv.hr/file/attachment/file/snv-bulletin-16-4-web.pdf>
- ⁶¹ HRHZ, *Human Rights in Croatia: Overview of 2018*, §113, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ⁶² Crimes in Bjelovar barracks, Lora, Osijek, Kijane, Kuline and in Sisak.
- ⁶³ Crimes in Silo, Gabela and Dretelj camps.
- ⁶⁴ HRHZ, *Human Rights in Croatia: Overview of 2018*, §114, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ⁶⁵ According to the Ministry of Croatian Veterans, 82 percent of missing person cases were solved, while there are still active searches for 1,491 persons, and the burial sites of the remains of 412 persons killed. See: Ibid §117.
- ⁶⁶ Ombudswoman, *Annual Report of the Ombudswoman for 2018*, page 164, available at: <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/>.
- ⁶⁷ As an illustration of this situation, members of the Missing Persons Commission of the Republic of Serbia were not invited to attend the identification conducted on February 5, 2019, at the KBC Šalata in Zagreb with the explanation that the relatives of the identified persons reside in the territory of the Republic of Croatia and therefore identification has no regional character. This is prevented information sharing to competent institutions and associations of families of missing persons from the Republic of Serbia.
- ⁶⁸ HRHZ, *Human Rights in Croatia: Overview of 2018*, §115 and 116, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.
- ⁶⁹ Ibid, §275.
- ⁷⁰ Ibid, §279 and 282.

⁷¹ Ibid §285.

⁷² Ibid, §278.

⁷³ Ibid, §277.

⁷⁴ Ombudswoman, *Annual Report of the Ombudswoman for 2018*, available at:

<https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/>.

⁷⁵ See: UNHCR, DESPERATE JOURNEYS: Refugees and migrants arriving in Europe and at Europe's borders; January-December 2018, available at: <https://www.unhcr.org/desperatejournays>, Human Rights Watch:

<https://www.hrw.org/news/2017/01/20/croatia-asylum-seekers-forced-back-serbia>;

<https://www.hrw.org/news/2018/12/11/croatia-migrants-pushed-back-bosnia-and-herzegovina>, and Amnesty

International, 2019, Pushed to the edge: Violence and abuse against refugees and migrants along Balkan Route,

available at: <https://www.amnesty.org/en/latest/news/2019/03/croatia-eu-complicit-in-violence-and-abuse-by-police-against-refugees-and-migrants>; <https://www.amnesty.org/en/documents/eur05/9964/2019/en/>.

⁷⁶ HRHZ, *Human Rights in Croatia: Overview of 2018*, §316, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2019/06/KLJP_GI_eng_web1.pdf.

⁷⁷ Ibid §317.

⁷⁸ Ibid, §328.

⁷⁹ Ibid, §326.

⁸⁰ Centre for Peace Studies, *Roma Inclusion in the Croatian Society: a Baseline Data Study (2018.)*, available at

https://www.cms.hr/system/publication/pdf/108/Uklju_ivanje_Roma_u_hrvatsko_dru_tvo_istra_ivanje_baznih_podataka.pdf.