

**Joint Submission to the United Nations Human Rights Committee
for the 141th Session for the Fourth Periodic Report of the Republic
of Croatia under Article 40 of the Covenant pursuant to the optional
reporting procedure**

**Joint submission by the Ombudswoman in cooperation with the
Ombudswoman for Children, the Ombudswoman for Gender
Equality and the Ombudsman for Persons with Disabilities**

June 2024

1. The Ombudswoman,¹ as the NHRI with status A, prepared this report in cooperation with other relevant institutions at the national level in Croatia - the Ombudswoman for Children², the Ombudswoman for Gender Equality³ and the Ombudsman for Persons with Disabilities⁴. It is based on complaints the Ombudspersons worked on, fieldwork, research and data gathered from different stakeholders: public authorities, CSOs, trade unions, employers, universities and many others.

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

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2. Since the adoption of the previous Concluding observations on the Republic of Croatia⁵, a number of policy and normative documents regulating the promotion and protection of human rights have been adopted.

3. After a prolonged waiting period, the National Plan for the Protection and Promotion of Human Rights and the Suppression of Discrimination 2023 - 2027 and two accompanying Action Plans for 2023 were adopted by the Government in March 2023. While welcoming this important development, the ORC had pointed out that the proposed action plans however lacked concrete measures and activities to address all of the identified needs and problems in the National plan to a sufficient degree. Additionally, the ORC noted that the evaluation of the implementation of the previous documents was lacking. Furthermore, although the adoption of the new set of action plans, intended for the period 2024-2025, was planned for the beginning of 2024, they have not been adopted yet.

4. Although the National Plan for the Creation of the Favorable Conditions for the Functioning of the Civil Society expired in 2016 and although the working group tasked with the drafting of the new one was created in 2021, the new National Plan has not been adopted yet.

5. In line with the SCA recommendation, the ORC has been strengthened in staff by the employment of 5 advisers in relation to a new mandate, of whistleblowers protection. However, this has not been done with regard to the management level, namely in relation to the deputies of the Ombudswoman, as the number of deputies has remained the same regardless of this newest mandate. Moreover, this only adds to the situation where additional mandates were given over

¹ ORC

² OC

³ OGE

⁴ OPWD

⁵ RC

time to the institution before that as well, as the ORC is a multi-mandate institution which is an Ombudsman, A status NHRI, NPM, equality body (central national body for fighting discrimination) and now also body for whistleblower protection, while the number of deputies has remained the same as when the institution had only one mandate, that of the Ombudsman and far fewer employees. It should furthermore be emphasized that the whistleblower mandate is a very demanding one, which requires extra attention when acting on whistleblowers' complaints. Therefore, in order to ensure effective and timely action in all mandates of the institution, it should be strengthened by at least another deputy.

B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2 ICCPR)

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6. At the national level, the sufficient visibility of the Covenant has not been achieved. Although training and education is organized for judges, lawyers and prosecutors on various human rights and antidiscrimination topics, specific sessions focusing on the Covenant and its implementation are lacking. As an NHRI we also generally observe there is not enough knowledge about human rights law and human rights instruments both in respect to the general public, as well as among legal professionals and continuously recommend education and trainings regarding human rights.

7. In ORC's work, the Covenant is utilized and referenced in her annual reports to the Croatian Parliament in discussing human rights violations in the areas encompassed by it.

Anti-corruption measures (Articles 2 and 25 ICCPR)

Paragraph 4 of the list of issues

8. The Act for the Protection of Persons Reporting Irregularities was first adopted in 2019, and the new Act came into force on 23 April 2022. The Act foresees three available reporting channels: internal, external and public disclosure. The Act designates the ORC as the channels for external reporting of irregularities. Furthermore, the new Act foresees that the whistle-blowers freely decide whether to submit the report of irregularities through internal channels or directly to the ORC, as the competent body for external reporting of irregularities, which had impact on ORCs actions. The ORC has been monitoring implementation of the Act in relation to internal reporting channels, the public disclosures, court proceedings and the provision of emotional support to the persons reporting irregularities. Also, the ORC is handling the cases reported to her as the external reporting channel.

Some of the challenge relate to the following issues. People appointed as the internal reporting channel are at time still not informed enough about the implementation of certain provisions of the Act. Some face a lack of optimal conditions for the implementation of whistle-blower protection tasks, while some experience retaliation. Persons reporting irregularities are still not informed well enough about their rights and about the procedures to be followed under the Act. When it comes to external reporting, in certain cases the institutions the report is forwarded to are still unsure how to implement the Act. There are still cases of the employers' inadequate reactions when it comes to protecting the person reporting irregularities, preventing retaliation against them and sanctioning the person responsible after the existence of irregularities has been established. In the past several years, more citizens have decided to publicly disclose irregularities in the conduct of public figures, pointing to acts of corruption and followed by legal proceedings against some of them, initiated by the reported persons.

When it comes to the court proceedings related to the implementation of the Act, there is still not much case law, the case law of the first instance court is still unharmonized and these types of cases are not recorded separately so as to allow for statistical monitoring. Furthermore, although these types of proceedings are urgent, the court do not always treat them as such, thus rendering the protection less efficient, as the retaliation against the reporting person can continue until the finalization of the proceedings and this can demotivate others from reporting.

[Accountability for past human rights violations \(arts. 2, 6, 7, 14 and 16 ICCPR\)](#)

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9. In the context of war veterans, the ORC continues to receive their complaints related to the (non)recognition of the status of Homeland War veterans and Croatian disabled Homeland War veterans, the length of the procedure for determining their material and other rights, exercising the right to priority employment, problems with housing, as well as social vulnerability of veterans and their family members.

10. In 2021 the Act on Civilian Homeland War Victims (ACHWV) was adopted, which the ORC had been continuously advocating for. However, the CSOs warn of challenges in its implementation, which ORC reported in her 2023 Annual Report to Croatian Parliament. These primarily include the lengthiness of the proceedings for resolving requests, but also demands for subsequent documentation, examination of additional witnesses, non-recognition of medical and other documentation issued by competent authorities of other countries, and rejection of requests under Article 5 of the Act. Additionally, CSOs point out that cases are queueing at the Commission for checking the existence of obstacles from Article 5 appointed by the competent Ministry, as well as that the Commission does not provide (sufficient) explanations for their decisions.

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11. The issue of the fate of the missing and forcibly abducted persons in the Homeland War remains one of the most difficult open questions related to the consequences of the war in the RC, because the families of the missing have the right to know the truth about the fate of their loved ones. According to the Ministry of Croatian War Veterans, the biggest obstacle to a faster and more efficient search for missing persons is the lack of cooperation of the Republic of Serbia, so even in this reporting period no significant progress was made in solving the issue of missing persons in the Homeland War.

Non-discrimination, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 20, 26 and 27 ICCPR)

Paragraph 7 of the list of issues

12. The number of complaints to ORC in relation to Anti-discrimination Act (ADA) is increasing continually. Majority of them refer to discrimination on the grounds of race, ethnicity or skin colour and nationality, mostly affecting Roma, Serbs and migrants (however, looking at all the anti-discrimination grounds in the ADA, which the ORC reports on as the central equality body, collecting also data from ‘specialised ombuds institutions’, the Ombudswoman for Children, the Ombudswoman for Gender Equality and the Ombudsman for Persons with Disabilities, the largest number of complaints is on grounds of sex). Looking at complaints based on the ADA received by the ORC, discrimination is most common in the area of labour and employment, followed by access to goods and services, public administration and judiciary and education. Additionally, according to the results of the last ORC’s periodic survey on the attitudes and perception of inequality and discrimination⁶ conducted in 2022, citizens of the RC consider Roma to be the group most exposed to discrimination.

13. Levels of discrimination in society are much higher than the number of complaints might suggest. 28% of the respondents of the survey mentioned above stated that they had experienced discrimination in the five years preceding the survey. At the same time, more than half of them did not take any steps to address it, as they believed nothing would change, they feared things would get worse, they didn’t know whom to turn to or believed that proceedings might be too complicated, lengthy and expensive.

14. Members of the Roma national minority and more generally Roma living in Croatia still face significant social exclusion, prejudice and obstacles to their education, employment, housing and health protection. As many as 46% of Roma still live in isolated and segregated Roma settlements, with much poorer housing conditions and no availability of utility and infrastructural services, and

⁶ <https://www.ombudsman.hr/hr/download/istrazivanje-o-stavovima-i-razini-svijesti-o-diskriminaciji-i-pojavnim-oblicima-diskriminacije-2022/?wpdmdl=15351&refresh=664b06d5d13f81716192981>

content suitable for children and young people unfortunately mostly does not exist. Segregation in education persists. According to the survey conducted by the ORC in 2023, out of the 24 schools all over the RC attended by Roma students, in 11 schools there is a number of completely segregated Roma classes, altogether 80 of them. Out of the total number of Roma children attending those 24 schools, 36% attend completely segregated classes and 54% attend classes in which Roma students make up more than 70% of the total number of students. Moreover, there are still several almost completely segregated elementary schools. At the same time, in some of the schools with segregated classes the total number of Roma students attending them does not exceed the number of the Croatian students. The ORC has issued several recommendations to the relevant Ministry to perform an analysis of the segregation of Roma students and to then draft a desegregation action plan, which the Ministry did not implement. As a result, in 2023, the ORC issued a recommendation to the RC Government to urgently create a desegregation plan and to start its implementation at the beginning of the next school year at the latest.

OC notes that one of the factors contributing to educational segregation is the isolation and poor development of individual Roma settlements. There is also still a noticeable trend of Roma girls dropping out of school due to early marriages and/or underage pregnancies.

OC notes that a compulsory at least two-year preschool program for children belonging to the Roma national minority should be introduced before starting school. Also, the RC needs to make additional efforts to combat educational segregation in the primary education system (strengthening the competences of Roma parents, investments in the development of Roma settlements, greater availability of services and programs for children in Roma settlements, especially services for the early development of children, implementation of preventive programs in schools and Roma It is necessary to introduce education about reproductive health, family planning, contraception, health risks of early pregnancy and similar in schools and Roma settlements.

15. Roma continue to face difficulties when it comes to housing. For example, in August 2023 an unknown perpetrator bulldozed down houses of several Roma families with 17 children while they were temporarily accommodated elsewhere due to the floods. Another family was faced by an initiative by the non-Roma population of the town to evict them from their house they had recently moved into. Similarly, Roma families comprising some 30 people including children, who were evicted from the location of Nova Krasa in Novi Vinodolski.

16. When it comes to employment, progress has been made; however, notable differences between Roma women and men are visible; thus, stronger efforts in the direction of the higher rates of employment of Roma women are needed.

17. Regarding health, the discrepancy in the life expectancy between the Roma and the non-Roma population is increasing, especially when it comes to Roma women, for whom it is 15 years shorter in comparison to the general population.

18. Roma are exposed to discriminatory and hateful public discourse, including by public persons, which then perpetuates the already existing prejudice, stereotypes and discrimination against the Roma.

19. Members of the Serbian national minority/Serbs are exposed to the negative sentiments of the majority population, as well as to expressions of intolerance and hatred in the public discourse, which can encourage discrimination and thus have a negative impact on the level of the realization of their rights.

20. Serbs who returned to their pre-war places of residence experience discrimination, often on the grounds of their nationality/ethnicity, age and socio-economic status. Basic services such as water and electricity remain a challenge in these areas.

21. According to the results of the 2021 census, members of certain national minorities have the right to equal and official use of the minority language and script due to their share in the population in 24 LGUs: Serbian minority; Czech minority; Hungarian minority, Italian minority and Roma national minority. Furthermore, in the Municipality of Orehovica, the number of Roma increased, and the condition for the equal official use of the language and script of the Roma national minority was met. However, the municipality did not introduce Roma language into equal and official use. Additional challenges relate to the Serbian language and the Cyrillic script, which are still stigmatized. Compared to the previous census, the number of members of the Serbian minority dropped to under one third in 3 LRGUs. Number of members of the Slovak minority dropped to under one third in 1 LRGU. Consequently, two of these LRGUs remained bilingual, one adopted a new statute that fails to mention the use of the minority script and language and the City of Vukovar's city council cancelled bilingualism.

22. In the context of migrants, Croatia still does not have a migration or integration policy in place. Applicants for international protection, irregular migrants and persons to whom international protection has been granted remain often exposed to prejudice and discrimination, linked to their racial or ethnic origin. There is a lack of systematic integration measures, including in providing language courses, housing, access to employment and to health care.

23. Additionally, in the past several years there has been a sharp increase in the number of work permits issued to foreign workers ('foreign workers' being workers who are 'third country nationals' – so not citizens of EU Member States). Cases of verbal and physical attacks in public have been recorded. At the same time, public policies aimed at their integration into society are missing, and the public authority that should coordinate these activities has not been determined. There is a lack of Croatian language courses, as well as information on available ways to protect their rights, both related to work and in other areas. At the same time, the ORC has recorded cases of inappropriate and discriminatory vacancies adverts, texts in the media, as well as received complaints from foreign workers citing harassment by their employers.

24. OPWD warns that health services, procedures and premises continue to be inaccessible to persons with different disabilities. There has been no progress in the deinstitutionalization process

despite the fact that funds for its implementation have been provided in the EU funds. Lack of community – based support services as well as lack of accessible and affordable social housing, as key obstacles to deinstitutionalization, is especially pronounced in smaller rural areas. Severe shortages in accessible door-to door transport for persons with disabilities restrict their mobility to a great extent.

The Constitutional Court of the Republic of Croatia declared as unconstitutional the provision of the Family Law which prevented the complete deprivation of legal capacity. OPWD considers it a backward step in improving the rights of persons with disabilities. At the same time the Family Law still contains no provisions which would form legal basis for introduction of supported-decision making.

More than half of persons with disabilities living in institutions are persons with mental health difficulties. This data shows that for this category of persons with disabilities treatment and rehabilitation procedures are the least successful and not based on the recovery approach. The situation of children and young people with mental health difficulties and disorders that require intensive expert and multidisciplinary assistance is particularly dramatic since there are no institutions and programs specifically designed for their needs. No early intervention system has been established to support the early development of children with developmental risks.

While the general unemployment rates are decreasing, despite all the proactive employment measures employment of persons with disabilities and the awareness on the obligation to ensure reasonable accommodation at work and in employment continue to be low.

OPWD continues to receive complaints of parents of children with disabilities related to the failure to enroll in the mainstream education system. The required reasonable accommodation for pupils with disabilities is not provided at the beginning of school year. There is lack of accessible transport, school buildings remain inaccessible and health care services are not provided on school premises which leads to exclusion of pupils with disabilities from mainstream education.

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25. OGE notes that the last few years have been marked by increased presence of negative portrayal of the LGBTIQ population in the media, ranging from challenging the rights and generally the need to promote the human rights of LGBTIQ people up to spreading intolerance and generating a hostile, humiliating and offensive environment, especially in relation to transgender people, which led to increased number of complaints and several cases of public reaction by the OGE.

At the same time, after several years of absence of relevant national strategic documents on antidiscrimination, recently adopted national plans in the field of promoting human rights and antidiscrimination do not contain goals and concrete measures specifically related to the promotion of the rights and protection of LGBTIQ persons from discrimination, so the OGE repeated the recommendations in that direction. In addition, for several years the OGE has been warning about the insufficient number of meetings of the Working Group for Monitoring Hate Crimes and low number of trainings of law enforcement and justice authorities on investigating and prosecuting hate speech and hate crimes.

The main problem for the transgender population continued to be different treatment regarding the provision of health services at the expense of mandatory health insurance in a comparable situation with other persons in need of medical treatment.

26. OC recommendation is in full agreement with the Concluding Remarks of the UN Committee on the Rights of the Child in the consolidated fifth and sixth periodic report of the Republic of Croatia, which expressed concern about discrimination and harassment of LGBTI children in educational institutions and called on the state to strengthen public education campaigns, in order to address attitudes of society towards children from vulnerable groups, including LGBTI children; to systematically raise awareness and educate about issues of discrimination, intolerance and hate speech towards children from, among others, the LGBTI group; ensure systematic education on protection against discrimination for experts who work with children and for the welfare of children, and introduce the topics of tolerance, non-discrimination and diversity into school programs.

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27. Displays of symbols and expressions sympathizing with the nature of NDH and the Ustasha regime during WWII still appear in the public discourse, in online and offline spaces. In 2017 the Government of RC had set up the Council for Dealing with the Consequences of the Rule of Non-Democratic Regimes, which in 2018 adopted a document titled “The Document on Dialogue”, the guidelines on how to normatively approach the use of the insignia and symbols of totalitarian regimes. The ORC recommended to the Ministry of the Interior to draft a proposal concerning amendments to the Act on Offences against Public Order and Peace that will more clearly define the prohibition of public use and displaying of symbols of hatred, referred to in Article 5 of the Act, and to impose stricter penalties for this offence. The amendments which imposed stricter penalties were adopted in 2023, however amendments have not been made yet in relation to more clearly defining the prohibition of public use and display of symbols of hatred in the Act on Offences against Public Order and Peace. There is a Working Group currently working on the amendments to the Act on Offences against Public Order and Peace, which the ORC is taking part in.

28. Minorities are especially targeted by hate speech. The anti-minority rhetoric and prejudice especially targets the Serb and the Roma national minorities. Various statements stirring up hatred appear online, especially in the social-media, but also in articles in some of the media outlets and in the readers’ comments below them, which contribute to tensions, including ethnic ones. At the same time, statements by public figures, especially when they are made through the media or the Internet, have a significant impact on the general population and therefore the ORC continuously point out the responsibility of public figures, members of parliament and other high level officials, (even though some of them have immunity), given their speech reaches a larger number of people.

29. OC notes that in Vukovar, the destruction of social networks and intolerance between Croats and Serbs is still present, which also affects children. Therefore, it is necessary to further develop and strengthen school preventive programs related to the prevention of peer violence. It is necessary to make greater efforts to solve the existing problems in minority education (e.g. lack of author's textbooks in the Serbian language and Cyrillic script, lack of professional teaching staff, organization of transportation of students to additional classes, overwork of students, etc.).

30. Hate speech is defined by Criminal Code (Article 325). Criminal offences and procedures related to Art. 325 of the Criminal Code are not numerous: for 2022, according to the Ministry of the Interior there were 25 criminal offenses from Art. 325 of the Criminal Code (public incitement to violence and hatred), while the competent state attorneys' offices recorded 7 such criminal acts. For 2023, Ministry of Justice and Public Administration recorded 15 new criminal court cases under Art 325 of the Criminal Code.

31. As for the issue of online hate speech, the new Law on Electronic Media adopted in 2021 introduced the responsibility of the provider of the electronic publication prescribed for the entire content published in the electronic publication, including content generated by users if they fail to register the user or if the user is not warned in a clear and easily visible way about the rules of commenting. The above also applies in the event that providers of electronic publications have not taken all measures to protect minors, as well as to prevent the publication of content that incites violence or hatred and/or if they have not taken all measures to prevent the publication of content that incites criminal acts of terrorism.

32. When it comes to hate crimes, observing statistical indicators during a longer period, there is a trend of light but consistent increases. As an illustration, in 2017 MoI acted in 28 such cases, in 2018 in 33, in 2019 in 51, in 2020 in 87 hate crime cases and in 2021 in 101 hate crime cases, including public incitement to violence and hatred (criminally sanctioned hate speech). These are mostly motivated by the victim's ethnicity. Namely, out of 101 crimes recorded by the MoI, including hate speech, as many as 67 were motivated by the victim's national origin, followed by sexual orientation (13), race or skin color (12) and religion (8). Furthermore, out of 39 proceedings later initiated before courts, most of them, as many as 27, are related to crimes motivated by the victim's national origin, while other grounds appear sporadically.

33. Having all this in mind, the ORC's recommendations highlight the need for continual training of key stakeholders, consistent prosecution, campaigns for the general public, but equally so the need to introduce compulsory human rights and equality education as part of civic education for all children, as a separate school subject.

[Equality between men and women \(art 2,3 and 25\)](#)

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34. OGE notes that gender stereotypes are still widespread in society and have a significant impact on unfavorable position of women in the labour market, unequal distribution of care responsibilities for family members and the households, low share of fathers in parental leave and particularly the way women are presented and portrayed in the media, advertising industry and political discourse. Gender stereotypes are also sporadically present in education. Sport is still widely perceived as primarily male domain of activity. Progress in gender equality is clearly

reflected in representation of women on management positions and in politics: on this years' elections, 24.5% of women were elected in the national parliament, only 2.0% more than on the last elections 4 years ago (although it's expected that percent of 24.5% will rise after the forthcoming personnel rotations). In political decision-making bodies on local and regional level women are also noticeably underrepresented with 27.3% (local elections 2021). The latest data from HANFA (The Croatian Financial Services Supervisory Agency) and EIGE (European Institute for Gender Equality) still indicate the presence of vertical segregation in relation to management positions and a long distance from the goals set by the EU Directive on improving the gender balance among directors of listed companies and related measures.

Violence against women, including domestic and sexual violence (arts. 2,3, 6, 7 and 26)

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35. OGE notes that despite continuous initiative of the Government towards introducing changes in the legislation pertaining to gender-based violence, the basic problems with the system of combating gender-based violence in Croatia remains almost completely unaddressed. These unaddressed problems are lack of the systematic and harmonized data collection (on gender-based violence and femicide), lack of organized, continuous, close and meaningful cooperation between main state stakeholders, lack of experts' in-depth analysis of the system of combating gender-based violence as a whole, and finally lack of strategic documents produced by the experts on the basis of collected data and conducted researches. There is also a lack of a systematic approach to education on gender equality at all social levels and there is a particularly visible deficit in comprehensive and continuous education and training of the professionals, that is, the police, the judiciary and the state attorney's office. The OGE has been publicly warning about the consequences of such an approach, which the first GREVIO report on Croatia also registered. The consequence of such fight of gender-based violence, where almost all results are expected exclusively to come from judiciary and through convictions are overburdened judiciary that imposes low sentences to perpetrators, usually only on probation and within the legally prescribed sentence minimums. Concerning sexual harassment cases that qualify into criminal acts, there is a continuous negative trend of extremely small numbers of actually convicted cases despite the fact that the number of reported cases grow annually (from 36 reported cases in 2016 to 66 in 2023). The same goes for sexual harassment cases that qualify as minor offense or sex discrimination cases. Taking into account these problems, OGE proposes shifting political and social focus from eliminating the violence exclusively through judiciary (by punishments and convictions), to the parallel establishment of mechanisms for eliminating the causes and roots of violence, primarily through effective prevention measures, educations and trainings. Such measures would target the overall causes of violent behavior patterns in society and would address them on their roots, prior they develop and escalate into full-fledged violence. To achieve this the system first needs to establish regular, systematic and lifelong education on gender equality, including education of the judiciary, especially on issues related to the international legislative framework and the practice of handling and processing cases of domestic violence and gender-based violence as well as include gender-equality, sex and health education in school's curricula. The introduction of learning

programs about sexual and gender equality have to take place at all levels of social education, starting from the youngest age. Educational curricula has to embody topics that include learning about human sexuality, gender equality, human rights as well as methods and ways of non-violent conflict resolution, which, unfortunately is yet not the case in Croatia.

36. ORC highlights that data on domestic violence, as well as data on violence against older persons, are published once a year. According to its data, the number of older person's victims of domestic violence has risen sharply since 2021 (majority being women). Due to the fact that intersectional discrimination and violence occur in practice (i.e. targeting older women), both perspectives – age and gender – need to be taken into account in the monitoring and data collection.

37. OPWD warns that women with disabilities are discriminated in accessing shelters for victims of violence. Although shelters have been established in all counties and are accessible for women with physical disabilities, the requirement is that women should be independent in self-care and in looking after children which discriminates women with disabilities who need assistance. Women with mental health issues also have difficulties in being admitted to shelters since the staff is not trained on supporting them. OPWD regularly recommends to the authorities to ensure accessibility and availability of all kinds of services for victims with disabilities, from adaptation in communication and treatment in all aspects and procedures, the accessibility of shelters for women with disabilities, the need to provide housing for women victims of violence after leaving the shelter and support in finding employment so that a victim of violence with a disability can lead as independent a life as possible.

38. OC notes that regardless of the previous efforts of the competent institutions to improve the system of protection against domestic violence and other violent behaviors, large investments in the development of preventive programs are still needed, as well as strengthening awareness of the inadmissibility of any form of violent behavior and corporal punishment. It is also necessary to continue working on the education of experts as well as citizens in recognizing all forms of violence. In situations where children in their own families are exposed to violent behavior by adults, it is necessary to directly involve children in all procedures in which decisions are made to protect their best interests.

Termination of pregnancy and reproductive rights

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39. OGE notes that there are several obstacles in access to abortion. Abortion in Croatia is not financed from health insurance. The average price is cca €300. Since this is data from 2018, it is reasonable to assume that the price today is even higher. In this way, Croatia did not adopt recommendation of the CEDAW committee (2015) regarding universal coverage of abortion and modern contraception within the Croatian Health Insurance Fund. Another problem is a widespread use of conscientious objection among healthcare workers - according to data from

2018, 59% of authorized personnel are refusing to participate in abortions on that ground. In recent case (Čavajda case), after the patient who wanted an abortion was firstly rejected, she was additionally exposed to public shaming and condemnation by the director of the health institution. In the end, the patient went to a neighboring country (Slovenia) to terminate the pregnancy (which is not an unusual practice of Croatian women due to the aforementioned obstacles). In this case the ORC also issued nine recommendations to the Ministry of Health to ensure that patients are informed about their rights and health workers about their obligations, as well as to enable the realization of these health services in all cases where it is permitted by law.

40. Further obstacles in access to reproductive health care relate to the following. According to the data of the Croatian Institute for Health Insurance (2023), there is a lack of 18.2% (61/335) of gynecological teams necessary on national level, which is identical to the situation from 2019. An additional problem is the excessively high enrollment quota for patients, which is max. 9,000 of women per gynecological team, while the Croatian Medical Chamber considers that this number should be max. 4,200 patients. Health personnel point out the problem of overwork, and patients complain that they have difficulty finding gynecologists who verbally reject them despite not having fulfilled the quota of 9,000 patients. In addition to the above, the OGE occasionally receives complaints from patients on unsatisfactory conditions in maternity hospitals, including complaints on the treatment from health workers (the OGE is aware of several court proceedings initiated by dissatisfied women).

41. OPWD notes that pursuant to the Act on Health Measures for the Exercise of the Right to Free Decision on Childbirth children and adults with disabilities can be sterilized by law in the health system at the request of parents or guardians, without their free and informed consent.

42. OC notes that health education, which includes sexual education (sexually responsible behavior, reproductive health, contraception) is only a cross-curricular content, which means that it depends on the enthusiasm and motivation of the teacher and is not available to all students, nor does the content always correspond to the needs of children and is limited to one hour a year.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of liberty (arts 7 and 10 ICCPR)

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43. With regard to the police and the penal system, the ORC acts as a national preventive mechanism (NPM) and continues to undertake regular unannounced visits to the places of the deprivation of liberty, including police stations, police detention units, penitentiaries and prisons, psychiatric hospitals, detention center and similar.

44. Accommodation conditions in police stations and detention units are still not aligned with the prescribed standards, and in none of the police stations visited does the video surveillance cover

all of the areas where persons deprived of their liberty are located or move, although this would represent an additional measure of protection against torture and other cruel, inhuman or degrading treatment or punishment. Insufficient accessibility of health care and accommodation conditions are still the biggest problems in the prison system. Although activities have been undertaken to improve the material conditions of accommodation, primarily the adaptation of the space for the accommodation of female prisoners of the Požega Penitentiary and plans for the construction of three new penal institutions, in Gospić, Sisak and Osijek, overcrowding is still one of the biggest problems. According to data from the Report on the State and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions and Centers for 2022 of the Government of the Republic of Croatia), and data from the MPU, in 2023 there were 1,607 more people in the prison system than in 2022.

45. The overcrowding, especially in closed wards, results in the inappropriate accommodation conditions (not being able to move in the room due to the lack of space, no activities to engage in for the best part of the day, damaged toilets and those not completely separated from the rest of the room, etc.). The situation is further aggravated by the insufficient number of the prison officers.

46. The normative deficiencies, above all when it comes to the Penal Code, the Criminal Proceedings Act and the Act on the Execution of the Prison Sentence, result in varying treatment, and in spite of ORC's recommendations have still not been eliminated. Also, in 2023 alone on several occasions the Constitutional Court established violations of rights of persons deprived of liberty stemming from the inappropriate accommodation conditions amounting to humiliating treatment. In several cases the violation of the prohibition of torture, inhuman or humiliating treatment was established by the ECtHR.

47. OPWD notes that the use of coercive measures in psychiatric institutions contrary to international standards and national legislation can constitute inhuman and degrading treatment. In some institutions visited by the OPWD, it was found that coercive measures were applied contrary to the prescribed indications, for an excessive duration and without records of the previous application of other measures, with the aim of de-escalating the patient's behavior. Deficiencies in keeping records on the application of coercive measures and insufficient training of staff on the application of alternative measures that would prevent the application of coercive measures were identified. The practice of restraining patients undergoing voluntary treatment was also observed, which is against international standards for the protection of human rights. There is no publicly available data on the control of the application of coercive measures and sanctions imposed for violations of rights. In order to achieve respect for the legal rights of persons undergoing treatment in psychiatric institutions and those placed in social care institutions, it is necessary to improve material and personnel conditions and intensify monitoring of the implementation of laws and regulations and sanction established violations of rights.

48. OC notes that complaints about the harshness of police officers when intervening against minor suspects are most often considered unfounded by the police, but they are referred to training. Deprivation of liberty for the duration of criminal proceedings for juvenile perpetrators of criminal

offenses is not in accordance with international standards and national regulations, because closed prison institutions for young detainees are not established in accordance with the Law on Juvenile Courts. Juveniles serve the measure of pre-trial detention for the duration of the criminal proceedings in special prison units in prisons where they are not provided with education, work in accordance with the regulations or continuation, of the started education in the case of a longer stay.

48. Only two beds in a separate room are provided for the inpatient treatment of juveniles deprived of their liberty in the Prison Hospital in Zagreb, which is insufficient when juveniles of different genders are placed. Croatia does not even have a health facility for the involuntary placement and treatment of minors who were declared incompetent during criminal proceedings, but they are referred to forensic departments for adults. Some complaints about violence by judicial police officers in juvenile correctional institutions proved to be well-founded, which points to the need for better screening of personnel working with minors and their education.

[Trafficking in persons \(art 8.\)](#)

[Paragraph 14 of the list of issues](#)

49. Given that in the past period human trafficking was predominantly manifested as the sexual exploitation of women and the exploitation of men for the purpose of forced work and committing criminal offenses, the OGE points to the need to raise awareness about gender dimension of human trafficking and necessity to include it in the national strategic documents on human trafficking.

50. According to the data from 2016 to 2023, 243 victims of human trafficking were identified in Croatia, of which 38% were children. During 2023, 21 victims of human trafficking were identified in Croatia, of which 11 were children. Data indicate that children and young people are very vulnerable group in the field of human trafficking. For this reason, OC welcomed the adoption of the National Plan to combat human trafficking for the period up to 2030, which includes a series of activities aimed at children and young people.

[Refugees, asylum seekers, returnees and internally displaced persons \(arts 7, 13, 14, 17 and 24 \(3\) ICCPR\)](#)

[Paragraph 15 of the list of issues](#)

51. Croatia still does not have a Housing Strategy, while the right to housing of different groups in need, for example, victims of domestic violence, war veterans, returnees (in relation to the war),

persons under international protection or for the poorest (the so-called social housing), is regulated by special regulations, and falls within the competence of different levels of the government.

In the area of housing provision, slow progress has been one of the biggest problems for years due to the fact that the number of applications is higher than the number of available housing units and the financial resources allocated in the budget of the RC for these needs.

52. In 2023 the Amendments to the Act on the Provision of Housing in the Assisted Areas were adopted with the aim of making the process faster and to eliminate registered deficiencies. In line with ORC, it brought some positive changes in relation to the reasons for loss of the right to housing. As regards the regional housing programs, by the end of June 2023 the last approved project ended; however, not all applicants received housing. According to the Ministry of Spatial Planning, Construction and State Assets, they will be housed through the National Housing Program. It is unclear, however, when they, as an extremely vulnerable group under the UNHCR criteria, will be provided with housing. Thus, the ORC recommended they be prioritized.

53. The last collective center closed down in 2018.

54. Also, even though the benchmarks from the Action Plan for the Accelerated Implementation of the Housing Solutions for the Returnees and the Former Holders of Tenancy Rights in and Outside of the Areas of Special State Concern have been achieved, additional funds and housing units for beneficiaries are not available, resulting in the fact that some are still waiting for housing, sometimes for more than a decade.

55. The area most intensely damaged by the war, especially those inhabited mainly by the returnees of Serb origin, are faced by the slower economic development and the lack of infrastructure. The earthquakes that have hit the Sisak-Moslavina County have made the situation more difficult. The reconstruction and the re-electrification processes that have been ongoing for years have not been completed yet and the electricity is still unavailable to some of the inhabitants of these areas. The ORC has also acted in cases related to the access to water, i.e. to the water supply infrastructure, in the areas inhabited mainly by the Serb population. For many of these places the plans for the construction of water supply systems are either in place or in the pipelines, but the moment of their realization is uncertain. According to the estimates, in the RC approximately 6.5% of the population does not have access to the water supply network.

[Paragraph 16 of the list of issues](#)

56. In the course of 2022 and 2023 there was a decrease in the number of complaints submitted to the ORC regarding pushbacks; however CSOs continue to report testimonies from individuals about pushbacks and the inability to apply for international protection. In spite of this, in the preceding period, the ORC worked on a number of cases relating to allegations of push backs and the inability to apply for international protection. Especially worrying were complaints and reports referring to the police treatment of migrants caught in the irregular crossing of the state border or

after it and with allegations about their requests for international protection being disregarded. They also referred to violent treatment, police misappropriating their money and other valuables and pushing them back across the green border, without implementing the legally prescribed procedure. As the ORC has continuously pointed out, such allegations call for effective investigations.

57. The OC notes that the Danish Council for Refugees reported on 3,323 illegal expulsions from the Republic of Croatia to Bosnia and Herzegovina, and 10% of those expelled were children.

58. In 2022 the judgement in the ECtHR case of *M.H. and Others v. Croatia* (Application no. 15678/18), concerning the death of a six-year-old Afghan migrant child hit by a train in November 2017 near the Croatian-Serbian border and the detention of her family during the process of their application for international protection, became final, with ECtHR establishing multiple human rights violations. The Court established a violation of Article 2, finding that the investigation failed to exhaust all the available possibilities to obtain evidence which would clarify the circumstances around the child's death and to ensure the proper involvement of the child's next-of-kin and their lawyer. Furthermore, it established a violation of Article 3 with regard to inappropriate conditions of detention of the Afghan asylum seeking children applicants in the Tovarnik immigration centre with prison-type elements, over a period of two months and fourteen days. A violation of Article 5§1 concerned the failure of the police and the MoI to comply with the requirement of expedition and to take all the necessary steps to limit, as far as possible, the detention of the applicant family, in a situation when a less coercive alternative measure to detention was possible. The ECtHR also found no evidence that the applicants had been informed in a language they could understand about the decisions placing them in detention and concluded they were not afforded relevant procedural safeguards. A violation of Article 34 was established as the applicants' right to individual application was hindered due to a restriction of contact between the applicants and their lawyer, and the criminal investigation and the pressure which that lawyer had been subjected to, which actions, according to the ECtHR, were aimed at discouraging the applicants from pursuing the present case before the ECtHR. Finally, a violation of Article 4 of Protocol No. 4 was found with regard to the applicants' collective expulsion to Serbia. As the judgment in the case of *M.H. and Others v. Croatia* has been designated as a “leading” judgment and that its execution is under “enhanced supervision” by the Committee of Ministers of the Council of Europe, the ORC, as a member of the RC’s Expert Council for the Execution of the Judgements and the Decisions of ECtHR provided an opinion on the proposed Action Plan for its execution, highlighting the need for introducing revisions to certain proposed general measures and in July 2023 submitted a Rule 9 submission to CoE’s Department for the Execution of Judgments of the ECtHR, providing further clarifications and suggestions.

59. The Independent Mechanism for Monitoring the Actions of Police Officers of the Ministry of the Interior in the Area of Illegal Migration and International Protection (IMM) was established in Croatia in order to ensure that police actions are in line with EU law and international obligations. However, it is the view of the ORC that this mechanism, as a mechanism established based on an agreement cannot replace or assume the duties of independent institutions established by law to investigate allegations of illegality or irregularities in the work of the police. Also, according to the EU Fundamental Rights Agency (FRA) guidance, such mechanism should be established by

law and have legally defined powers. As ORC and OC note the mechanism did not publish the semi-annual nor the annual report in 2023.

60. From 2018 to the present day the ORC has been encountering the refusal of the MoI to grant it direct access to the data on irregular migrants in its information system.

61. In relation to Art 24 (3) every child has the right to acquire a nationality. OC is monitoring the case of a child who was born in another country where the competent authority issued a child an extract from the birth register in accordance with their regulations. The child was born by a surrogate mother and the child's father is registered as the only parent. In Croatia however, due to the refusal of the administrative authorities to register the child, the child has not been registered in the register of births or in the book of citizens for three years and is in the process of seeking recognition of rights before the court. As a result, the child's place of residence, health care, educational and all other rights are not regulated, which makes the child "invisible".

[Administration of justice and fair trials \(art. 14 ICCPR\)](#)

[Paragraph 17 of the list of issues](#)

62. In relation to justice system, although certain steps have been taken towards better efficiency of the court, it is clear from the complaints received by the ORC that the level of citizens' trust in the judiciary is still low. The largest number of complaints the ORC received concerned unnecessary delay of court proceedings, dissatisfaction with the court decisions, and the abuse of power.

63. In the recent years, the judiciary has been facing the attrition of the workforce unsatisfied with their employment conditions, resulting in a strike in 2023, which created a challenge in the daily functioning of the courts. Regular communication with the public about positive changes in the justice system, such as random allocation of cases, reduction of costs by introducing e-communication, and the objectively high number of solved cases would help reduce the negative perception, as well as improving the professional relationship between the justice system and the media and better communication with the participants of the proceedings in progress before the courts. Planned publication of all court decisions will also contribute to greater transparency of the activities in the justice system, but also to the harmonization of the case law.

64. In the process of the digitalization of the justice system, which is expected to bring about many positive effects, caution needs to be exercised to avoid the creation of a digital gap, leaving those with the lower levels of digital literacy and not possessing the necessary technical equipment (due to, for example, their age, poverty, disability, etc.) behind.

65. OPWD states that the right to fair trial of persons in the process of deprivation of legal capacity is jeopardized due to inadequate representation, i.e. passivity of special guardians when representing wishes and will of the ward.

66. Access to free legal aid (FLA) is still a challenge. The proceedings following appeals on the decisions on FLA are meant to be decided on within a period of 8 days; however, they can take few years to resolve. Territorial accessibility of FLA is unequal: almost 50% of the CSOs registered as FLA providers are located in Zagreb, whereas there are none in some of the LRGUs. Furthermore, the free aid legal providers also include the administrative departments in the counties, which, apart from receiving requests for the approval of secondary legal aid, are authorized to provide primary legal assistance. In the areas with no other registered providers, this is the only way to obtain free legal aid. However, apart from capacity challenges, from the data available to the ORC, it seems that the civil servants working on free legal aid provision are insufficiently educated in various legal areas and consequently cannot always provide adequate legal assistance (for example in the areas such as family law, labor, enforcement law and the like).

67. Additionally, the ORC continues to receive a large number of inquiries for legal advice and representation, which indicates that citizens are still not sufficiently informed about the authorized providers of free legal aid and the criteria under which they can be eligible for it. Thus, the ORC recommended that the Ministry of Justice and Public Administration inform the citizens on the manners to receive FLA, which the MJPA did by printing leaflets to be distributed in the institutions to which the citizens turn for the realization of their various rights. In 2023 a multiannual model for the FLA financing was introduced and the budgetary funds for this purpose increased, which is positive and could contribute to the sustainability of the FLA network and FLA's accessibility to the citizens. It remains to be seen how it will be implemented in the future period, as the funding for the initial one was late.

Freedom of conscience and religious belief (arts 2, 18 and 26 ICCPR)

Paragraph 18 of the list of issues

68. The number of complaints received by the ORC citing violations of religious rights and/or discrimination on grounds of religion has been low throughout the past years. More broadly speaking, the available data does not point to systematic violation of religious rights or systematic discrimination on grounds of religion in Croatia.

69. ORC monitored cases related to vandalizing of religious buildings, but also addressed possible violations of rights of nonreligious persons.

70. Since October 2022 prayer gatherings, which have been held every first Saturday of the month in Zagreb on the main square and in several cities throughout Croatia have attracted particular attention, but also dispute among the public. The main point of contention relates to prayers intentions of the participants: they pray for a life of premarital chastity, for chastity in clothing and behavior of women, and for the restoration of Catholic marriages, for the end of abortions and the openness of married couples to life, which some believe encourages discrimination and hate

speech, and that gatherings should be banned. At the same time as the prayer gatherings, protests or counter-protests, were held, calling for women's rights and gender equality.

Freedom of expression (art. 19 ICCPR)

Paragraph 19 of the list of issues

71. In 2023, the Criminal Code was amended introducing a new criminal offense of the unauthorized disclosure to the public of the content of investigative or evidentiary actions. Journalists reacted from the first announcement that this would be done, asserting that it would jeopardize media freedom, the right to be informed as well as public interest. The changes finally adopted expressly exclude the liability of journalists and there were some other improvements to the provision compared to the initially suggested, however the ORC warned that there are still issues regarding the new criminal offence, particularly regarding the assessment of what constitutes predominantly public interest, in particular in the context of whistleblowers and the necessity to better coordinate/harmonize the Criminal Code with the Whistleblower Protection Act (in which the disclosure of irregularities is required to be in the public interest).

72. The practice of SLAPP lawsuits has continued, negatively affecting their ability to work and having the self-censorship effect. The claims for damages are quite high, threatening the financial sustainability and the overall survival of smaller media outlets. The working group set up by the Ministry of Culture and the Media, gathering experts from various fields, with the aim of identifying the avenues for early identification and the prevention of misuse of lawsuits against journalists has continued its work. The National Plan for the Development of Culture and the Media for the period 2023-2027 contains a measure aimed at the early detection and elimination of SLAPP suits and is to be implemented via the new Media Act, which has not adopted yet; thus it remains to be seen whether it will have impact in this area once passed.

73. Croatian Journalists' Association (CJA) continues to report about threats and attacks on journalists: in 2023 within the Safe Journalists Project 11 instances of attacks and threats against journalists were recorded, 2 of which were threats of death and grievous bodily injury, 2 physical attacks, as well as 7 cases of other types of threats. At the same time, CJA warns about the absence of condemnation of such phenomena by the high-ranking officials.

Paragraph 20 of the list of issues

74. In relation to the Whistleblowers Protection Act, with the adoption of the 2019 Act of the Protection of the Persons Reporting Irregularities the ORC was assigned with a new mandate – that of the external channel for the reporting of irregularities. In 2022 the new Act was adopted, which foresees that the whistle-blowers decide whether to submit the report of irregularities through internal channels or to the ORC, as the competent body for external reporting of irregularities, which resulted in the increase of the number of the whistleblowing cases handled

by the institution. The adoption of 2022 Act was accompanied by the employment of new staff, resulting in a high number of trainings conducted on the Act by ORC (judges and confidential persons primary). However, the growth in the number of the mandates handled by the ORC has not been accompanied by the growth in the number of the managing staff – thus, whereas the number of the mandates has grown from one to five, the number of ORC’s Deputies stall at three. As the protection of whistle-blowers is a complex area, requiring a certain level of data protection and the protection of the reporting persons’ identity, in order to ensure effective and timely action in all of its mandates, the institution should be strengthened by another Deputy.

Participation in public affairs (art. 25 ICCPR)

Paragraph 21 of the list of issues

75. Although the Constitutional Act on the Rights of National Minorities prescribes proportionate representation of national minorities in the public administration and the judiciary, national minority members are still underrepresented and positive measure in employment is utilized rarely, thus not contributing to a significant rise in the proportion of national minority members employed in the public administration and the judiciary.

76. When it comes to national minorities’ participation in the public affairs via minority representatives and councils in LRGUs, the latest local minority elections, held in 2023, entailed less polling stations, less minority voters as well as less elected minority representatives and councils compared to the previous ones held in 2019. This can partly be explained by the decrease in the number of national minorities in the total population. More efforts need to be invested into the provision of support to both the minority representatives and the councils as well as to the local and regional self-government institutions so as to achieve more efficient implementation of the Constitutional Act.

77. OPWD warns that persons with disabilities have difficulties in exercising their voting rights due to inaccessibility of polling stations, voting materials and information during election campaigns. Persons deprived of legal capacity cannot stand for elections.

List of Abbreviations:

ORC - Ombudswoman of the Republic of Croatia

OC - Ombudswoman for Children

OGE - Ombudswoman for Gender Equality

OPWD - Ombudswoman for Persons with Disabilities

FLA - Free Legal Aid

LRGU - Local and Regional Government Units

CSO - Civil society organization

PDLs – Persons Deprived of Liberty

RC – Republic of Croatia

MoI – Ministry of the Interior