

HUMAN RIGHTS COUNCIL (16th SESSION, 28 FEBRUARY TO 25 MARCH 2011)

Item 6: CONSIDERATION OF UPR REPORTS - CROATIA (17 March 2011)

GENERAL OBSERVATIONS ON BEHALF OF THE CROATIAN OMBUDSMAN

It is an honor for me to address the Council on behalf of the Croatian Ombudsman, accredited National Human Rights Institution with Status A. The Ombudsman welcomes this first universal review system and presents his compliments to all members of the Working group, Troika and OHCHR staff for their outstanding work during the examination of Croatia.

The primary purpose of the UPR process is to improve the human rights situation on the ground. It requires "a broad consultation at national level with all relevant stakeholders", including the national human rights institution. At the end of the first cycle of the review on Croatia we regret that the government missed the opportunity to engage in a broader and transparent public consultation with national stakeholders and thus missed the opportunity to gain more benefits from this process.

As a coordinator of the *ad hoc* coalition of national human rights institutions which has submitted the joint report, we are pleased to see that our findings and recommendations were largely reflected in the Report of the Working group. We are also pleased to see that the government has accepted almost all recommendations given by the HRC's member states. However, we are surprised that the government has rejected the recommendation No 98.11 to amend the strict eligibility requirements of the Free Legal Aid Act so that persons in need could make use of its provisions, since the state delegation has already accepted similar recommendations at the 9th session of the Working group. It seems that the government is sending a mixed message on this important issue. Therefore, the Ombudsman reiterates that this recommendation should be accepted in order to further alleviate the existing strict criteria and complex procedure imposed on the applicants.

We are glad that the government has accepted all recommendations regarding the strengthening the independent status of the Ombudsman and specialized ombudspersons and providing the necessary resources for their effective functioning and coordination, as well as giving appropriate follow-up of their recommendations. As of February 2011 the Ombudsman has got another function – as a National Preventive Mechanism according the OPCAT. Unfortunately, new tasks were not followed by allocation of necessary financial means from the state budget and the Ombudsman's institution has been working with limited human and financial resources.

We see the new opportunity for the government to show its sincere willingness to reinforce this institution since we are currently in the process of drafting the new law on Ombudsman.

Finally, we urge the government to timely translate, publish and make available to the citizens of Croatia the assessments and recommendations made by international human rights bodies, including the Human Rights Council's Universal Periodic Review. The Ombudsman will continue monitoring the follow-up process and encouraging the government to make a concrete action plan to prioritize implementation of the recommendations in consultation with national stakeholders.