

Croatia

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 17 May 2013



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/croatia>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

9 stakeholders' reports were submitted for the UPR. 12 NGOs were contacted. 1 UN agency was contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

7 NGOs responded to our enquiry. The UN agency responded. The State under Review did not release a mid-term yet; nonetheless, Croatia is planning to release a mid-term report during 2013 autumn period, which would complete the current assessment. The NHRI did not respond to our inquiry.

The following stakeholders took part in the report:

1. **UN Agency:** (1) United Nations Children's Fund (UNICEF)
2. **NGOs:** (1) Association Play (AP) (2) Centre for Peace Vukovar (CPV) (3) Centre for education (CESI) (4) Human Rights House Zagreb (BaBe! - Be active. Be emancipated., Center for Peace Studies, Documenta - Centre for Dealing with the Past, Civic Committee for Human Rights, Association for Promotion of Equal Opportunities for People with Disabilities, Association for Protection and Promotion of Mental Health - Sunrise) (HRHZ)

IRI: 26 recommendations are not implemented, 39 recommendations are partially implemented, and 11 recommendations are fully implemented. No answer was received for 52 out of 135 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Women's rights	page 32	not impl.
3	Disabilities	page 13	-
4	Trafficking	page 30	-
6	Poverty	page 8	partially impl.
7	Minorities, Right to education, Women's rights	page 13	partially impl.
8	Civil society, UPR process	page 28	not impl.
9	Civil society, UPR process	page 28	partially impl.
10	Enforced disappearances, International instruments, Treaty bodies	page 28	not impl.
11	Enforced disappearances, International instruments	page 29	not impl.
12	Enforced disappearances, International instruments	page 29	not impl.
16	NHRI	page 40	partially impl.
17	NHRI	page 41	partially impl.
20	Human rights education and training	page 8	-
21	Human rights education and training	page 9	-
22	Disabilities, Rights of the Child	page 13	partially impl.
23	Rights of the Child, Women's rights	page 33	fully impl.
24	ESC rights - general, Rights of the Child	page 33	partially impl.
25	Civil society	page 7	fully impl.
27	Treaty bodies, UPR process	page 29	partially impl.
28	Other	page 41	partially impl.
29	Women's rights	page 34	fully impl.
30	Women's rights	page 34	partially impl.
31	Women's rights	page 34	not impl.
32	National plan of action	page 41	partially impl.
33	National plan of action	page 42	partially impl.
34	Minorities	page 14	not impl.
35	Minorities, Racial discrimination	page 15	fully impl.
36	Migrants, Minorities	page 15	fully impl.
37	Minorities	page 16	fully impl.
38	Minorities, Racial discrimination	page 16	partially impl.
41	Torture and other CID treatment	page 30	-
44	Rights of the Child, Women's rights	page 35	not impl.
46	Minorities, Rights of the Child	page 35	partially impl.
48	Human rights education and training, Rights of the Child, Treaty bodies	page 36	partially impl.
66	Justice	page 30	-



rec. n°	Issue	page	IRI
67	Minorities	page 9	partially impl.
68	Minorities	page 9	partially impl.
69	Justice	page 30	not impl.
75	Justice	page 32	-
76	Rights of the Child	page 36	partially impl.
78	Freedom of the press	page 7	not impl.
80	Freedom of opinion and expression	page 8	fully impl.
83	Women's rights	page 38	not impl.
84	Rights of the Child, Women's rights	page 38	fully impl.
85	Right to education, Rights of the Child	page 17	partially impl.
86	Minorities, Right to education	page 18	partially impl.
88	Minorities	page 10	partially impl.
89	Other	page 10	partially impl.
90	Racial discrimination	page 10	partially impl.
91	Racial discrimination	page 10	partially impl.
92	Racial discrimination	page 11	partially impl.
94	Minorities	page 18	fully impl.
95	Minorities	page 19	partially impl.
96	Minorities	page 20	not impl.
97	Minorities	page 21	partially impl.
98	Minorities	page 21	partially impl.
99	Minorities	page 21	partially impl.
100	Minorities	page 21	partially impl.
101	Justice, Minorities	page 21	partially impl.
102	Minorities	page 21	not impl.
103	Asylum-seekers - refugees	page 22	not impl.
104	Asylum-seekers - refugees	page 22	partially impl.
105	Asylum-seekers - refugees, Internally displaced persons	page 23	not impl.
106	Asylum-seekers - refugees, Internally displaced persons	page 24	not impl.
107	Minorities	page 24	not impl.
108	International instruments, Migrants	page 29	not impl.
109	International instruments, Migrants	page 29	not impl.
110	International instruments, Migrants	page 29	not impl.
111	International instruments, Migrants	page 29	not impl.
114	Minorities	page 25	not impl.
115	Asylum-seekers - refugees, Minorities	page 25	partially impl.
118	Justice, Minorities	page 32	partially impl.
119	Justice	page 32	partially impl.
123	Human rights education and training	page 12	not impl.
126	Racial discrimination	page 12	not impl.
127	Minorities	page 12	not impl.
128	Human rights education and training, Minorities	page 11	partially impl.



rec. n°	Issue	page	IRI
130	Asylum-seekers - refugees, Civil society, Internally displaced persons, Right to housing	page 26	partially impl.
131	UPR process	page 28	not impl.
132	UPR process	page 28	fully impl.
133	Asylum-seekers - refugees	page 27	partially impl.
134	UPR process	page 30	fully impl.
135	Minorities	page 27	partially impl.

3. Feedbacks on recommendations

CP Rights

Recommendation n°25: *Continue partnership with civil society organizations in putting in place a legal and institutional system of support for their development (Recommended by Nepal)*

IRI: *fully implemented*

Association Play (AP) response:

National Strategy for the Creation of an Enabling Environment for Civil Society Development from 2012 to 2016 was adopted at the session of the Croatian Government which was held on 12 July 2012. This strategic document sets forth the policy of the Croatian Government regarding the strengthening of the legal, financial and institutional system of support to civil society organisations.

The office for cooperation with NGO has coordinated the process of harmonising the process of financing the NGOs by government institutions. They defined the annual schedule of calls for project proposals from different government institutions, they harmonised the application forms and criteria for grants.

The annual schedule is not followed and the calls are announced 2 or 3 months later than planned.

The national foundation for civil society development is continuously opening calls for institutional grants.

Three years ago Ministry of social policy and youth has opened calls for financing three year programs. The topics of the call were in line with main strategic plans. The fact that the programs were suppose to be financed for three years gave organisations possibility to run quality program for a longer period of time, to test and improve programs and to have greater impact. That was seen as a good practice.

Last year the NGOs got 80% of the agreed amount for the third and second year of implementation of the programs. In 2012 and in 2013. Ministry decided not to open this 3-year calls but opened calls only for smaller grants for one year projects. In this way more NGOs get grants but they are so small that organisations ca not do much with them and it is seriously jeopardizing bigger programs that have been developing for several years and are constantly improving its quality.

Recommendation n°78: *Take concrete measures to ensure that justice is served in cases of threats and intimidation against journalists and that freedom of the press is guaranteed (Recommended by Switzerland)*

IRI: *not implemented*



Human Rights House Zagreb (BaBe! - Be active. Be emancipated., Center for Peace Studies, Documenta - Centre for Dealing with the Past, Civic Committee for Human Rights, Association for Promotion of Equal Opportunities for People with Disabilities, Association for Protection and Promotion of Mental Health - Sunrise) (HRHZ) response:

There are no signs that the legal protection of whistleblowers, activists and journalists will be increased in cases of corruption which is necessary.

Recommendation n°80: *Adopt legislative measures necessary to strengthen access to public information* (Recommended by Mexico)

IRI: *fully implemented*

HRHZ response:

Positive changes happened at the beginning of 2013. Government adopt the new Act on the Right of Access to Information, which has finally introduced significant improvements into the institutional framework for exercise and protection of this fundamental right, crucial for political participation of citizens and public control over authorities. The process of drafting the Act was based on true cooperation between the state administration and civil society organisations, while the final legislative solution entirely reflects the requests made by civil society organisations.

ESC Rights

Recommendation n°6: *Consider the possibility of strengthening targeted social assistance to low-income families with children* (Recommended by Belarus)

IRI: *partially implemented*

AP response:

Family centres are providing free of charge counselling to all who need support. Ministry through calls for projects is financially supporting few NGOs that deliver services to low-income families and whose children are in risk of being placed into Homes for children without proper parental care. In last two years there have been no new nationally available social services to low-income families. The process of creation of new Welfare law has started so there is an opportunity now to create some new supporting services.

Recommendation n°20: *Take supplementary measures aimed at the integration of human rights education and training into school curricula, and at training Government officials, as coordinated action along these lines could facilitate better implementation of the existing legal and institutional framework* (Recommended by Morocco)

IRI: -

HRHZ response:

[...]



Recommendation n°21: *Consider organizing additional human rights training for media employees, judges, prosecutors and police officers (Recommended by Bosnia & Herzegovina)*

IRI: -

HRHZ response:

[...]

Recommendation n°67: *Continue providing free legal aid to the most vulnerable citizens (Recommended by Pakistan)*

IRI: *partially implemented*

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Recommendation n°68: *Continue providing free legal aid to the most vulnerable citizens (Recommended by Palestine)*

IRI: *partially implemented*

HRHZ response:

[...] Advocacy for people with mental illness is not functioning, so there is no free legal aid for people with mental illness regarding to involuntary hospitalization and guardianship.

Centre for Peace Vukovar (CPV) response:

Provision of legal aid was continued in accordance with the Law on Legal Aid. However, the total budget for the funding of a free legal aid was significantly reduced in comparison to initial projections. Since the end of 2012, due to lack of funds system is mostly functioning inadequately and slowly. Inadequate coverage of the population in need - dysfunctional and inadequate system does not guarantee adequate provision of a free legal aid to all vulnerable citizens of lower economic status. According to the Ministry of Justice 3.182 people benefited from a free legal aid system in 2009; 3.267 persons in 2010; and 4.634 people in 2011, while 19% of Croatian citizens is estimated to live near or below the poverty line (about 900,000 people). Property criteria - property status, in addition to the amount of monthly income per household member, includes other criteria that must be fulfilled cumulatively for realizing free legal aid in practice. Potential beneficiary as well as members of his household must not have owned another property than a house or flat they reside in. Potential beneficiary in order to accomplish free legal aid must submit statements of all household members on their assets and income, regardless of the existence of a liability of alimony between them. Evaluation of the Constitutional Court that the refusal of making statements on assets and income of household members constitute a threat exercise of the constitutional right to a fair trial and access to justice was not accepted. Vague and complex approval procedures - Users often not clear procedures for exercising free legal aid are often unclear to potential beneficiaries. A request form for approval of free legal aid is rather complicated and users are not able to complete it without professional help. The conclusion is that a number of potential beneficiaries need legal aid/assistance in submitting requests for the approval of free legal aid. Limitation of legal areas in which registered authorized associations can provide primary legal aid - Amendments to the Law on Legal Aid in 2012 narrowed the areas of law in which it is possible to approve primary legal aid. Uneven practice in approving free legal aid - Amendments to the Law allowed "exceptional granting of legal aid in other



administrative and judicial proceedings when such a need arises from specific life circumstances of the applicant and members of his household." Thus defined provision opens a wide area of discretionary decision making, different interpretation, arbitration and inconsistent application in practice. Project financing of associations authorized to provide free legal aid - According to the Ministry of Justice, in the Report on exercising the Right to free legal aid and on the expenditure of funds in 2011, for primary legal aid was paid 13,450.00 kuna (cca. 1,800.00 EUR) was paid for provision of primary and 342,588.26 kuna (cca. 45,700.00 EUR) for provision of secondary free legal aid in 2011. Project financing of associations authorized to provide free legal aid has not been realized and this kind of activity remained primarily funded by foreign donations. Some of aforementioned difficulties in accessing the right to free legal aid are expected to be resolved by adoption of the amended Law. It is anticipated that the planned draft amended Law will be delivered to the Government by the end of May while its adoption may happened before the summer 2013.

Recommendation n°88: *Further promote inter-ethnic harmony and tolerance, particularly with regard to the Serb and Roma minorities* (Recommended by Brazil)

IRI: *partially implemented*

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Recommendation n°89: *Implement measures to promote inter-ethnic harmony and tolerance among the public at large, and continue the efforts to smoothen the reintegration of ethnic Serbs into Croatian society* (Recommended by Norway)

IRI: *partially implemented*

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Recommendation n°90: *Make further efforts towards the promotion of tolerance among all citizens, regardless of their origin or ethnic background* (Recommended by Bosnia & Herzegovina)

IRI: *partially implemented*

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Recommendation n°91: *Intensify efforts to promote inter-ethnic harmony and tolerance among the population* (Recommended by Belarus)

IRI: *partially implemented*

CPV response:

In 2011 – 2012 the Government of the Republic of Croatia conducted series of activities aimed towards enhancement of the situation of persons belonging to national minorities at all levels. For example, legislative framework that enables practical application of provisions of the Constitutional Law on the Rights of National Minorities (CLRNM) was further improved; anti-discrimination legislation was enhanced; the Action Plan for the Implementation of the CLRNM for period 2011 – 2013 was adopted in April 2011. Particular measures promoting tolerance and interethnic cooperation envisaged by the Action Plan for the Implementation of the CLRNM under chapter 10 - "Protection from any activity which threatens the rights and freedoms of national minorities - developing tolerance for diversity and combat discrimination" aimed at [raising awareness among the] general public on vulnerable social groups, especially minorities and on their rights were carried out regularly.



However, practical implementation and exercise of all guaranteed rights of persons belonging to national minorities guaranteed by the Constitutional Law on the Rights of National Minorities had no significant progress in some areas. Occasional allegations of discrimination, intolerance and violations of fundamental human rights of persons belonging to some national minorities deserve special attention and further measures to be taken. Problems in obstruction and sustainability of minority returns; participation in public life via councils and representatives of national minorities; inappropriate and inefficient actions, that is, disobedience by local authorities of their obligations set by CLRN; lack of inclusion of representatives of national minorities in decision making processes at some levels; appropriate representation of minorities in public authorities bodies and efficient participation of minorities in economic life and public affairs, etc., are some issues still present in some local areas. Reviewing real situation in exercise of particular rights such as employment in some public authorities and adequate representation and sustainability of minority returns, and their practical realization is sometimes hampered due to lack of reliable, detailed and updated data disaggregated by ethnicity.

In one of the most recent reports on the state of human rights in Croatia, published by the United States Department of State (Croatia - Country Report on Human Rights Practices for 2012) in April 2013 is, amongst other, stated: "During the year the most important human rights problems in the country were societal discrimination and some instances of violence directed against members of ethnic minorities, particularly ethnic Serbs and Roma, which discouraged the return of displaced persons to their homes, slowed property restitution, and delayed recovery from the conflict of the early 1990s."

Recommendation n°92: *Work with and through media to promote tolerance among all citizens of Croatia, and take measures to address the stereotyping of some groups of citizens based on their origin* (Recommended by *Bosnia & Herzegovina*)

IRI: *partially implemented*

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Recommendation n°128: *Increase measures to integrate ethnic Serb and Roma minorities into the fabric of Croatian life, including through a broadcast media campaign to communicate and strengthen themes of reconciliation and tolerance. Such a media campaign could also target the minority communities themselves with messages on how to address some of the issues that perpetuate discrimination, such as Roma-language broadcasts on birth registration, education and health services* (Recommended by *United States*)

IRI: *partially implemented*

CPV response:

In 2011 – 2012 the Government of the Republic of Croatia conducted some actions aiming at promotion of tolerance among all citizens of Croatia by / through media. For example, measures aimed at promoting tolerance and interethnic cooperation, and [at raising awareness among the] general public on vulnerable social groups, especially minorities envisaged by the Action Plan for the Implementation of the Constitutional Law on the Rights of National Minorities for period 2011 – 2013 under



chapter 10 - "Protection from any activity which threatens the rights and freedoms of national minorities - developing tolerance for diversity and combat discrimination" were carried out. However there was only a minor progress in exercising of the right of minorities to access to (public electronic) media.

Recommendation n°123: *Promote anti-discrimination through awareness-raising campaigns on legislation among workers, employers and the judiciary* (Recommended by Norway)

IRI: *not implemented*

HRHZ response:

[...] [P]eople with mental illness are exposed to the social stigma of mental illness and suffers the discrimination, especially in the field of work. In Croatian society social stigma and self-stigma are still very present. Besides that, in Croatia the significant problem is violation of Act on Personal Data Protection, more precisely health condition data. Due to this practice, great numbers of persons with mental illness are daily exposed to discrimination on work and experiencing inconveniences when they come back to work. When we monitor relationship between employer and persons with mental illness we notice that employer has right to ask from Croatian Health Insurance Fund data on employees' illness and Croatian Health Insurance Fund delivers these data to employer with illness' diagnosis. When employers employs they sometimes request from candidates to bring confirmation from general practice that they are not suffering from chronicle psychiatric and physical illness and GPs delivers such confirmation on patient's request. It is discrimination based on health condition. Based on these facts, anti-discrimination promotion through awareness-raising campaigns on legislation among workers, employers and the judiciary is necessary.

Recommendation n°126: *Ensure that the administrative procedures and legislative provisions on citizenship do not put at a disadvantage persons of non-Croat ethnic origin* (Recommended by Finland)

IRI: *not implemented*

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Recommendation n°127: *Strengthen the efforts aimed at ensuring equal access to citizenship and ensure that the administrative procedures and legislative provisions on citizenship do not put at a disadvantage persons of non-Croat ethnic origin* (Recommended by Poland)

IRI: *not implemented*

CPV response:

There have been no changes in this regard. However, amendments to the Law on Croatian Citizenship of October 2011 slightly facilitated conditions for acquiring Croatian citizenship for (potential) returnees, citizens of other republics of the former Yugoslavia that used to have permanent residence in the Republic of Croatia on 8 October 1991, but only on condition that they have been granted permanent residence in Croatia, and that they possess proof of residence in the Republic of Croatia on 8 October 1991.

Minorities

Recommendation n°3: *Implement a more human-rights- and community-based approach to the issue of institutionalization of mentally ill persons* (Recommended by Indonesia)

IRI: -

HRHZ response:

[...]

Recommendation n°7: *Give special attention to educating Roma girls, many of whom are often unable to finish school because of their gender* (Recommended by Finland)

IRI: *partially implemented*

United Nations Children's Fund (UNICEF) response:

As many as a third of the Roma population (32.6%) over the age of 15 did not finish a grade of school while only 0.3% completed tertiary studies. Some Roma have never been to school and a significant difference between the sexes is evident. In this category, Roma women are in a considerably worse position: this percentage climbs up to 44.2% among women while for men it is half as much (21.3%). This difference reflects an issue of gender inequality in access to education that is of special concern since the well-being of the family and especially of children is closely related to the level of education of the mother. Importantly, special attention should be paid to girls as early marriage and/or social responsibilities (childcare and domestic duties) contribute to the high levels of illiteracy among Roma girls and women. All above implies that targeted efforts should be further developed and implemented to provide the education for all Roma girls.

CPV response:

In November 2012 the Government of the Republic of Croatia has adopted the National Strategy for Roma Inclusion 2013 – 2020. The Strategy was followed by the adoption of the Action Plan for implementation of the Strategy 2013 – 2015. The main goal of the Strategy in the field of education refers to improving access to quality education, including education and patient care in early childhood, and elementary, secondary and university education, with special emphasis on the possible removal of segregation in schools; and to preventing premature termination of education and ensuring a smooth transition from school to employment of Roma children by making no exclusive reference to education of Roma girls, but by referring to Roma children of both genders.

Recommendation n°22: *Take all necessary measures to protect and promote the rights of persons, notably children with disabilities* (Recommended by Sweden)

IRI: *partially implemented*

UNICEF response:

The Convention on the Rights of Persons with Disabilities (CRPD) was ratified in mid 2007 and guarantees non-discriminatory protection according to the highest standards for all persons with disabilities, including children in the Republic of Croatia. In combination with other relevant laws and strategies that are currently in



force in the Republic of Croatia (National Strategy for Equalization of Opportunities for Persons with Disabilities 2007-2015 (Official Gazette, No. 63/07), Law on Discrimination (Official Gazette, No. 85/08), Law on Education in Primary and Secondary School (Official Gazette No. 87/08) and the State Pedagogical Standard (Official Gazette No. 63/08), the legislative framework guaranteeing well-being to children with disabilities reflects commitment. The protection and promotion of the rights and interests of children with disabilities is also ensured by activities of the institution of the Ombudsman for Children. However, while there has been progress, gaps in implementation are evident and certain key areas need special attention. Since the greatest barrier to successful development is often not the disability but a combination of social, cultural, physical barriers, and negative attitudes focus in these areas is a priority.

Recommendation n°34: Take further measures to combat discrimination against minorities, and ensure that they are genuinely put into practice in the field (Recommended by Switzerland)

IRI: not implemented

HRHZ response:

There has been worrying trend of discriminatory and hate speech against Serbian national minority in media, mostly coming from central and right wing politicians. This is specially the case in pre-election period. State attorney office, police and other institutions, including Ombudsman office, did not publicly condemn nor prosecute such speech, although there are legal basis for it. Serbian minority is still discriminated in relation to employment in local and regional government or public companies.

CPV response:

State authorities continue to take measures against discrimination of marginalized groups, including national/ethnic minorities. New Criminal Code of October 2011 has introduced new grounds of discrimination in relation to the offense of violation of equality. However, in 2011 - 2012 discrimination and harassment against persons belonging to some national minorities, particularly Serb and Roma, remain to be present. In one of the most recent reports on the state of human rights in Croatia, published by the United States Department of State (Croatia - Country Report on Human Rights Practices for 2012) in April 2013 is, amongst other, stated: "While constitutional protections against discrimination applied to all minorities, open discrimination and harassment continued against ethnic Serbs and Roma, particularly in the area of employment.[...] During the year ethnic Serb organizations received isolated reports of physical assaults directed against Serbs. [...] Discrimination continued against ethnic Serbs in several areas, including the administration of justice, allocation of employment and housing, as well as in the ability of ethnic Serbs to use the Serbian language and Cyrillic script in schools and administrative procedures as per the constitutional law on national minorities. Minorities other than Serbs, including Czechs and Hungarians, were also affected by slow implementation of official usage of minority language and script in local communities, where they were legally allowed. [...] Serb NGOs continued to report that local authorities sometimes refused to hire qualified ethnic Serbs even when no ethnic Croats applied for a position. [...] Societal violence, harassment, and



discrimination against Roma continued to be a problem. [...] Roma faced widespread discriminatory obstacles, including in citizenship, documentation, education, employment, and language. [...]“ .

Recommendation n°35: Continue the main measures adopted to eliminate discrimination against the Roma minority, as contained in the Action Plan for the Decade of Roma Inclusion 2005-2015 (Recommended by Spain)

IRI: fully implemented

CPV response:

In 2011 – 2012 discrimination against Roma in a variety of spheres of public life (education, employment...) continued to be a problem.

In addition to previous measures to eliminate discrimination against the Roma minority, in November 2012 the Government of the Republic of Croatia has adopted the National Strategy for Roma Inclusion 2013 – 2020. The Strategy was followed by the adoption of the Action Plan for implementation of the Strategy 2013 – 2015. Other national plans, programs and strategies of relevance for social inclusion and improving the situation of marginalized groups including Roma, make an integral part of the strategic framework of the Strategy. One of the four specific objectives of the Strategy aims to improve the social status of Roma by creating conditions for the realization of fundamental human rights and minority rights, combating all forms of discrimination and encouraging their active participation in society and decision-making processes.

Recommendation n°36: Promote greater tolerance and understanding among the majority population about the rights of the Roma community and migrants (Recommended by Bangladesh)

IRI: fully implemented

HRHZ response:

[...] [I]n practice nothing had happened but in new Migration Strategy 2013-2016 measure on awareness raising activities is included.

CPV response:

In 2011 – 2012 (wide-spread) intolerance and discrimination against Roma in a variety of spheres of public life (education, employment...) continued to be a problem.

In addition to previous measures to eliminate discrimination against the Roma minority, in November 2012 the Government of the Republic of Croatia has adopted the National Strategy for Roma Inclusion 2013 – 2020. The Strategy was followed by the adoption of the Action Plan for implementation of the Strategy 2013 – 2015. Other national plans, programs and strategies of relevance for social inclusion and improving the situation of marginalized groups including Roma, make an integral part of the strategic framework of the Strategy. The overall objective of the strategy is set to improve the situation of the Roma minority in Croatia by reducing multidimensional socio-economic gap between Roma and other groups, and in a coordinated, open and transparent manner to achieve full inclusion of Roma in all segments of society and community.



Recommendation n°37: *Continue its positive efforts with a view to promoting equality and nondiscrimination against different national minorities living together in the country* (Recommended by Cuba)

IRI: *fully implemented*

CPV response:

[See response to recommendation n° 34]

Recommendation n°38: *Strengthen efforts to combat racial discrimination, especially against the Roma and Serb minorities, in particular in the areas of education, employment, housing, citizenship and political participation* (Recommended by Ecuador)

IRI: *partially implemented*

HRHZ response:

Refugee population encounters considerable difficulties in the area of employment. This problem is due to the fact that there is no functional Croatian language course adjusted to the needs of refugees. This is a considerable barrier to employment. The Croatian Employment Service recognizes that refugees have the right to work without the working permit, pursuant to the Asylum Act. Although the Croatian Employment Service included refugees and aliens under subsidiary protection in all affirmative action measures for increasing employment opportunities, according to statistics only four out of 88 persons who were granted protection were employed. The refugee population has encountered difficulties in education at several levels. The Ministry of Science, Education and Sports (MSES) has not shown sufficient interest and support to the needs of integration and to special needs of refugees, especially adults. The higher education system does not recognise the category of asylum grantee (only two categories exist: Croatian citizen or foreign national) so getting into university can be difficult. MSES has promised to adopt documents which standardise education opportunities for asylum grantee, thus facilitating their access to education. In March 2012 a new bylaw on Free Legal Aid in Asylum Procedures came into force. In the cases where an interpreter is needed, the right to equal access to justice is violated because the time provided to use the interpreter is limited. Furthermore, the list of providers of legal aid should be revised and updated. In some asylum cases which were handled by the Centre for Peace Studies, no one from the list was willing to represent asylum seekers. Language is a considerable obstacle for refugees in access to almost all public institutions. In addition, most public servants have little or no knowledge about the rights of asylum seekers in Croatia. This makes it difficult for refugees and asylum seekers to exercise their rights. For example, few asylum grantees are able to enjoy their right to marry in Croatia because of a general clause in Family Act requiring birth certificate not older than 6 months as an administrative precondition. This causes great difficulties for asylum seekers and refugees who have generally fled their country in dire circumstances and as a result cannot access documentation.

CPV response:

[See response to recommendation n° 34]



Recommendation n°85: *Ensure equal access to quality education for Roma children*
(Recommended by *Finland*)

IRI: *partially implemented*

UNICEF response:

Having in mind that access to quality education starts in preschool age, it should be noted that Republic of Croatia recognized the necessity for involvement of all children in preschool education. It facilitates their integration into the education system as well as bridge differences. At the end of school year 2010/2011, total of 586 Roma children (292 m[ales] and 294 f[emales]) had access to preschool education, while at the end of 2011/2012 there were 740 Roma children (378 m[ales] and 362 f[emales]).

Still, the newly adopted National Strategy for Roma Inclusion (2013-2020), reminds on the low enrolment rate of Roma children in integrated preschool programs. The under-representation of children of the Roma minority in preschool education has multiple causes, from their parents' lack of awareness of the importance of preschool education through a shortage of finances in local governmental budgets and continuous preschool programme financing and the insufficient capacity in kindergartens, to the lack of awareness of the need for long-term planning of Roma community inclusion at the local level. The Ministry of Science, Education and Sports (MSES) has acknowledged this problem, and as of 2009, it has secured co-financing from the central budget to cover the cost of preschool education. Co-financing of the parental share in the economic cost of preschool education has been secured for all members of the Roma minority.

Moreover, new Strategy requires that preschool education for Roma children takes minimum one year, 5 hours/day (while two years are recommended).

Since 2002/2003 the number of Roma pupils enrolled in primary education increased from 1,500 to 4,435 (2,246 m and 2,189 f) in 2010/2011, and to 4,915 (2,509 m, 2,406 f) at the beginning of the 2011/2012 school year, which is an indicator of the efforts made by the Ministry of Science, Education and Sports to increase the inclusion of Roma children in mandatory primary education. However, the completion of mandatory primary education is at a very low level; approx. 70% of Roma children don't finish primary education. They repeat grades several times during their primary education and largely leave school after completing the fifth or sixth grade of primary school, i.e., when they reach the age of 15 as a rule, but without completing their primary education. Possible causes for a higher drop-out or repetition rate include negative attitudes towards school, discrimination, as well as institutional barriers. In addition, many Roma children do not have suitable conditions (tables/desks, lighting, peace and quiet) for learning in the home environment.

Pursuant to a judgment issued by the European Court of Human Rights, the Republic of Croatia is one of the countries in which educational segregation has been officially acknowledged. With aim of enforcing the European Court's judgment, the Ministry adopted various measures and specified activities as a prerequisite for the long-term elimination of the causes leading to only Roma children in certain departments. Among others, measures include, Croatian language instruction for children with



insufficient or no knowledge of Croatian, the additional training of teachers and work with parents.

Educational policies are also oriented toward the promotion of secondary school education for all pupils qualified to enrol in secondary school, and for pupils of Roma nationality by means of scholarships and securing tuition in adult education programmes if a matter of their first occupation. According to the data of the Ministry of Science, Education and Sports, in at the onset of 2011/2012, 425 pupils (214 m, 211 f) of Roma nationality were included in the secondary education system. For all regular secondary school pupils, the MSES secures scholarships and, as needed, accommodates them in dormitories. Despite these measures, only about 10% of the Roma population completes four-year secondary education.

CPV response:

In November 2012 the Government of the Republic of Croatia has adopted the National Strategy for Roma Inclusion 2013 – 2020. The Strategy was followed by the adoption of the Action Plan for implementation of the Strategy 2013 – 2015. The main goal of the Strategy in the field of education refers to improving access to quality education, including education and patient care in early childhood, and elementary, secondary and university education, with special emphasis on the possible removal of segregation in schools; and to preventing premature termination of education and ensuring a smooth transition from school to employment of Roma children.

Recommendation n°86: Reach out to the parents of Roma children to make sure that they fully understand the importance of education and, in this effort, use school assistants with a Roma background (Recommended by Finland)

IRI: partially implemented

UNICEF response:

According to the report of the Ministry of Science, Education and Sports for the 2011/2012 school year, there were 23 Roma school assistants (plus 2 financed by the local communities) which, among others, supported communication between schools and families. Still, there is room for a stronger commitment of school communities to cooperate with parents and motivate them to take an active role in their children's education process.

Recommendation n°94: Continue to pay special attention to the situation of the Roma minority by strengthening its efforts to provide equal access to citizenship without discrimination based on ethnicity (Recommended by Finland)

IRI: fully implemented

CPV response:

In November 2012 the Government of the Republic of Croatia has adopted the National Strategy for Roma Inclusion 2013 – 2020. It is stated in the Strategy that there is not even close to accurate numerical data on the number of Roma in Croatia who have resolved status (temporary residence, permanent residence, citizenship). UNHCR estimates that approximately 500 Roma are not citizens of any state (stateless), while another 1,000 have not resolved their status, so they could be at risk to become stateless. The figure of 1,500 may be considered as the lowest safe



estimated figure of Roma without regulated status in Croatia, while the real number is certainly much higher. According to the records of the Ministry of Interior, in the period from 30 August 2007 to 4 January 2012, 234 members of the Roma minority were naturalized (were granted Croatian citizenship). One of the goals envisaged by the Strategy is fully (100%) regulated status (citizenship or permanent residency) of Roma who have a strong link with the Republic of Croatia by 2020, with significant support of authorities.

Amendments to the Law on Croatian Citizenship of October 2011 slightly facilitated conditions for acquiring Croatian citizenship for aforementioned persons, but only on condition that they have been granted permanent residence in Croatia, and that they possess proof of residence in the Republic of Croatia on 8 October 1991.

Recommendation n^o95: Strengthen effective and transparent measures to prevent and punish all forms of discrimination against minorities. Along the same lines, strengthen the measures to ensure better representation of national minorities in legislative and executive governmental bodies (Recommended by Mexico)

IRI: partially implemented

CPV response:

In 2011 – 2012 the Government of the Republic of Croatia conducted series of activities aimed towards enhancement of the situation of persons belonging to national minorities at all levels. For example, legislative framework that enables practical application of provisions of the Constitutional Law on the Rights of National Minorities (CLRNM) was further improved; anti-discrimination legislation was enhanced the Action Plan for the Implementation of the CLRNM for period 2011 – 2013 was adopted in April 2011. However, practical implementation and exercise of all guaranteed rights of persons belonging to national minorities guaranteed by the Constitutional Law on the Rights of National Minorities had no significant progress in some areas. Occasional allegations on discrimination, intolerance and violations of fundamental human rights of persons belonging to some national minorities deserve special attention and further measures to be taken. Within the frame of the Action Plan the Government adopted Plan of admission of national minorities in the state administration bodies for the period 2011 – 2014, aimed at achieving minority representation of 5.5% in the total number of employees. Reviewing real situation in exercise of particular rights such as employment in some public authorities and adequate representation and sustainability of minority returns, and their practical realization is sometimes hampered due to lack of reliable, detailed and updated data disaggregated by ethnicity. CLRNM guarantees representation of minorities in the state administration and in judiciary bodies in accordance with their proportion of the total population (7,47% as of Census 2001 and 7,6-7,7% as of Census 2011). Regardless of the number of measures taken, the proportion of ethnic minorities in these bodies has not increased but decreased. For example, according to Government statistics, the share of minorities in the period 31 December 2009 - 31 November 2012 was reduced by about 0.82% - it has been reduced from 4.22% to about 3.4%. According to the present situation, it seems that the four-year Plan of admission of national minorities will not be met to a greater extent. Further on, as at 31 December 2011, out of 97 units of self-government that are obliged to ensure the



representation of minorities in their administrative bodies, 64 of them fulfilled their legal obligation.

Recommendation n°96: Address the remaining shortcomings in the implementation of the Constitutional Law on the Rights of National Minorities, and undertake measures aimed at ensuring effective participation of national minority members in public life and decision-making processes (Recommended by Ghana)

IRI: not implemented

HRHZ response:

There are no significant improvements in this area; even more the process of implementation of Constitutional Law has been hampered due to inability of Government and high [dissatisfaction] on behalf of right winged politicians and associations in relation to implementation of bilingualism in cities which have more than 30% of Serbian minority.

CPV response:

In 2011 – 2012 the Government of the Republic of Croatia conducted series of actions aimed towards enhancement of the rights of persons belonging to national minorities. The Government addressed the remaining shortcomings in the implementation of the Constitutional Law on the Rights of National Minorities and the Action Plan for the Implementation of the CLRNM for period 2011 – 2013 was adopted in April 2011.

However, practical implementation and exercise of all guaranteed rights of persons belonging to national minorities guaranteed by the Constitutional Law on the Rights of National Minorities had no significant progress in some areas (appropriate representation and employment in public administration bodies, exercising of right to official bilingualism, work of local national minorities councils etc.). Occasional allegations of discrimination, intolerance and violations of fundamental human rights of persons belonging to some national minorities deserve special attention and further measures to be taken. Within the frame of the Action Plan the Government adopted Plan of admission of national minorities in the state administration bodies for the period 2011 – 2014, aimed at achieving minority representation of 5.5% in the total number of employees. Reviewing real situation in exercise of particular rights such as employment in some public authorities and adequate representation and sustainability of minority returns, and their practical realization is sometimes hampered due to lack of reliable, detailed and updated data disaggregated by ethnicity. CLRNM guarantees representation of minorities in the state administration and in judiciary bodies in accordance with their proportion of the total population (7,47% as of Census 2001 and 7,6-7,7% as of Census 2011). Regardless of the number of measures taken, the proportion of ethnic minorities in these bodies has not increased but decreased. For example, according to Government statistics, the share of minorities in the period 31 December 2009 - 31 November 2012 was reduced by about 0.82% - it has been reduced from 4.22% to about 3.4%. According to the present situation, it seems that the four-year Plan of admission of national minorities will not be met to a greater extent. Further on, as at 31 December 2011, out of 97 units of self-government that are obliged to ensure the representation of minorities in their administrative bodies, 64 of them fulfilled their legal obligation.



Further on, it can be noted that a number of councils of national minorities elected at level of municipalities, cities and counties, not even in the course of their third mandate succeeded to position themselves as minority representative bodies, i.e. minority self-governments, in any of the segments related to decision-making as regard to minority problems in individual local communities but they rather remain functioning on the principle and with activities of the already existing minority associations, often without basic material and staffing needs and premises needed to properly carry out their activities. Third round of regular elections for local councils and individual representatives of national minorities were held in holiday season in July 2011 and voters turnout was extremely low - 10.44% of potential voters voted in Counties, 9, 45% in cities and 15% municipalities.

Recommendation n°97: *Ensure the effective participation of national minorities in public life, in decision-making processes and in executive and judicial institutions at all levels of governance* (Recommended by Serbia)

IRI: *partially implemented*

+

Recommendation n°98: *Continue efforts for the appropriate representation of national minorities in public and judicial authorities* (Recommended by Nepal)

IRI: *partially implemented*

+

Recommendation n°99: *Take measures aimed at fair and adequate representation of all minority groups in all public bodies, including the judiciary and human rights coordination bodies at the country level* (Recommended by Poland)

IRI: *partially implemented*

+

Recommendation n°100: *Apply measures to increase the participation of individuals from the Serb or Roma communities in local and regional governments, and ensure that the provisions of the Constitutional Act on the Rights of National Minorities are fully applied at the regional level* (Recommended by Spain)

IRI: *partially implemented*

+

Recommendation n°101: *Take additional steps to clear up the backlog of cases in the justice system, ensure the effective implementation of the Constitutional Law on the Rights of National Minorities, and take additional measures to ensure the effective integration of minorities into society* (Recommended by Austria)

IRI: *partially implemented*

CPV response:

[See response to recommendation n° 96]

Recommendation n°102: *Adopt and implement fair and transparent measures for the sustainable return of members of the Serb minority* (Recommended by Poland)

IRI: *not implemented*

HRHZ response:

The rate of return cases dropped significantly in 2012. In relation to 2011 only 18% of return and reconstruction process has been implemented. Unsolicited investment cases have still not been solved, and 14 families with houses in which unsolicited investments have been made are still homeless and without any guarantee that their



cases will be solved . All 14 families belong to Serbian national minority and are returnees.

CPV response:

No systematic and comprehensive measures for sustainable return have been adopted. For example, in one of the most recent reports on the state of human rights in Croatia, published by the United States Department of State (Croatia - Country Report on Human Rights Practices for 2012) in April 2013 is, amongst other, stated: "The UNHCR reported that 48 percent of ethnic Serb returns were permanent, while the remainder were either one-time or "commuter" returns. International organizations cited the poor state of the regional economy, including the lack of employment, and delays in receiving permanent housing for the former tenants of socially owned apartments (a dwelling where an individual had the right to reside but did not own) as the main obstacles to return."

Recommendation n°103: Adopt domestic legislation on refugees in conformity with international standards in this field (Recommended by Argentina)

IRI: not implemented

HRHZ response:

Although numerous improvements can be observed in the Croatian legislative framework, including the development of institutional mechanisms, the area of asylum and irregular migration in particular is affected by the restrictive framework of the *acquis* and the lack of Croatian expertise and capacity to develop a high-quality asylum policy. Although on a legal and regulatory level we generally speak of the alignment between Croatian legislation and the *acquis*, significant areas which are not in harmony still exist as well as large gaps in the practice of the implementation of rules and regulations.

CPV response:

In the period 2011 – 2012 no changes were registered. The Government continues to treat terminated occupancy/tenancy rights as a humanitarian/social welfare rather than property issue.

Recommendation n°104: Strengthen cooperation on the issue of refugees on the regional level, and focus on the most vulnerable groups or persons in the collective centres in order to find a just solution for them and close those centres (Recommended by Bosnia & Herzegovina)

IRI: partially implemented

HRHZ response:

Croatia still lacks of adequate and adjusted to the special needs accommodation facilities for vulnerable groups. Given the long-standing problem that reappeared when providing housing for juveniles, we welcomed the measure of Migration Strategy of Construction of buildings for the accommodation of minors and other vulnerable groups of illegal migrants, and we remind that it is necessary and a priority to develop and implement programs of protecting vulnerable groups of irregular migrants and persons under protection, especially unaccompanied minors. In addition, it is necessary to provide adequate accommodation and living conditions which include organizing a systematic course of Croatian language and systematic



psychological assistance and psycho-social care which should include involvement of the social welfare centers and professional organizations that deal with psycho-social support.

CPV response:

Croatia actively participated in regional Sarajevo Declaration Process aimed at finding adequate solutions to the refugee (housing) problems at the regional level.

Recommendation n°105: Continue ongoing efforts to ensure the return of refugees and Croatian displaced persons of Serb origin, to their home and the recovery of all of their rights, particularly with regard to their property, pension and social rights (Recommended by Spain)

IRI: not implemented

HRHZ response:

The rate of return cases dropped significantly in 2012. In relation to 2011 only 18% of return and reconstruction process has been implemented. Unsolicited investment cases have still not been solved, and 14 families with houses in which unsolicited investments have been made are still homeless and without any guarantee that their cases will be solved. All 14 families belong to Serbian national minority and are returnees. Those people have been unable to restore their propriety rights over their homes for more than 13 years.

CPV response:

No systematic and comprehensive measures for sustainable return have been adopted. For example, in one of the most recent reports on the state of human rights in Croatia, published by the United States Department of State (Croatia - Country Report on Human Rights Practices for 2012) in April 2013 is, amongst other, stated: "The UNHCR reported that 48 percent of ethnic Serb returns were permanent, while the remainder were either one-time or "commuter" returns. International organizations cited the poor state of the regional economy, including the lack of employment, and delays in receiving permanent housing for the former tenants of socially owned apartments (a dwelling where an individual had the right to reside but did not own) as the main obstacles to return."

Further on, the report states: "By year's end the government had returned 19,271 of 19,280 private properties initially occupied during the wars of the 1990s to their rightful owners, but there was no resolution in the remaining nine cases[...] At year's end private property had not been returned in 15 unsolicited investment cases pending before the courts. The law, however, also allows for state -owned properties to be donated to all settlers in war-affected areas but not ethnic Serb returnees. Recipients of these donations were largely Croat settlers from Bosnia and Herzegovina and Kosovo. According to the Office of the UN High Commissioner for Refugees (UNHCR) , no property has ever been donated to an ethnic Serb." The Government took no measures and did not consider the issue of restitution of the movables to be problematic. The government has not established any administrative mechanisms regulating the restitution of movable property of displaced persons, placed under the Republic of Croatia's temporary administration.



Recommendation n°106: *Continue its efforts in facilitating the return and reintegration of refugees and internally displaced Serbs and in further resolving all related issues* (Recommended by *Slovakia*)

IRI: *not implemented*

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Recommendation n°107: *Make efforts to resolve difficulties in repossessing property and acquiring citizenship for returnees, in order to ensure the successful integration of minorities into Croatian society* (Recommended by *Republic of Korea*)

IRI: *not implemented*

HRHZ response:

The rate of return cases dropped significantly in 2012. In relation to 2011 only 18% of return and reconstruction process has been implemented. Unsolicited investment cases have still not been solved, and 14 families with houses in which unsolicited investments have been made are still homeless and without any guarantee that their cases will be solved. All 14 families belong to Serbian national minority and are returnees. Those people have been unable to restore their propriety rights over their homes for more than 13 years.

CPV response:

No systematic and comprehensive measures for sustainable return have been adopted. For example, in one of the most recent reports on the state of human rights in Croatia, published by the United States Department of State (Croatia - Country Report on Human Rights Practices for 2012) in April 2013 is, amongst other, stated: "The UNHCR reported that 48 percent of ethnic Serb returns were permanent, while the remainder were either one-time or "commuter" returns. International organizations cited the poor state of the regional economy, including the lack of employment, and delays in receiving permanent housing for the former tenants of socially owned apartments (a dwelling where an individual had the right to reside but did not own) as the main obstacles to return."

Provision of housing care to former occupancy/tenancy rights holders remains difficult; there are serious shortcomings due to vagueness of the legal framework as well as in the implementation of measures of provision of housing care. The Government continues to treat terminated occupancy/tenancy rights as a humanitarian/social welfare issue.

European Commission in its Monitoring Report on Croatia's accession preparations of 26 March 2013 reports: "The implementation of the Housing Care programmes for returning refugees continues at a slow pace. Under the March 2011 plan for dealing with the approximately 2,350 remaining applications by February 2013 366 (August 2012: 259) were settled, out of which 213 (August 2012: 139) families took over the keys. By February 2013 1,497 (August 2012: 1,305) positive approvals for housing care have been given. There has been limited implementation of the new purchase options under favourable conditions for housing care beneficiaries."

In April 2013 the Government adopted Decision on the housing of returnees - former tenancy rights holders outside the Areas of Special State Concern by which the deadline for the submission of applications for housing for returnees is postponed by



31 August 2013. Croatia actively participated in regional Sarajevo Declaration Process aimed at finding adequate solutions to the refugee (housing) problems at the regional level. [...]

Further on, the report states: "By year's end the government had returned 19,271 of 19,280 private properties initially occupied during the wars of the 1990s to their rightful owners, but there was no resolution in the remaining nine cases[...] At year's end private property had not been returned in 15 unsolicited investment cases pending before the courts. The law, however, also allows for state -owned properties to be donated to all settlers in war-affected areas but not ethnic Serb returnees. Recipients of these donations were largely Croat settlers from Bosnia and Herzegovina and Kosovo. According to the Office of the UN High Commissioner for Refugees (UNHCR) , no property has ever been donated to an ethnic Serb." The Government took no measures and did not consider the issue of restitution of the movables to be problematic. The government has not established any administrative mechanisms regulating the restitution of movable property of displaced persons, placed under the Republic of Croatia's temporary administration.

Recommendation n°114 : Adopt measures aimed at strengthening the work of the Council of National Minorities so as to address the situation of particularly vulnerable racial and ethnic groups (Recommended by Argentina)

IRI: not implemented

CPV response:

It can be noted that a number of councils of national minorities elected at level of municipalities, cities and counties, not even in the course of their third mandate succeeded to position themselves as minority representative bodies, i.e. minority self-governments, in any of the segments related to decision-making as regard to minority problems in individual local communities but they rather remain functioning on the principle and with activities of the already existing minority associations, often without basic material and staffing needs and premises needed to properly carry out their activities. Third round of regular elections for local councils and individual representatives of national minorities were held in holiday season in July 2011 and voters turnout was extremely low - 10.44% of potential voters voted in Counties, 9, 45% in cities and 15% municipalities.

Recommendation n°115: Continue with determination to promote and implement respect for all human rights, including within the framework of regional reconciliation and just solutions for the victims, and to do so in particular for those belonging to the ethnic minority and refugee communities (Recommended by Serbia)

IRI: partially implemented

CPV response:

At the regional level, Croatia actively participated in regional Sarajevo Declaration Process aimed at finding adequate solutions to the refugee (housing) problems at the regional level.

HRHZ response:

The practice has shown repeatedly that one of the fundamental needs of both asylum seekers and people who are under some kind of protection is psycho-social support.



That kind of support is still lacking in Croatia. Lots of asylum seekers come to Croatia carrying great trauma and needing daily psychological help, and that kind of the psycho-social support is obligatory if we want to contribute to their successful integration and facilitate the start of their new life in Croatia. It is necessary to provide psycho-social support to all users of Reception centers through specialized counselling (individual or group), and particularly to vulnerable groups (victims of trauma and various forms of violence, etc.) for which there is a risk of abuse and sexual exploitation. [...]

Recommendation n°130: Continue to promote partnerships between the authorities and civil society organizations, to complete the process of return of refugees and displaced persons, to solve the issue of housing accommodation, through accelerated accommodation of the former tenancy right holders and full implementation of the action plan to achieve progress in the implementation of the Housing Care Programme for former tenancy rights holders within and outside the areas of special state concern, as a precondition for the sustainable and dignified return of refugees and displaced persons (Recommended by Macedonia FYR)

IRI: partially implemented

CPV response:

Provision of housing care for former occupancy/tenancy rights holders remains difficult; there are serious shortcomings due to vagueness of the legal framework as well as in the implementation of measures of provision of housing care. The Government continues to treat terminated occupancy/tenancy rights as a humanitarian/social welfare issue.

European Commission in its Monitoring Report on Croatia's accession preparations of 26 March 2013 reports: "The implementation of the Housing Care programmes for returning refugees continues at a slow pace. Under the March 2011 plan for dealing with the approximately 2,350 remaining applications by February 2013 366 (August 2012: 259) were settled, out of which 213 (August 2012: 139) families took over the keys. By February 2013 1,497 (August 2012: 1,305) positive approvals for housing care have been given. There has been limited implementation of the new purchase options under favourable conditions for housing care beneficiaries."

In April 2013 the Government adopted Decision on the housing of returnees - former tenancy rights holders outside the Areas of Special State Concern by which the deadline for the submission of applications for housing for returnees is postponed by 31 August 2013.

(Potential) returnees, citizens of other republics of the former Yugoslavia that used to have permanent residence in the Republic of Croatia on 8 October 1991, face with difficulties in accessing the right to housing. Act on Foreigners and other regulations on the status, rights and obligations of foreigners in Croatia include provisions that prevent them from exercising their right to housing. Amendments to the Law on Croatian Citizenship of October 2011 slightly facilitated conditions for acquiring Croatian citizenship for aforementioned persons, but only on condition that they have been granted permanent residence in Croatia, and that they possess proof of residence in the Republic of Croatia on 8 October 1991.



Recommendation n°133: *Croatia remains committed to continue to build effective and efficient asylum system, in particular through the strengthening of institutional framework, training of responsible officials as well as ameliorating conditions for the accommodation of asylum seekers awaiting the outcome of the process. (Recommended by Croatia)*

IRI: *partially implemented*

HRHZ response:

Croatia still lacks of adequate and adjusted to the special needs accommodation facilities for vulnerable groups. Although numerous improvements can be observed in the Croatian legislative framework, including the development of institutional mechanisms, the area of asylum and irregular migration in particular is affected by the restrictive framework of the acquis and the lack of Croatian expertise and capacity to develop a high-quality asylum policy. Although on a legal and regulatory level we generally speak of the alignment between Croatian legislation and the acquis, significant areas which are not in harmony still exist as well as large gaps in the practice of the implementation of rules and regulations. Based on previous analyses of the Centre for Peace Studies team engaged in this area the following has been observed: repeated examples of fast-track adoption of laws in the field of asylum regulation and the status of foreign citizens, restrictiveness of rules and regulations towards asylum-seekers and irregular immigrants, deficient implementation of the laws which have been through the process of alignment with the acquis, lack of expertise and capacity of personnel in Croatian institutions for the full implementation of the laws, mutual co-ordination and support for social involvement and integration of the aforementioned group of foreign citizens. Apart from this, we have noted a failure to observe human rights, and deficient assistance in the integration and protection of vulnerable groups.

Recommendation n°135: *Croatian Government has actively promoted reconciliation and remains committed to assure enjoyment and implementation of the rights of all persons belonging to minorities. Croatian Government implements specific programmes with regard to the return of refugees and their settlement in the country of origin, including through providing housing and adequate care and remains committed to the continuation of dialogue and cooperation aimed at finding adequate solutions to the refugee problems at the regional level. (Recommended by Croatia)*

IRI: *partially implemented*

CPV response:

Provision of housing care to former occupancy/tenancy rights holders remains difficult; there are serious shortcomings due to vagueness of the legal framework as well as in the implementation of measures of provision of housing care. The Government continues to treat terminated occupancy/tenancy rights as a humanitarian/social welfare issue.

European Commission in its Monitoring Report on Croatia's accession preparations of 26 March 2013 reports: "The implementation of the Housing Care programmes for returning refugees continues at a slow pace. Under the March 2011 plan for dealing with the approximately 2,350 remaining applications by February 2013 366 (August 2012: 259) were settled, out of which 213 (August 2012: 139) families took over the



keys. By February 2013 1,497 (August 2012: 1,305) positive approvals for housing care have been given. There has been limited implementation of the new purchase options under favourable conditions for housing care beneficiaries.“

In April 2013 the Government adopted Decision on the housing of returnees - former tenancy rights holders outside the Areas of Special State Concern by which the deadline for the submission of applications for housing for returnees is postponed by 31 August 2013. Croatia actively participated in regional Sarajevo Declaration Process aimed at finding adequate solutions to the refugee (housing) problems at the regional level.

International Instruments

Recommendation n°8: *Continue consultations with civil society in the follow-up to this universal periodic review* (Recommended by Austria)

IRI: *not implemented*

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Recommendation n°9: *Adopt a transparent and inclusive process with civil society in the implementation of universal periodic review recommendations* (Recommended by Norway)

IRI: *partially implemented*

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Recommendation n°131: *Develop a national programme to follow up on the results of this universal periodic review* (Recommended by Mexico)

IRI: *not implemented*

Recommendation n°132: *Croatia expressed its commitment to make all recommendations more visible and to the comprehensive UPR exercise, although it can certainly be improved.* (Recommended by Croatia)

IRI: *fully implemented*

CPV response:

Center for Peace – Vukovar (CFP) is not made aware of a specific consultation process with civil society organizations or any similar systematic action to lead to joint follow-up to UPR process in Croatia.

CFP can only note that the Government of the Republic of Croatia, more particularly the Ministry of Foreign and European Affairs has made the National Report of the Republic of Croatia as well as Recommendations to the Republic of Croatia under UPR available to the public at the Ministry's web-pages.

Recommendation n°10: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of the Committee on Enforced Disappearances, as provided for in articles 31 and 32 of the Convention, as early as possible* (Recommended by France)

IRI: *not implemented*

+



Recommendation n°11: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by Argentina)

IRI: *not implemented*

+

Recommendation n°12: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by Macedonia FYR)

IRI: *not implemented*

CPV response:

Signed, not ratified to date.

Recommendation n°27: *Translate, publish and make available to the citizens of the country the assessments and recommendations made by international human rights bodies, including the Human Rights Council's universal periodic review* (Recommended by Norway)

IRI: *partially implemented*

CPV response:

The Republic of Croatia, more particularly the Ministry of Foreign and European Affairs has made the National Report of the Republic of Croatia as well as Recommendations to the Republic of Croatia under UPR in Croatian available to the public at the Ministry's web-pages.

Recommendation n°108: *Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in line with recommendation 1737 of 17 March 2006 adopted by the Parliamentary Assembly of the Council of Europe, to which Croatia is an active member* (Recommended by Algeria)

IRI: *not implemented*

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Recommendation n°109: *Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Recommended by Argentina)

IRI: *not implemented*

HRHZ response:

[...]

CPV response:

Not ratified to date.

Recommendation n°110: *Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Recommended by Macedonia FYR)

IRI: *not implemented*

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Recommendation n°111: *Sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Recommended by Turkey)

IRI: *not implemented*

CPV response:

Not ratified to date.

Recommendation n°134: *Croatia remains fully committed to making the recommendations of the Human Rights Council mechanisms more visible, including through the Internet.* (Recommended by Croatia)

IRI: *fully implemented*

CPV response:

Government of the Republic of Croatia, more particularly the Ministry of Foreign and European Affairs has made the National Report of the Republic of Croatia as well as Recommendations to the Republic of Croatia under UPR available to the public at the Ministry's web-pages.

Justice

Recommendation n°4: *Reflect and take measures on how to make media more responsible in addressing trafficking issues, in order to make an additional input to tackling this scourge* (Recommended by Moldova)

IRI: -

Centre for education (CESI) response:

[...]

Recommendation n°41: *Carry out as soon as possible the implementation of its legislation on torture and the designation of its national preventive mechanism* (Recommended by Switzerland)

IRI: -

+

Recommendation n°66: *Continue, with all necessary determination, the efforts already undertaken to remedy the excessive length of court procedures and difficulties faced in prosecuting war crimes* (Recommended by Switzerland)

IRI: -

HRHZ response:

[...]

Recommendation n°69: *Carry out an independent assessment on the effectiveness of the law on free legal aid and, depending on the results thereof, take the measures required to guarantee that the most disadvantaged among the population have access to effective, comprehensive and non-discriminatory legal aid* (Recommended by Belgium)

IRI: *not implemented*

HRHZ response:

Human Rights House in cooperation with more than 60 civil society organisation gathered in advocacy coalition Platform 112 demand for the fundamental revision of the free legal aid system which proved to be inequitable and impracticable. Ministry of Justice was not ready (until the very end of the year 2012) for a new cycle of legal



changes, without which systemic improvements are simply impossible. According to the statistical data of the Ministry of Justice from the Report on exercising right to the free legal aid (Free Legal Aid) and spending the assets for 2011, the primary legal aid was approved to the total of only 19.51% applicants, while the secondary legal aid was approved in 80,56% cases. The total of 5541 requests was received while 4634 requests were approved. In 2011, 13,450.00 HRK was paid for the primary legal aid, while 329,138.26 HRK was paid for the secondary legal aid, i.e. the total of 342,588.26 HRK. By comparison, according to our survey, in 2011, the nine NGOs which are certified free legal aid providers provided legal aid through the official system of free legal aid (financed by the Ministry of Justice) in only 178 cases, while in the same period they provides legal aid in 15.265 cases outside the official system (mostly financed by international donors including the EU).

CPV response:

Provision of legal aid was continued in accordance with the Law on Legal Aid. However, the total budget for the funding of a free legal aid was significantly reduced in comparison to initial projections. Since the end of 2012, due to lack of funds system is mostly functioning inadequately and slowly. Inadequate coverage of the population in need - dysfunctional and inadequate system does not guarantee adequate provision of a free legal aid to all vulnerable citizens of lower economic status.

According to the Ministry of Justice 3.182 people benefited from a free legal aid system in 2009; 3.267 persons in 2010; and 4.634 people in 2011, while 19% of Croatian citizens is estimated to live near or below the poverty line (about 900,000 people).

Property criteria - property status, in addition to the amount of monthly income per household member, includes other criteria that must be fulfilled cumulatively for realizing free legal aid in practice. Potential beneficiary as well as members of his household must not have owned another property than a house or flat they reside in. Potential beneficiary in order to accomplish free legal aid must submit statements of all household members on their assets and income, regardless of the existence of a liability of alimony between them. Evaluation of the Constitutional Court that the refusal of making statements on assets and income of household members constitute a threat exercise of the constitutional right to a fair trial and access to justice was not accepted.

Vague and complex approval procedures - Users often not clear procedures for exercising free legal aid are often unclear to potential beneficiaries. A request form for approval of free legal aid is rather complicated and users are not able to complete it without professional help. The conclusion is that a number of potential beneficiaries need legal aid/assistance in submitting requests for the approval of free legal aid.

Limitation of legal areas in which registered authorized associations can provide primary legal aid - Amendments to the Law on Legal Aid in 2012 narrowed the areas of law in which it is possible to approve primary legal aid.



Uneven practice in approving free legal aid - Amendments to the Law allowed "exceptional granting of legal aid in other administrative and judicial proceedings when such a need arises from specific life circumstances of the applicant and members of his household." Thus defined provision opens a wide area of discretionary decision making, different interpretation, arbitration and inconsistent application in practice.

Project financing of associations authorized to provide free legal aid - According to the Ministry of Justice, in the Report on exercising the Right to free legal aid and on the expenditure of funds in 2011, for primary legal aid was paid 13,450.00 kuna (cca. 1,800.00 EUR) was paid for provision of primary and 342,588.26 kuna (cca. 45,700.00 EUR) for provision of secondary free legal aid in 2011. Project financing of associations authorized to provide free legal aid has not been realized and this kind of activity remained primarily funded by foreign donations.

Some of aforementioned difficulties in accessing the right to free legal aid are expected to be resolved by adoption of the amended Law. It is anticipated that the planned draft amended Law will be delivered to the Government by the end of May while its adoption may happened before the summer 2013.

Recommendation n°75: *Investigate and prosecute all war crimes, regardless of the ethnic origins of the victims and the perpetrators of the crimes* (Recommended by Ecuador)

IRI: -

HRHZ response:

[...]

Recommendation n°118: *Take necessary measures in order to guarantee to everyone who requests it, including those belonging to minorities, access to legal aid* (Recommended by France)

IRI: *partially implemented*

+

Recommendation n°119: *Amend the strict eligibility requirements of the Free Legal Aid Act so that all who need it can make use of its provisions* (Recommended by Netherlands)

IRI: *partially implemented*

CPV response:

[See response to recommendation n° 69]

Women & Children

Recommendation n°1: *Provide the Government office for Gender Equality as well as the ombuds person for gender equality with the necessary authority as well as*



human and financial resources to carry out their work effectively (Recommended by France)

IRI: *not implemented*

CESI response:

Governmental office for gender equality still lacks human and financial resources.

Recommendation n°23: *Continue its efforts in protecting the rights of women and children* (Recommended by Egypt)

IRI: *fully implemented*

UNICEF response:

Following the National Plan of Activities for the Rights and Interest of Children that expired in 2012, in 2013, the process of developing a new national strategy document for the period from 2013 to 2020 began. New policy document will include following objectives: Promoting child-friendly services and systems, Eliminating all forms of violence against children, Guaranteeing the rights of children in vulnerable situations, Promoting child participation and awareness raising.

It should be noted that in 2010, the Republic of Croatia submitted the 3rd and the 4th periodical report, while UNICEF supported the preparation of alternative reports (from NGOs and children); further recommendations from the UN Committee on the Rights of the Child are being expected.

Recommendation n°24: *Guarantee the exercise of the economic, social and cultural rights of children* (Recommended by Ecuador)

IRI: *partially implemented*

UNICEF response:

Although Croatia's overall development indicators compare favorably to the countries in the region, fourth consecutive year of deepening and prolonged recession with second year of negative GDP growth has continued the negative trends, affecting the most vulnerable children and women in Croatia, including increasing unemployment, inflation and exacerbating regional disparities.

In 2012 UNICEF commissioned survey on availability of community-based services for young children, 20% of parents of young children stated that they "barely make ends meet every month". This finding corresponds to rising national at-risk-of-poverty rates (from 20% to 21.1% y/y), with single-parent households and households with 2 and more children with unemployed parent/s being most at risk. Additionally, the survey revealed that new policy responses are needed to support families of low socio-economic status living in rural areas to improve the status of the most disadvantaged girls and boys, as they represent the highest share of the 31% of all 6-year olds not included in any form of pre-school education. In addressing these challenges, the new national strategy for children is planned to foreseen targeted measure for children living in poverty, as well as for other vulnerable groups of boys and girls (children with disabilities, children placed in institutions, Roma children etc.).

Compared to the EU average, public spending on children and families is lower (1,75% of GDP compared to EU27 average which is 2,3% of GDP), and is mostly focused on social financial transfers, while only one third is invested in services.



Access to an entire array of services and resources for youngest children is determined by the place of residence as well as by high-degree of decentralization of services, especially for young children, and varies greatly between counties. For the first time in recent history children 0-14 yrs. now make up the smallest age group (15,2%) in Croatian society. Aging society (average age 41,7) is creating additional challenges for policy responses in the current economic and political context.

In March 2012 the Government adopted new Social Welfare Act, re-introducing Centers for Social Welfare as basic units for the implementation of the social policy at the local level, simplifying procedures for administering social welfare benefits. Additionally, the process of deinstitutionalization and switch to family based care is recognized as priority, but transformation of institutions remains a challenge.

Recommendation n°29: *Adopt measures to promote gender equality and non-discrimination, particularly in the area of employment* (Recommended by Iraq)

IRI: fully implemented

CESI response:

Measures are adopted and created through the Labor Act, Gender Equality Act and Non discrimination Act, as well in the National Policy for the Promotion of Gender Equality. Problem is insufficient implementation of the measures and laws as well lack of financials which will secure better implementation.

HRHZ response:

[...]

Recommendation n°30: *Strengthen efforts to eliminate discrimination against women, including in the labour market* (Recommended by Ecuador)

IRI: partially implemented

CESI response:

Despite all adopted measures and laws we are still witnessing discriminatory practices in the decision making area, labour market and employment, media, education and especially the field of gender based violence. All national stats and reports coming from CSOs as well from Ombudsperson for Gender Equality are proving that de jure Croatia regulated anti-discriminatory mechanisms and de facto we are lacking full implementation and coordination of all relevant institutions.

HRHZ response:

[...]

Recommendation n°31: *Take measures to increase the participation of women in public and political programmes for the empowerment of women, and reinforce measures to ensure equality between women and men in all spheres, including through more effective implementation of relevant legislation* (Recommended by Ghana)

IRI: not implemented

CESI response:

Some progress has been made in Gender Equality Act in 2008, but the quota set in GEA is not enforced by the penalties or in any other way so the political participation



of women still remains low (20-25% on national level and regional level, and only 12% on municipality level).

HRHZ response:

[...]

Recommendation n^o44: *Prosecute and convict perpetrators of domestic violence* (Recommended by *France*)

IRI: *not implemented*

CESI response:

Insufficient support for women victims of violence, especially for those leaving the safe houses.

Also there is still insufficient number of places in safe houses (Recommendation of Council of Europe states that there should be one family place on each 10'000 inhabitants) and inadequate financial support for safe houses lead by CSOs.

Recommendation n^o46: *Strengthen effective legal and administrative measures to address all forms of violence against children and, in particular, discrimination against children belonging to minorities, especially Roma and foreign children* (Recommended by *Bangladesh*)

IRI: *partially implemented*

UNICEF response:

Most important legal provisions for effective addressing violence against children are described in Criminal Code, Juvenile Courts Act, Protocol on Proceedings in Cases of Violence among Children and Youth, Family Act and Law on Education in Schools. In 2010 new Law on Protection from Violence in Family was adopted and involves different measures for prevention and intervention and inter-sectoral cooperation. In 2011 National Strategy for Protection from Violence in Family was adopted (2011 – 2016) and special attention was given to prevention and improving inter-sectoral cooperation in protection of children. In 2012, new Act on Criminal Proceedings specified different measures to improve safety, privacy and prevent secondary victimization. On the normative level of the protection of children rights most usual obstacles are related to failure in complying with legal provisions, ignorance of legal provisions or rejection of criminal charges and discrepancy in approaches among judicial authorities.

Croatia signed and ratified Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and according to Convention provisions, new Criminal Code adopted in 2013 recognized “grooming” as new criminal offence and expanded protection of children in cases of cyber violence. Although there is common agreement between different stakeholders on the necessity and usefulness of Registry of Sexual Offenders, Croatia still did not established registry of the offenders that committed sexual violence against children.

According to data from the Ministry of Interior Affairs, 2,562 criminal offences were committed to the detriment of children in 2012 (and this is decrease of 23% comparing with 2011). International epidemiological study BECAN conducted in 2011



among children between 11 and 16 years, showed that 41% of children experienced corporal punishment in their family. According to UNICEF research conducted in 2012, 5% of 6-month old children, 15% of 1-year old children, 35% of 3-years old children and 19% of 6-years old children often experienced violent behaviour from their parents (once a week or more often).

CPV response:

In November 2012 the Government of the Republic of Croatia has adopted the National Strategy for Roma Inclusion 2013 – 2020. The Strategy was followed by the adoption of the Action Plan for implementation of the Strategy 2013 – 2015. Both documents include a number of measures and actions aimed at preventing and combating discrimination and segregation against Roma children; improving access to quality education, health-care, social services and patient care in early childhood etc.

Recommendation n°48: Step up the education and awareness-raising campaigns so as to prevent ill treatment of boys and girls, in accordance with recommendations of the Committee on the Rights of the Child (Recommended by Chile)

IRI: partially implemented

UNICEF response:

Limited progress achieved. The Government has stepped up efforts to ensure quality prevention programmes and parental education through Family Centres that have been established in almost all counties in Croatia. The Government implemented "One in Five" Council of Europe campaign, aiming to equip children, their families/carers and societies at large with knowledge and tools to prevent and report sexual violence against children. Proactive engagement of the Office of Ombudsperson for Children in crucial issues for improvement of child rights have largely contributed to improved education and awareness raising in preventing ill treatment of boys and girls. UNICEF supported overall efforts for raising awareness for improving the situation of children with disabilities through national campaign "The First 3 are even more important!".

Recommendation n°76: Strengthen policies on the rights of the child, with attention to the Guidelines for the Alternative Care of Children, according to Human Rights Council resolution 11-7 and General Assembly resolution 64-142 (Recommended by Brazil)

IRI: partially implemented

AP response:

Guidelines for the Alternative Care of Children stress the importance of involvement of children and youth in the decision making process, especially when decisions about their future are taking place. Although the government defined that the professionals should develop individual plans together with children and youth, that is often not the case. Childs school interests are not one of the criteria when a placement is decided upon.

Youth from Homes can use transitional housing units in which they have higher level of independence and occasional professional supervision and support. In the process of preparation for entering and leaving these units the guidelines for alternative care



are not respected. Youth from foster care do not have the opportunity for this kind of care and there are only few housing units for youth with behavioural disorders.

The ending of the care process is not well managed. Even two months before end of placement youth very often does not know if they will get a chance to go to housing unit and usually at that moment they have no alternative place to live. They are not well prepared for the leaving care. They are not that much informed about the services that they can use after leaving care.

Three years ago Ministry of social policy and youth recognised leaving care services as important and through call for project proposals it financed several leaving care programs that are delivered by NGOs. Those services are not available to all youth and at the moment there is no nationally structured leaving care system.

The government created active policy employment measures. Last two years the employment measures included not only youth from homes for children and youth without proper parental care (as it was when the measures were first presented) but also for youth from homes for delinquents and foster care. In the first year of their existence the only few youth from care used them. In 2012. the number of youth that use those measures increased. Still youth, care providers and some local offices of employment office are not adequately informed about these measures. The measure of co-financing of employment of youth from care has very strict criteria's for employers and not that many employers can meet them.

On local level there are social apartments that youth from care can apply for (as can any other socially deprived group). In Zagreb there is a criterion that they have to be a resident in Zagreb for 10 years. As they were placed into institutions in different parts of Croatia they cannot fulfill that criterion.

The creation of new Welfare law started. The initiative was made by NGO and professionals to implement leaving care services as obligatory. Also the process of deinstitutionalisation is in slow progress.

UNICEF response:

The ongoing social welfare reform in Croatia (in line with the guidelines set in the Joint Inclusion Memorandum 2008 & 2009), prioritizes deinstitutionalization and integration, transformation of the social welfare centers towards case management system and a development of new social services with the main focus on family support and prevention. Croatia has been therefore generally committed to the transformation of residential institutions and deinstitutionalisation processes, with emphasis on improvements and building capacities for quality foster care.

A significant step forward in improving the quality of family-based care for children was the adoption of the first Law on Foster Care in 2007, with subsequent improvements in 2011 and 2012. The document specifies the process and criteria for obtaining foster parents license, but also defines different forms/types of foster care, including a service of half-day or daily-foster care service (up to 8 or 12 hours per day) emphasizes the principles of the child's best interest, individual approach and



child participation in the decision making process, envisages permanent and mandatory education and supervision of professionals and foster families, as well as monitoring mechanisms.

The Social Welfare Act from year 2011 and year 2012 stipulates that a child under the age of 7 should primarily be placed in the family type of placements (foster family, organized housing etc.). Exceptionally, a child can be placed in a children's home or other form of social welfare institution lasting up to 6 months. In case of a child's need for a special treatment or health care, institutional placement can last longer than 6 months. Foster care is also provided to pregnant teen girls, pregnant women with one or more children under 7, teenage mothers or teen parents with a child if it is empowering their parental skills and if they have no family support.

During 2013 new working groups have been established and started to make new draft proposals of both Social Welfare Act and Foster Care Act.

In 2012 the non-institutional services (foster care) were provided to 66.5% of children without appropriate parental care, while 33,5 % of children were still placed in institutional care. According to the Plan for deinstitutionalization and transformation of welfare homes and other legal entities engaged in social welfare activities in the Republic of Croatia from year 2011 to 2016 (2018.) it is planned that in year 2016 - 80% of children will be placed in family based care.

Future priorities of child care in the Republic of Croatia include further improvements in legislative, transforming homes and deinstitutionalization, improving non-institutional services for children, and building network of social services for children, improving inter-agency coordination and cooperation with civil society.

Children's homes will be transformed into Centers for Children, with a basic task to develop support services at the local community levels, which includes provision of a wide range of non-institutional and/or specific services within the community in support to biological, foster and adoptive families.

Recommendation n°83: Further adopt policies and measures for the advancement of women and against their discrimination, with a view to a reduction in female unemployment and the elimination of wage differentials (Recommended by Brazil)

IRI: not implemented

CESI response:

Women still represent majority in total of unemployed persons 52,4 % by latest data, still facing discriminatory practices of employers on interviews regarding personal life including pregnancy and maternity, age discrimination and as well discrimination based on nationality, despite all adopted measures and laws. There is still wage difference, 15-20% less than men's wages.

Recommendation n°84: Pursue its ongoing positive efforts to promote and protect the rights of children in the area of access to health and education, as well as to ensure the empowerment of women (Recommended by Cuba)

IRI: fully implemented

CESI response:

In September 2012, the current government, for the first time, decided to introduce a Health Education (HE) curriculum into elementary and secondary schools in Croatia. The 4th module of the HE curriculum, entitled Sex/Gender Equality and Responsible Sexual Behavior, immediately provoked a fierce anti-government campaign against the HE curriculum, led by cluster of faith-based CSOs and the Catholic Church. Their main complaints were related to discussions on homosexuality, masturbation, pornography, differentiation between sex and gender, and gender identities and roles. They argued that HE introduces “homosexual propaganda into schools” and that “gender ideology is contrary to scientific facts and it destroys a sexual identity of adolescents” (HINA 2012). The Church and its satellite CSOs framed their campaign within parents' rights to decide on the upbringing of their children and in reference to the proposed sexual education module as being an attack on traditional Croatian values. Josip Bozanić, the archbishop of Zagreb, pointed out that HE is “dangerous” because teaching gender equality “destroys the essence of what it is to be human”. Ministry of Education, Science and Sport denounced the Church’s statements as “untruths, misinformation and malicious data”, displayed scientific facts about controversial educational topics and developmental messages, and emphasized the compulsory character of HE. Support to HE was also voiced by Ombudspersons for children and for gender equality. Results from a January 2013 national public opinion research show that 41.5% of the respondents support the introduction of HE and that more than half of them (56.2%) oppose Church’s meddling. Judging by the recent steps undertaken by the educational authorities, it seems that the Ministry of Education, Science and Sport has taken a firm stand on the issue of HE and is determined to implement the curriculum.

UNICEF response:

Ensuring access to education for children with disabilities is a constitutional and legal obligation of the state. Full inclusion in free primary and secondary education is guaranteed to children with disabilities but practical reasons have been proposed as to why legislation is not being fully implemented. These include a lack of financial resources, inadequate understanding in social and educational circles, absence of interactivity and cooperation with other government systems, and a lack of respect towards a multidisciplinary approach. Accurate data on degree of inclusion in an educational programme for children with disabilities within each county is unknown as methods of collection differ and do not provide an accurate representation of the present state of affairs.

The right to health protection of population is regulated by the Law on Health Protection (2008) and the Law on Obligatory Health Insurance (2008), and one of the prescribed health protection measures is the treatment and rehabilitation. Children with disabilities are a heterogeneous group, with different types and degrees of disabilities as well as abilities. Many of them need health, social and other types of care at the same time. Children with disabilities often do not get suitable health care due to the lack of health care specialists for children especially for children with disabilities. In particular, this relates to child psychiatry and dentistry as well as other medical fields.



The Law on Social Welfare foresees the possibility that social welfare institutions also perform early intervention services. However, these services are unavailable in many municipalities for children with disabilities and their families. In this respect, Croatia's actions lag behind its commitments, especially with regard to accessibility of services for children with disabilities and their families that live in more remote areas.

Activities are being carried out in the Republic of Croatia to increase the participation of women in the process of political decision making. According to the Gender Equality Act, when proposing candidate lists for the election of members of local self-government representative bodies, proposers must comply with the gender equality principle and take care that there is balanced representation of women and men on the electoral lists. A representation of one gender in the bodies of political and public decision-making lower than 40% is considered to be a significant imbalance in favour of the other gender.

In 2010, the government adopted the Women's Entrepreneurship Development Strategy 2010 – 2013. Drawing up the Strategy arose from the obligation to implement the National Policy for the Promotion of Gender Equality 2006 – 2010, and its goal is to increase the number of female entrepreneurs and create the conditions to involve a larger number of women in the labour market and reduce their rate of unemployment.

Although improvement in gender sensitive statistics is evident, it is necessary to continue working on raising the awareness of state administration bodies and especially of the private sector related to the need to gender-disaggregate all data. It is necessary to point out that exercising the right to equal opportunities and the right to the same quality of services for women and men does not imply what is called a "neutral approach", but involves aligning services to the specific features of the different needs of women or men. This especially concerns the field of labour and employment and the field of social protection and the fight against poverty. Women members of national minorities, elderly women living alone, and women living in rural areas are particularly vulnerable groups on whom precise statistical data must be kept.

Other

Recommendation n°16: *Strengthen the independent status of ombudspersons and provide the necessary resources for their effective functioning* (Recommended by Hungary)

IRI: *partially implemented*

CESI response:

The general Ombudsman and specialized ombudspersons continue to play an important role in human rights protection. The Constitutional Court revoked a law on the merger of the Ombudsman's offices with the Centre for Human Rights and with



the three specialised Ombudspersons for gender equality, for children and for disabled persons, due to procedural reasons.

New legislation, which no longer foresees the merger of the offices, was adopted in July 2012. A new Ombudsperson was elected on 15 February 2013. The Ombudsman offices need to be strengthened to further improve the human rights protection system. The adequate follow-up of the Ombudsman's recommendations has not been ensured.

Recommendation n°17: Reinforce the capacity of the Ombudsperson and specialized ombudspersons and their coordination, give appropriate follow-up to their recommendations, and publicize their work among the general public (Recommended by Belgium)

IRI: *partially implemented*

CESI response:

The last Monitoring Report on Croatia's state of preparedness for EU membership issued in March 2013 emphasize: "There continues to be a need for further strengthening the Ombudsman offices. This includes providing adequate financing and office premises."

Recommendation n°28: Continue taking measures to prevent discrimination, intimidation and reprisals in accordance with international human rights standards, through more efficient implementation of relevant legislation (Recommended by Hungary)

IRI: *partially implemented*

+

Recommendation n°32: Step up its initiatives which are specifically targeted towards implementing the National Anti-Discrimination Plan, in particular to promote awareness on non-discrimination, intercommunity harmony, mutual respect and tolerance (Recommended by Algeria)

IRI: *partially implemented*

CPV response:

State authorities continue to take measures against discrimination of marginalized groups, including national/ethnic minorities. New Criminal Code of October 2011 has introduced new grounds of discrimination in relation to the offense of violation of equality.

However, in 2011 - 2012 discrimination and harassment against persons belonging to some national minorities, particularly Serb and Roma, remain to be present. In one of the most recent reports on the state of human rights in Croatia, published by the United States Department of State (Croatia - Country Report on Human Rights Practices for 2012) in April 2013 is, amongst other, stated: "While constitutional protections against discrimination applied to all minorities, open discrimination and harassment continued against ethnic Serbs and Roma, particularly in the area of employment.[...] During the year ethnic Serb organizations received isolated reports of physical assaults directed against Serbs. [...] Discrimination continued against ethnic Serbs in several areas, including the administration of justice, allocation of



employment and housing, as well as in the ability of ethnic Serbs to use the Serbian language and Cyrillic script in schools and administrative procedures as per the constitutional law on national minorities. Minorities other than Serbs, including Czechs and Hungarians, were also affected by slow implementation of official usage of minority language and script in local communities, where they were legally allowed. [...] Serb NGOs continued to report that local authorities sometimes refused to hire qualified ethnic Serbs even when no ethnic Croats applied for a position. [...] Societal violence, harassment, and discrimination against Roma continued to be a problem. [...] Roma faced widespread discriminatory obstacles, including in citizenship, documentation, education, employment, and language. [...]" .

Recommendation n°33: *Continue the efforts to implement the National Anti-Discrimination Plan 2008-2013 (Recommended by Indonesia)*

IRI: *partially implemented*

CESI response:

Missing of the Plan for the next period 2013 -2018 and no evaluation report of previous one.

CPV response:

State authorities continue to take measures against discrimination of marginalized groups, including national/ethnic minorities.

However, in 2011 - 2012 discrimination and harassment against persons belonging to some national minorities, particularly Serb and Roma, remain to be present. In one of the most recent reports on the state of human rights in Croatia, published by the United States Department of State (Croatia - Country Report on Human Rights Practices for 2012) in April 2013 is, amongst other, stated: "While constitutional protections against discrimination applied to all minorities, open discrimination and harassment continued against ethnic Serbs and Roma, particularly in the area of employment.[...] During the year ethnic Serb organizations received isolated reports of physical assaults directed against Serbs. [...] Discrimination continued against ethnic Serbs in several areas, including the administration of justice, allocation of employment and housing, as well as in the ability of ethnic Serbs to use the Serbian language and Cyrillic script in schools and administrative procedures as per the constitutional law on national minorities. Minorities other than Serbs, including Czechs and Hungarians, were also affected by slow implementation of official usage of minority language and script in local communities, where they were legally allowed. [...] Serb NGOs continued to report that local authorities sometimes refused to hire qualified ethnic Serbs even when no ethnic Croats applied for a position. [...] Societal violence, harassment, and discrimination against Roma continued to be a problem. [...] Roma faced widespread discriminatory obstacles, including in citizenship, documentation, education, employment, and language. [...]" .

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
2	Give high priority to the Office for Gender Equality by providing it with necessary resources to effectively carry out its mandate	Ecuador	Accepted	4	Women's rights
5	Undertake measures to improve the quality, capacity and effectiveness of the justice system to prevent the abuses of the rights of national minorities and to investigate, prosecute and sanction cases and offenders, particularly against returnees	Serbia	Accepted	4	Justice, Minorities
13	Ratify the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption	Ecuador	Accepted	5	Rights of the Child
14	Continue to consolidate its national human rights infrastructure	Egypt	Accepted	2	General
15	Take measures to strengthen the national human rights institutional framework, in particular by allocating the necessary financial and human resources to ensure effective implementation of the mandates of various human rights mechanisms already established	Algeria	Accepted	4	NHRI
18	Continue its efforts to apply its national programme to the promotion and protection of human rights and the plan of action	Palestine	Accepted	2	National plan of action
19	Accomplish progressively human rights voluntary goals as set up by Human Rights Council resolution 9-12	Brazil	Accepted	4	General
26	Enhance the fight against corruption	Germany	Accepted	4	Corruption
39	Implement fully the obligations to ensure unhampered enjoyment of human rights by all persons with disabilities	Czech Republic	Accepted	5	Disabilities
40	Continue to combat racist and xenophobic attitudes	Germany	Accepted	2	Racial discrimination
42	Ensure impartial, full and prompt investigations into all allegations of torture and other cruel, inhuman or degrading treatment, as well as appropriate prosecution and punishment of the perpetrators	Sweden	Accepted	4	Torture and other CID treatment
43	Move forward in establishing a system of monitoring and systematic repression of hate crimes, noting that this question is one of the Government's priorities	Morocco	Accepted	4	Other



45	Ensure prosecution and punishment for acts of violence against women	Ecuador	Accepted	4	Women's rights
47	Implement an effective law to protect the women and child victims of domestic violence	Indonesia	Accepted	5	Rights of the Child, Women's rights
49	Continue legislative and practical efforts to improve living conditions in prison and detention facilities, in particular with regard to reducing overcrowding and ensuring access to health care and education	Austria	Accepted	2	Detention conditions
50	Further improve prison conditions, with a special focus on tackling overcrowding	Azerbaijan	Accepted	4	Detention conditions
51	Continue to effectively implement the Third National Plan against Trafficking in Persons	Indonesia	Accepted	2	National plan of action, Trafficking
52	Further strengthen the measures to fight human trafficking	Azerbaijan	Accepted	4	Trafficking
53	Further strengthen the measures to fight human trafficking	Nepal	Accepted	4	Trafficking
54	Strengthen the effective implementation of measures undertaken to combat trafficking, and protect victims of trafficking	Bangladesh	Accepted	4	Trafficking
55	Continue its efforts in the suppression of trafficking in human beings, in particular in women and girls	Pakistan	Accepted	2	Rights of the Child, Trafficking, Women's rights
56	Step up its efforts to detect, prevent and combat trafficking in minors for the purpose of sexual or other forms of exploitation, in accordance with recommendations of the Committee on the Rights of the Child	Chile	Accepted	4	Rights of the Child, Trafficking, Treaty bodies
57	Strengthen its efforts to combat trafficking in women and children for sexual and other exploitative purposes	Ghana	Accepted	4	Rights of the Child, Trafficking, Women's rights
58	Increase efforts to combat trafficking in persons, inter alia, through the development of international cooperation with interested Governments, international organizations and non-governmental organizations	Belarus	Accepted	1	Civil society, Trafficking
59	Intensify efforts to proactively identify trafficking victims among vulnerable populations, particularly women in prostitution and migrant men in the agricultural sector	United States	Accepted	4	Migrants, Trafficking, Women's rights
60	Strengthen partnerships with non-governmental organizations to enlist their help in identifying victims of trafficking during authorities' initial contact with potential victims among women detained for prostitution offences	United States	Accepted	4	Civil society, Trafficking, Women's rights
61	Ensure the responsible repatriation of foreign victims of trafficking	United States	Accepted	4	Trafficking
62	Reinforce safeguards for judicial independence and for the objectivity and impartiality of prosecutors	Hungary	Accepted	4	Justice



63	Continue the implementation of measures to improve the capacity and effectiveness of its judicial system	Slovakia	Accepted	2	Justice
64	Allow for more transparency with regard to the selection of judges	Germany	Accepted	4	Justice
65	Intensify efforts to improve efficiency of the judiciary, by implementing legal and organizational measures to prevent undue court delays and reduce the backlog before the courts, improving physical infrastructure and computerization of courts, and the continuation of the rationalization of municipal and misdemeanour courts	United Kingdom	Accepted	4	Justice
70	Ensure full cooperation of the Croatian Government in making available all requested documents to the International Criminal Tribunal for the former Yugoslavia	Canada	Accepted	4	Justice
71	Establish full collaboration with the International Criminal Tribunal for the Former Yugoslavia	Italy	Accepted	5	Justice
72	Pursue a thorough and comprehensive investigation into the missing documents requested for the trial of General Gotovina, and act on any suggestions the Chief Prosecutor has made to improve the investigation, pursuing all avenues of enquiry	United Kingdom	Accepted	5	Justice
73	Uphold the rule of law, and make every effort to ensure that domestic war crime trials are carried out fairly and without discrimination	Canada	Accepted	4	Justice
74	Strengthen its efforts to ensure that all war crimes trials are carried out in a non-discriminatory manner and that all cases of war crimes are effectively investigated and prosecuted, irrespective of the ethnicity of the victims and perpetrators involved	Czech Republic	Accepted	4	Justice
77	Further enhance measures to guarantee freedom of the press, by investigating acts of intimidation and aggression against journalists in accordance with recommendations of the Human Rights Committee	Chile	Accepted	4	Freedom of the press, Treaty bodies
79	Take necessary measures in order to ensure effective protection of journalists and to prevent and punish threats and acts of violence of which they are victims	France	Accepted	4	Freedom of the press
81	Implement a system of fines to be applied when public authorities do not respond adequately to requests for information	Netherlands	Accepted	5	Other
82	Continue its efforts to increase women's representation in public and political life	Azerbaijan	Accepted	2	Women's rights
87	Tailor and design tuition in special schools on the basis of the child's individual needs rather than ethnicity	Finland	Accepted	5	Minorities, Right to education



93	Provide for persons belonging to the Slovenian minority all guaranteed rights	Slovenia	Accepted	4	Minorities
112	Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and ratify the International Convention for the Protection of All Persons from Enforced Disappearance	Spain	Accepted	5	Enforced disappearances, E SC rights - general, International instruments
113	Follow up with their valuable work on human rights issues by ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, and the 1961 Convention on the Reduction of Statelessness, and by accepting recommendations made by the Human Rights Council mechanisms	Hungary	Accepted	5	Enforced disappearances, E SC rights - general, International instruments, Special procedures, UPR process
116	Reinforce its efforts to protect the rights of people with disabilities and to oversee the work of mental health residential facilities, and amend its legal framework to ensure that it contains human rights guarantees in line with international standards	Canada	Accepted	4	Disabilities
117	Intensify investigations of trafficking crimes in high tourism sectors and other areas with prostitution, aggressively prosecute traffickers	United States	Accepted	4	Trafficking
120	Enact legislation to ensure that imprisonment is used only as a last resort when sentencing all juvenile offenders, ensure that they are held separately from adult offenders, and provide systematic resource realization support to them	Austria	Accepted	5	Detention conditions, Justice, Rights of the Child
121	Initiate an independent inquiry on cases of torture and maltreatment relating to the years 1991-1995	Italy	Accepted	5	Torture and other CID treatment
122	Allocate additional resources to the State's Prosecutor's Office to ensure the full application of the Instructions it issued in October 2008 with regard to local war crimes proceedings	Netherlands	Accepted	4	Justice
124	Develop programmes to raise awareness on legislation, in the area of gender equality between workers, employers and the judiciary, strengthen the existing measures, and promote new measures to combine family responsibilities with work	Spain	Accepted	5	Women's rights
125	Expedite the process of returning occupied private properties to their rightful owners, and promote the successful conclusion of ongoing legal proceedings by strengthening the applicable legal framework	Canada	Accepted	4	Right to land



129	Consider the offer by the United Nations High Commissioner for Refugees to provide technical assistance and capacity-building in order to finalize the refugee return chapter and build an effective and efficient asylum system in Croatia	Norway	Accepted	3	Asylum-seekers - refugees, Technical assistance
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A= Action Category (see on [our website](#))

SMR = State making recommendation

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