

REPUBLIC OF CROATIA

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**Fourth Periodic Report on the Application of the International  
Covenant on Civil and Political Rights**

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## List of abbreviations

**BIH** – Bosnia and Herzegovina  
**CARNM** – Constitutional Act on the Rights of National Minorities  
**CBA** – Croatian Bar Association  
**CC** – Criminal Code  
**CCC** – Constitutional Court of Croatia  
**CEB** – Council of Europe Development Bank  
**CES** – Croatian Employment Service  
**CoE** – Council of Europe  
**CP** – Croatian Parliament  
**CPA** – Criminal Procedure Act  
**CSORHC** – Central State Office for Reconstruction and Housing Care  
**CSOs** – civil society organisations  
**DORH** – State Attorney's Office of the Republic of Croatia  
**EU** – European Union  
**EP** – European Parliament  
**FRA** – European Union Agency for Fundamental Rights (Fundamental Rights Agency)  
**FRONTEX** – European Border and Coast Guard Agency (*Frontières extérieures*; External Borders)  
**GRECO** – Council of Europe Group of States against Corruption  
**HMCC** – High Misdemeanour Court of Croatia  
**HRT** – Croatian Radio and Television  
**HRVI** – disabled Croatian war veterans  
**IOM** – International Organisation for Migration  
**ICCPR** or the **Covenant** – International Covenant on Civil and Political Rights  
**IRMCT** – International Residual Mechanism for Criminal Tribunals  
**JA** – Judicial Academy  
**MoJPA** – Ministry of Justice and Public Administration  
**MLPSFSP** – Ministry of Labour, Pension System, Family and Social Policy  
**MN** – Montenegro  
**MoI** – Ministry of the Interior  
**MoH** – Ministry of Health  
**MSE** – Ministry of Science and Education  
**NCCVC** – National Call Centre for Victims of Crime  
**ODIHR** – Office for Democratic Institutions and Human Rights  
**OHRRNM** – Office for Human Rights and Rights of National Minorities  
**OSCE** – Organisation for Security and Cooperation in Europe  
**RHP** – Regional Housing Programme  
**RoC** – Republic of Croatia  
**RoS** – Republic of Serbia  
**SCC** – Supreme Court of Croatia  
**SJC** – State Judicial Council  
**UNDP** – United Nations Development Programme  
**UNHCR** – United Nations High Commissioner for Refugees; *or* UN Refugee Agency  
**USA** – United States of America  
**USKOK** – Office for the Suppression of Corruption and Organised Crime

1. The Republic of Croatia hereby submits answers to the List of questions prior to submission of the fourth periodic report of Croatia (CCPR/C/HRV/QPR/4), adopted at the 127th session of the UN Human Rights Committee held from 14 October to 8 November 2019. The Human Rights Committee's Concluding observations on the 3rd periodic report of Croatia under the ICCPR (CCPR/C/HRV/CO/3) were adopted at its 3157th and 3158th meetings, held on 31 March 2015.

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

### **Answer to question No 1**

2. The Human Rights Committee's Concluding observations on the 3rd periodic report of Croatia under the ICCPR (CCPR/C/HRV/CO/3) have been translated into Croatian and published on the website of the MoJPA, and are accessible to a wide range of people. Furthermore, during the preparation of the response to recommendations for immediate action, the relevant authorities were once again directly informed about the content of the recommendations and the importance of their implementation.

3. In relation to the Committee's Views in *Paraga v. Croatia* (communication No. 727/1996), on 11 December 2007, the Supreme Court of Croatia issued a judgment Rev 967/06-2, by which the judgments of Zagreb County Court and Zagreb Municipal Court were partially amended to award the applicant additional HRK 20,000, on top of the previously awarded HRK 30,000. Given that the SCC rendered a final decision in review proceedings in 2007, it has the force of *res judicata* and such proceedings are no longer conducted.

### **Answer to question No 2**

4. Pursuant to the Anti-Discrimination Act, the National Anti-Discrimination Plan for the Period 2017-2022 and the Action Plan for the Implementation of the National Anti-Discrimination Plan 2017 – 2019 have been adopted.

5. Development of the National Plan for Protection and Promotion of Human Rights and Combating Discrimination for the Period 2021-2027 is underway.

6. Since 2015, other national policies, programmes and strategies have been adopted which define the objectives and measures/activities aimed at combating discrimination against specific vulnerable groups (National Roma Inclusion Strategy, National Programme for Combating Poverty, Action Plan for Integration of Persons Granted International Protection, and many others) and form an integral part of the strategic framework for combating discrimination and promoting equality. The Operational Programmes of National Minorities 2021-2024 are an integral part of the Republic of Croatia Government Programme 2020-2024.

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

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

### **Answer to question No 3**

7. The training of judges and prosecutors is carried out by the Judicial Academy, which continuously provides training on human rights for target groups and works to raise judicial officials' awareness of the existence and importance of international documents in the field of human rights protection, including the Covenant. The text of the Covenant is published in English and Croatian on the website of the MoJPA.

8. The training of lawyers and legal trainees is continuously taken care of by the Croatian Bar Association. The following trainings on human rights protection were delivered by the Law Academy of the CBA:

- Benefits of pleading violations of convention and constitutional rights starting from first instance judicial proceedings – Constitutional Court and lawyers’ views,
- Constitutional complaint and proportionality principle in the case law of EU courts and the Constitutional Court of Croatia,
- Selected decisions of the European Court of Human Rights and case law of the SCC in criminal matters,
- Manipulation of children and the system in divorce proceedings,
- Criminal law protection of child victims,
- Juvenile and young adult offenders,
- Case law on discrimination in labour relations,
- How to be more successful in anti-discrimination proceedings.

9. A number of trainings focus on human rights protection in accordance with the European Convention on Human Rights and relevant EU regulations. In addition, court decisions referring to the Covenant provisions raise awareness of its existence among judges, lawyers and prosecutors. This is especially true with regard to the decisions of higher courts, which influence the work of lower courts with the power of their arguments, and several such decisions of the SCC are highlighted below:

- In Case No U-zpz 6/2016, it was decided on the right of access to information on beneficiaries and the amount of loans paid out by the Croatian Bank for Reconstruction and Development. Building on a number of international agreements, including the Covenant, the SCC ruled that freedom of expression encompasses the right to receive information and that the public interest, manifested in the transparency of the work of the state-owned bank established for the purpose of providing loans for the reconstruction and development of the Croatian economy and public funding, outweighs the protection of the personal data of loan beneficiaries. Similar issues were addressed by the SCC in cases U-zpz 7/2016 and U-zpz 14/2018.<sup>1</sup>
- in Case No II-8 Kr 3/2020, an appeal was brought against a decision refusing to extradite a foreign national to the United Mexican States. The SCC based its decision confirming the decision of the lower court on the report of the UN Human Rights Committee on the implementation of the ICCPR by Mexico.

10. In November 2020, training for lawyers started to be implemented through an online platform that enables continuous remote training, thus ensuring continuous access to key content on the protection of human rights and fundamental freedoms for all lawyers, including those newly registered in the CBA Bar Directory. At the end of July 2021, the platform reached 4,489 registered users.

## **Anti-corruption measures (Articles 2 and 25 ICCPR)**

### **Answer to question No 4**

11. Suppression of corruption includes the engagement of a broad range of social stakeholders, of which law enforcement authorities are the ultimate resort, when the government has to react by criminal repression. In the area of prevention of corruption, there is a network of specialised institutions active in specific areas of preventive anti-corruption policy: the Commission for the Resolution of Conflict of Interest, the Information Commissioner, the State Commission for the Control of Public Procurement Procedures, the State Audit Office, the Ombudsman, the State Election Commission and the Judicial Academy. The Croatian legal system has been established and developed towards zero tolerance for corruption and gives the judicial authorities full independence in the fight against corruption. USKOK was established in 2001 as a special prosecution office for combating corruption and organised crime. The USKOK Prosecutor’s Department has offices in Split, Rijeka and Osijek. Special court departments have also been set up at the County Courts in Zagreb, Split, Rijeka and Osijek for exclusive handling of cases of organised crime and corruption. In 2009, the National Police Office for the Suppression of Corruption and Organised Crime (PNUSKOK) was established within the Ministry of Interior. The Judicial Academy regularly delivers trainings for judicial officials with the aim of preventing corruption. In 2020, trainings on “Application of the Code of Ethics” and “Act on the Protection of Reporters of Irregularities” (Whistleblower Protection Act) were delivered, and in the framework of international cooperation with the European Judicial Training Network, training was held on the topic of judicial ethics.

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<sup>1</sup> The decisions are available on the case law portal ([www.vsrh.hr](http://www.vsrh.hr)).

12. The process of drafting the Lobbying Act is underway, which will, among other things, standardise procedures according to which high-ranking state officials and members of parliament communicate with lobbyists. The Act on the Protection of Reporters of Irregularities (2019) forms a system that enables potential whistleblowers to report irregularities effectively and provides them with adequate protection. We consider the area of whistleblower protection to be one of the pillars of prevention, and the Act is a significant step forward. The drafting of a new Act is now underway to align it with Directive (EU) 2019/1937 of the European Parliament and the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

13. In order to strengthen the framework for managing conflicts of interest, the Act on the Prevention of Conflict of Interests was adopted and a Commission for the Resolution of Conflicts of Interest was established (the head of the Commission and four members are elected for a term of 5 years). In the prescribed cases of violation of the Act, the Commission may impose an administrative and misdemeanour sanction on a person subject to the Act. With a view to further strengthening the area of conflict of interest management, taking into account the need to further align with international standards, a new Act on the Prevention of Conflict of Interest was adopted in December 2021, which further strengthens the work of the Commission, simplifies and shortens the procedure before the Commission and significantly expands the number of addressees in view of the corruption risks associated with their position. It also provides for a new mechanism of declaring conflicts of interest, the application of an extended *cooling off* period and the obligation to submit asset declarations on an annual basis. As regards civil servants, in accordance with the Civil Service Act, the control of conflicts of interest is not carried out by superior civil servants, but rather the reporting of possible conflicts of interest and the request for authorisation of secondary employment is an obligation of every civil servant, while decision-making in the above matters is within the competence the head of the authority concerned. As regards the corporate governance area, the 2019-2020 Anti-Corruption Programme for Majority State-Owned Companies was adopted in May 2019 and the Anti-Corruption Programme for Companies Majority-Owned by Local and Regional Governments was adopted in December 2020. These programmes promote the strengthening of corruption prevention mechanisms in the governance of companies. In October 2021, the Anti-Corruption Strategy 2021-2030 was adopted and will be implemented through three triennial Action Plans. Also, anti-corruption is one of the components of the National Recovery and Resilience Plan of Croatia. Within this framework, the envisaged reforms and investments are aimed at further strengthening of prevention in several specific areas as well as of the repressive apparatus in combating corruption. The introduction of an IT system for monitoring political activity financing, established by the Act on the Financing of Political Activities, Election Campaigns and Referenda (2019), improved transparency in this area.

14. Statistics on the prosecution of corruption cases can be found in the annex.

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

##### **Answer to question No 5**

5. a) 15. Effective prosecution of war crimes and other crimes against values protected by international law is one of the priorities of the State Attorney's Office (DORH). At the national level, concrete measures are being taken to improve the efficiency of prosecution of war crimes, seeking to improve work, as these are events that took place over 20 years ago. The increasing time elapsed since the commission of those crimes makes it difficult to gather evidence. In order to improve the efficiency of criminal prosecution, the specialisation of judges and prosecutors for handling war crimes cases is being improved in accordance with the Act on the Application of the Statute of the International Criminal Court and Prosecution for Offences against International Humanitarian Law, using new working methods and data processing tools, insisting on continuous education, exchange of experience, monitoring and harmonisation of work on these cases.

16. Since working on war crimes cases would not be possible without cooperation with the prosecution offices of neighbouring countries, as perpetrators, victims and evidence as well as crime scenes are in different countries, state attorneys cooperate with the prosecution offices of countries in the region. The cooperation is based on valid prosecutorial agreements, memorandums and protocols as well as bilateral agreements on legal assistance in civil and criminal matters, and efforts are made to improve the coordination of joint work and to achieve of as similar standards and criteria as possible for the prosecution of such crimes.

17. Internationally, Croatia cooperates with a number of institutions, whereby its continued successful cooperation with the ICCPR should be emphasized, as it uses data and evidence from the rich archives of the institution. Since June 2017, DORH and all county state attorney's offices competent for the prosecution of war crimes have had access to the public electronic database of the Office of the Prosecutor of the International

Criminal Tribunal for the Former Yugoslavia (ICTY), i.e. they can independently view and use for the purpose of criminal prosecution all public documentation held by the ICTY's Office of the Prosecutor.

18. Officials and advisers of state attorney's offices handling war crimes cases use a case tracking system (CTS), where, among other things, all war crimes cases are available in electronic form, in order to facilitate the viewing of all cases against an offender and the use of all available data.

19. Statistics on war crimes prosecution can be found in the annex.

**5. b)** 20. All regulations governing the rights of civilian casualties of war are aligned with the provision of the Croatian Constitution which guarantees the right to appeal against an individual legal act adopted at first instance before an authorised body, and in cases where an appeal is not admissible by law other legal protection is ensured, i.e. the initiation of an administrative dispute before the Administrative Court. In order to complete the process of full regulation of the rights of all victims of the Homeland War, which started with the adoption of a new Act on Croatian Homeland War Veterans and Their Family Members, the Act on the Civilian Casualties of the Croatian Homeland War was adopted on 15 July 2021. (entered into force on 31 July 2021).

**5. c)** 21. The Act on Croatian Homeland War Veterans and Their Family Members, the Act on the Protection of Military and Civilian War Invalids, the Act on the Civil Victims of the Croatian Homeland War since 31 July 2021, and the Act on the Rights of Victims of Sexual Violence during the Armed Aggression against Croatia in the Homeland War provide certain rights on the grounds of suffering or participation in the Homeland War. This should be distinguished from damages awarded in court proceedings. The new Act on Croatian Homeland War Veterans and their Family Members (2017) regulates the status and tangible rights of victims of the Homeland War, specifically, Croatian veterans and their family members. The opening of deadlines for the recognition of the status of a disabled Croatian veteran, made possible by the new Act, was used by 18,259 Croatian veterans, who submitted the applications. The Act stipulates that the right to housing care can be exercised by the immediate or extended family members of a killed or missing Croatian war veteran, disabled Croatian Homeland War veterans (HRVI) and family members of a deceased HRVI, and volunteer fighters in the Homeland War who have not obtained the HRVI status were part of the combat troops defending Croatian sovereignty for at least two years.

22. The statistics can be found in the annex.

### **Answer to question No 6**

23. Dedicated efforts have been invested in resolving the issue of missing persons, including accession to international human rights instruments and adoption of national legislation, establishment and operation of institutional mechanisms to shed light on missing persons cases, effective institutional action to protect the families of missing persons, as well as symbolic gestures of recognition of the suffering of victims and their families. At the end of 2021, Croatia adopted the Act on Confirmation of the International Convention for the Protection of All Persons from Enforced Disappearance. Most cases of reported missing persons have been resolved. 150 mass and more than 1,300 individual graves (from the period 1991-92) and 31 so-called "sanitized" graves (from 1995) were discovered, from which the remains of 5,199 victims were exhumed, of which 4,303 victims were identified.

24. The activities of research into mass and individual graves and identification and dignified burial of identified persons have continued, whereby the remains of 212 victims were found and the remains of 254 victims were identified and properly buried. By strengthening the cooperation of all bodies and organisations involved in the search for missing persons, by setting up regional offices in areas where this problem is most acute and by increasing human resources and their competencies, the system for tracing missing persons has been strengthened. The work methodology has been significantly improved, both in field research and in the area of treatment and identification of mortal remains.

25. On Croatia's initiative, in 2017, agreements with Bosnia and Herzegovina and Montenegro were concluded, missing persons search requests exchanged and cooperation modalities established. However, a major progress in uncovering the fate of persons gone missing in the Homeland War can only be expected upon a full cooperation of the Republic of Serbia, from which Croatia has, since 1995, requested information on graves, return of documentation from Vukovar Hospital and Borovo Commenc, and access to military archives and other



relevant sources in Serbia. In 2018, Croatia initiated the improvement of the legal framework for cooperation with Serbia in order to shed light on the fate of all the missing persons.

26. In 2018, Croatia signed the “Framework Plan for Resolving the Issue of Missing Persons from Conflicts in the Former Yugoslavia”, established on the initiative of the International Commission on Missing Persons, and gives its full and constructive support to its implementation. Furthermore, in cooperation with the International Commission on Missing Persons, Croatia is implementing the “Joint Project of Identification by DNA Analysis Method” and it joined the “Agreement on the Establishment of a Database of Active Missing Persons Cases from Armed Conflicts in the Former Yugoslavia” (2017). It also participates in the UNDP project “Enhancing Regional Cooperation in Processing of War Crimes and the Search for Missing Persons” (2017-2019), the main goal of which is to increase the efficiency and effectiveness of cooperation between the prosecution offices of the countries established on the territory of the former Yugoslavia in the prosecution of war crimes and strengthening of capacities for the search of missing persons. In order to gather information on the locations of graves from the Homeland War, a Memorandum of Understanding (MoU) between the Ministry of Croatian Veterans and the International Committee of the Red Cross (ICRC) on the transmission and use of information and documents, obtained from international archives, on persons gone missing in the Croatian Homeland War (1991-1995), was signed in 2019.

27. Until the adoption of the Act on Persons Gone Missing in the Homeland War (2019), there was no single law governing the intangible rights<sup>2</sup> of persons gone missing in the war and their family members. It is a fundamental right of the family members of a person gone missing in the Homeland War to enable them to find out the place of residence or domicile of the missing family member or to find their mortal remains for the purpose of their final disposition, as well as to learn as much as possible about the circumstances of their disappearance or death. The competent national authorities are obliged to provide family members with available information on the progress and findings of the search for missing family members, and nobody can be subjected to violence, threats or any form of intimidation for seeking information. Moreover, a higher level of protection of the right of families to know the truth about the fate of their missing members has been achieved. The Act consolidates the regulation of all activities in the process of tracing missing persons – from the reporting of missing persons, research and collection of findings about hidden graves, exhumations and identifications, regional and international cooperation, cooperation with the family associations of missing persons, to the authorities competent for its implementation.

28. Croatia is still searching for 1,468 missing persons and the locations of the buried remains of 401 victims, which constitutes a total of 1,869 unresolved cases from the Homeland War. Resolution of the issue of missing persons has been among the main objectives of Government programmes, and continuous efforts are made to further develop the resources and improve the work methodology. But its final resolution is not possible without Serbia's readiness for full co-operation.

29. The issue of the fate of missing persons in this region is one of the most important issues when it comes to the consequences of war – apart from the humanitarian aspect, it is also significant from a legal and historical point of view, and in war crimes investigation procedures. Most missing persons cases are resolved after exhumation where DORH is involved in the context of investigation and prosecution of war crimes or other criminal offences, i.e. when there is sufficient data that the remains found indicate the commission of a criminal offence. Enforced disappearance is effectively criminalised in line with international standards as a war crime (Article 91 CC).

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

#### **Answer to question No 7**

30. Special attention paid to the improvement of the position of national minorities is also visible through the implementation of the Operational Programmes for National Minorities 2017-2020, and the Operational Programmes for National Minorities 2021-2024 are an integral part of the Republic of Croatia Government Programme 2020-2024. Progress in the implementation of the Constitutional Act on the Rights of National Minorities is detailed in the annual reports submitted to the Croatian Parliament, and the increase in funds

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<sup>2</sup> The status and tangible rights of the families of missing Croatian veterans and civilians are regulated by other regulations – the Act on Croatian Homeland War Veterans and Their Family Members and the Act on the Protection of Military and Civilian War Invalids.

allocated in the State Budget is illustrative. Thus, HRK 131,152,781 was spent on its implementation in 2016, and HRK 215,447,386.83 in 2020, which is an increase by 64.27 %.

31. The National Roma Inclusion Strategy 2013-2030 is the basic document defining activities for ensuring equal access to education for members of the Roma national minority. The Ministry of Science and Education has been successfully implementing a number of measures for members of the Roma minority: co-financing of the parental share in the economic cost of preschool education (kindergartens), co-financing of 1-year preschool programme, provision of Croatian language classes for students who lack knowledge of the Croatian language, funding of extended school care, outdoor education, school trips, summer schools, secondary and higher education bursaries for Roma pupils and students, provision of accommodation in residence halls for students in secondary and higher education, co-financing of literacy and training programmes for adult Roma. For the realisation and implementation of national policy measures for Roma education, the MSE allocated HRK 8,977,778.29 in 2013 and HRK 15,556,588.41 in 2019, and there has been a visible increase in the number of beneficiaries of the measures on all levels of the education system. The measures have shown good results and will continue to be implemented in the future. In the academic year 2018/2019, the MSE announced the open call for proposals *Programme, Professional and Financial Support for Education of Children and Pupils of the Roma National Minority*. The aim of the call for proposal is to support the inclusion of children/pupils belonging to the Roma national minority in the education system. It ensured the implementation of various project activities with grants worth HRK 8,398,419.98. In 2020, the bursaries programme for secondary school students of the Roma minority is aimed at stimulating secondary school enrolment and completion. While 99 % of pupils in Croatia enrol in secondary education, the percentage of Roma pupils enrolled in secondary school compared to those who finish primary school is around 70 %, and over 10 % of them leave school during secondary education. The new measures aim to increase the proportion of educated Roma and to encourage enrolment in the secondary education programmes that can ensure admission to higher education.

32. Under the Annual Programme for Housing Care and Improvement of Living Conditions of the Roma National Minority, household appliances and furniture are distributed. HRK 1,500,000 was allocated for the purpose in 2020 and HRK 1,640,654.56 in 2019. The overall number of families covered by the programme was 718 in 2020 and 881 in 2019.

33. On all levels – central, regional and local, Croatia has established good practices of Roma inclusion in the design, implementation and monitoring of the implementation of the National Roma Inclusion Strategy. On national level, the Commission for Monitoring the Implementation of the National Roma Inclusion Strategy has been operating successfully since 2003, and the continued political commitment of the Government of Croatia is evident from the fact that the Commission was chaired by a Deputy Prime Minister during all government terms of office, while its members were appointed from among representatives of the state administration and representatives of the Roma national minority. Participation in representative and executive bodies is guaranteed to all national minorities, including Roma. In the regular local elections held on 21 May 2017, a total of 308 minority members of representative bodies were elected on the basis of seats guaranteed by law and local statutes in a total of 154 self-government units, of which 13 were members of the Roma national minority. In the same elections, deputy mayors/county executives (i.e. representatives in the executive) were elected in 49 municipalities and cities and 11 counties.

34. For illustration, members of the Serbian national minority was entitled to nominate candidates and elect 39 deputies; members of the Italian national minority were entitled to 7 deputies; members of the Czech and Hungarian national minorities 4 deputies each; members of the Bosniak, Roma and Ruthenian national minorities 2 deputies each, and members of the Slovak national minority could elect one deputy i.e. representative in the executive body of a municipality, city or county. In elections for national minority councils and representatives in local and regional self-government units, held on 5 and 19 May 2019, a total of 352 councils and 108 representatives of national minorities in local and regional self-government units were elected. This included the election of 491 members of 34 Roma national minority councils and 3 Roma national minority representatives at the county, city or municipality level. On regional and local government level, 49 deputy municipal or city mayors and 12 deputy county executives were elected from among members of national minorities.

35. Funds for the implementation of targeted measures from the Strategy were increased from HRK 23,874,567.92 in 2016 to HRK 25,607,617.33 in 2017, HRK 3,571,074.13 in 2018, HRK 43,711,878.82 in 2019, and HRK 44,149,668.38 in 2020, which is an increase by 85 %. In addition, these amounts do not include funding for regular Roma-focused activities and activities carried out only on regional and local level.

36. Active employment policy measures from 2001 to 2020 focused on the integration of disadvantaged people in the labour market. The interventions implemented aim at boosting the employment, education and inclusion in public works programmes of specific target groups. The Croatian Employment Service continuously implements measures for the employment and training of members of the Roma national minority according to the national strategic documents for Roma inclusion. The statistics on the number and structure of unemployed members of the Roma national minority can be found in the annex.

37. Education in the languages and scripts of national minorities is an integral part of the overall education system, and the basic educational policy documents refer to this segment of the education system as well. It is conducted in primary and secondary education through classes in the languages and scripts used by national minorities, under the conditions and in the manner prescribed by the special programme of the competent ministry on education in the languages and scripts of national minorities. Members of national minorities exercise the constitutional right to education under three basic models of education: Model A – classes in the languages and scripts of national minorities (all classes are provided in the language and script of a national minority); Model B – bilingual combination of classes (natural science subjects are taught in Croatian, and the humanistic sciences subjects in the language of a national minority); Model C – cultivation of language and culture (in addition to regular classes in Croatian, national minority language and culture are taught in the language of a particular national minority). In 2019, the MSE adopted the curricula for Serbian (models A and C), Italian (Model A) and Czech (models A and C). Also, between April and July 2020, curricula for the Hungarian Language (Model A), Hungarian Language and Culture (Model C) and Slovak Language and Culture (Model C) were adopted. In April 2020, a curriculum for the subject Language and Culture of the Roma National Minority was adopted for members of the Roma national minority in primary and secondary schools in Croatia (Model C), which is the first time the Roma national minority was given the opportunity for education in their mother tongue. Pupils belonging to the Serbian national minority are educated according to all the above models.

38. The MSE continuously issues approvals for the organisation of education in individual schools according to the expressed interest of members of national minorities. In the academic year 2019/2020, a total of 3,159 children/pupils were included in education in Serbian language and Cyrillic script in a total of 78 educational institutions. In 2019, the MSE issued a Decision on the adoption of the curriculum for the Serbian Language for Primary and Secondary Education with Classes in the Language and Script of the Serbian National Minority in Croatia (Model A) and the curriculum for the subject Serbian Language and Culture in primary and secondary education in Croatia (model C). The MSE also co-finances the production and print of textbooks in Serbian language and Cyrillic script for students of the Serbian national minority in primary and secondary schools who receive education in Serbian language and Cyrillic script.

39. The Constitution of the Republic of Croatia stipulates that Croatian language and Latin script are in official use in Croatia, whereby in some local units a co-official language and Cyrillic or other script may be introduced under the conditions prescribed by law. Article 12 of the CARNM stipulates that equal official use of a language and script used by members of a national minority is guaranteed on the territory of a local self-government unit when members of the national minority constitute at least one third of the population of the SG unit. The same article also stipulates that equal official use of the language and script used by members of a national minority is also guaranteed when this is enshrined in international agreements which, in accordance with the Constitution of the Republic of Croatia, constitute part of the legal order of the Republic of Croatia, or stipulated in the statute of a particular local or regional self-government unit in accordance with the Act on the Use of Languages and Scripts of National Minorities in the Republic of Croatia, which regulates in detail the other requirements for the official use of the languages and scripts of national minorities.

40. Members of individual national minorities constitute at least one third of the population of 27 local self-government units, in particular: Serbian national minority in 23 units, and Czech, Hungarian, Slovak and Italian minorities in one unit each. Members of the Serbian national minority are guaranteed the right to co-official use of their language and script in the cities of Vrbovsko and Vukovar and the municipalities of Biskupija, Borovo, Civljane, Donji Kukuruzari, Dvor, Erdut, Ervenik, Gračac, Gvozd, Jagodnjak, Kistanje, Krnjak, Markušica, Negoslavci, Plaški, Šodolovci, Trpinja, Udbina, Vojnić, Vrhovine and Donji Lapac; members of the Czech national minority are guaranteed this right in the Municipality of Končanica; members of the Hungarian national minority in the Municipality of Kneževi Vinogradi; members of the Slovak national minority in the Municipality of Punitovci, and members of the Italian national minority in the Municipality of Grožnjan - Grisignana.

41. The MoJPA collects data and continuously monitors the co-official use of minority languages and scripts. In order to collect information for the purpose of drafting the report on the implementation of the CARNM, an e-System for monitoring the implementation of the CARNM has been developed, through which local and regional self-government units have been providing required information for the preparation of this report since 2018.

42. In relation to the use of Cyrillic script in the City of Vukovar, in 2015, the Vukovar City Council adopted a Statutory Decision on Amendments to the Vukovar City Statute and a Statutory Decision on the Exercise of Equal Official Use of the Language and Script of the Serbian National Minority. In 2016, the Committee on Human and National Minority Rights of the Croatian Parliament submitted a petition to the Constitutional Court of the Republic of Croatia for a review of constitutionality and legality of specific provisions of the aforementioned statutory decisions. On 2 July 2019, the Constitutional Court rendered a Decision denying the petition for a review of the constitutionality and legality of specific provisions of the Statutory Decision on Amendments to the Vukovar City Statute, but repealing specific provisions of the Statutory Decision on the Exercise of Equal Official Use of the Language and Script of the Serbian National Minority. In the statement of reasons, the Constitutional Court, inter alia, instructs the Vukovar City Council to adopt a decision in October 2019 on the possibility or need to extend the scope of guaranteed individual and collective rights of Serbian national minority members living in Vukovar by adding new rights from the catalogue of rights envisaged by the Act on the Use of the Languages and Scripts of National Minorities. On 18 October 2019, the Vukovar City Council adopted a Conclusion on the achieved level of understanding, solidarity, tolerance and dialogue between the citizens of the Town of Vukovar of Croatian nationality and those of the Serbian national minority.

43. Additionally, the Vukovar City Council adopted a new Conclusion on 28 October 2020. The Conclusion states that the achieved level of understanding, solidarity, tolerance and dialogue between the citizens of the Town of Vukovar of Croatian nationality and those of the Serbian national minority enables cooperation and co-existence, and that the requirements for an extension of the scope of guaranteed individual rights and collective rights of Serbian minority members living in Vukovar, as well as for amendments to the Statutory Decision to grant new rights to the Serbian national minority in Vukovar have not been met.

44. Regarding bilingualism in the City of Vukovar, we would also like to point out that, for the purposes of drafting the Report on the Implementation of the CARNM for 2020 and 2019, we were informed through the e-System that members of the Serbian national minority in the City of Vukovar are entitled to: bilingual materials for City Council meetings, bilingual minutes of meetings, bilingual issuance of public documents and bilingual printing of forms used for official purposes.

#### **Answer to question No 8**

45. The Same-Sex Life Partnership Act (2014) regulates the status and rights of persons of same-sex orientation in the legal order of Croatia. The Act was adopted by the CP as an organic law, and regulates the civil status of same-sex communities in a comprehensive manner. In November 2014, the Ordinance on the manner of acquiring medical documentation and establishment of requirements and preconditions for gender reassignment and life in another gender identity was adopted. In 2017, the Personal Names Act and the Aliens Act were amended to align them with the Same-Sex Life Partnership Act.

46. The Action Plan for the Implementation of the 2017 National Anti-Discrimination Plan identified a number of activities aimed at preventing and combating discrimination, including against LGBT persons.

47. Awareness-raising and capacity-building activities are carried out to combat discrimination, including continuous training of specific groups of civil servants whose role is considered crucial in the fight against discrimination, such as: police officers, judges, state attorneys and advisers of the employment service. The MoJPA continuously monitors court cases relating to discrimination.

48. With regard to criminal provisions relating to hate crime and hate speech, special attention is paid to the protection of LGBT persons, by organising seminars for judges, lawyers, state attorneys, police officers and representatives of CSOs.

49. The training of employers and representatives of employees on the Anti-Discrimination Act and the Gender Equality Act was carried out with the aim of raising awareness of employers' responsibility to create a non-discriminatory working environment and to protect the dignity of employees. In previous years, seminars were being organised for employers, representatives of employees, commissioners for the protection of employees'

dignity, union representatives and members of works councils to raise awareness of discrimination in the labour sector at local level, and a campaign aimed at promoting a positive working environment was presented.

50. In accordance with national legislation, the MSE instructed all primary and secondary schools as well as higher education institutions on the procedure for issuing updated certificates and diplomas for transgender persons upon request. Since 2018, this has been common practice in the education system and applicants obtain updated documents in a regular procedure.

#### **Answer to question No 9**

51. In view of the claim that historical revisionism has risen in the form of glorification of the Ustaša regime, it is pointed out that, by 31 December 2020, a total of 174 events related to various forms of use of the slogan “*Za dom spremni!*” (en. For home(land) – ready!) were recorded (worn on garments and other items, sale of props with the inscription, shouting out of the slogan, graffiti, postings on social networks, carrying of banners with the slogan in public places or places accessible to the public). Out of 64 recorded offences, perpetrators were identified in 21 cases, and out of 196 defendants in misdemeanour proceedings, decisions were rendered in respect of 98 persons, 62 of whom were penalised, 30 were acquitted and proceedings against 6 persons were discontinued. In case of certain recorded events where a criminal offence or misdemeanour was established, appropriate criminal complaints were filed, motions to indict filed and misdemeanour orders issued. As regards misdemeanours, the decisions rendered in most cases penalised perpetrators for the glorification of the totalitarian Ustaša regime by the use of aforementioned slogan at a public gathering, during sports events or in another public place.

52. Measures taken to effectively address historical revisionism (in the form of Holocaust denial and glorification of the Ustaša regime, ethnic intolerance, racist and antisemitic rhetoric and hate-motivated violence targeting members of national minority groups, racist or inflammatory graffiti depicting Ustaša or Nazi symbols and slogans), and in general measures to address hate speech and hate crimes motivated by a person’s sexual orientation or gender identity can be illustrated by looking at reported crimes and criminal . As regards hate crimes, 25 crimes were recorded in 2015, 23 of which were resolved, 28 crimes were recorded in 2016, 26 of which were resolved, 28 were recorded in 2017, 21 of which were resolved, and 33 were recorded in 2018, 30 of which were resolved. In 2019, 51 crimes were recorded, 44 of which were resolved. In 2020, a total of 87 hate crimes were reported, 73 of which were resolved. This increase in the number of offences of public incitement to violence and hatred and hate crime stems partly from numerous activities aimed at raising citizens’ awareness of the harmfulness of hate crimes and the need to report such crimes, as well as intensified training of police officers that has ensured better recognition and consequent prosecution of hate crimes.

53. The Protocol on Procedure in Cases of Hate Crime (2011) sets clear guidelines for the procedure to be followed in such cases. The Government Office for Human Rights and Rights of National Minorities OHRRNM has been appointed the central authority for collecting data on hate crimes from the Ministry of Interior, DORH and MoJPA. Since 2015, statistics on hate crime are published on the OHRRNM website, and there is also regular reporting to the OSCE/ODIHR. The Protocol regulates the functioning of the competent authorities to ensure that swift action is taken in cases of hate crime. It also requires them to collect relevant data in order to gain a better insight and prevent repetition of a misdemeanour or crime.

54. In accordance with the Protocol, police officers identify and record hate crimes using electronic forms in MoI’s information system used to monitor criminal cases. This enables the MoI to follow tendencies in hate crimes against different parameters (total number of recorded cases, number of crimes and misdemeanours, motif). The Protocol obliges state attorney’s offices and courts to act swiftly and with special care, to mark hate crime cases with specific case numbers and to keep official records. The Protocol also prescribes data collection templates for each authority dealing with hate crime issues.

55. A new Protocol on Procedure in Cases of Hate Crime was adopted in spring 2021, with the aim of improving the collection of relevant statistical data, but also delimiting the obligations of individual institutions dealing with hate crime issues, establishing the responsibilities of the competent authorities involved in detecting, sanctioning and monitoring the results of the proceedings conducted in hate crime cases, and defining specific forms of statistical collection of data on hate crime cases (hate-motivated crimes and misdemeanours specifically marked).

56. The OHRRNM and the Judicial Academy (JA) delivered a number of workshops on “Hate crimes and hate speech” for employees of the judiciary, police, state attorney’s offices and CSOs. The workshops included the case law on hate crime of the European Court of Human Rights. The first round of workshops was held in 2018

for 24 participants, the second round of workshops in 2019 for 109 participants, and the workshops should also take place in 2021. With regard to the topic of hate crime and hate speech, the JA held a cycle of workshops for judicial officials in 2020 on “Hate-motivated misdemeanours in the area of public order and tranquillity and public safety”. The Police Academy also delivers courses on respect for human rights with a special focus on hate crime.<sup>3</sup> In 2020, in addition to regular police education programmes, and in cooperation with the House of Human Rights, the Police Academy delivered an online training for 20 police officers on the topic of recognition and treatment of hate crimes. In 2021, this online training was again delivered for 20 police officers. In 2020, under the V-START project (“Support to victims of hate crime through awareness raising and networking”) and in cooperation with the House of Human Rights, 24 police officers were trained on how to proceed in cases of hate crime and distinguish hate crime from hate speech.

57. The OHRRNM presented a continuous campaign to raise public awareness of the fight against hate crime and hate speech.<sup>4</sup> In 2018, a public conference was held on the topic of “Hate speech in the public space”, with an emphasis on hate speech in the political space, where speakers from the CP, the national Council for National Minorities and the Faculty of Law, University of Zagreb, delivered presentations. Also, recommendations on countering hate speech in the political sphere were presented to MPs. The OHRRNM monitors the implementation of the Code of Conduct on Countering Illegal Hate Speech Online with the CSO Centre for Peace Studies as co-sponsor. The OHRRNM regularly presents the results of monitoring the implementation of the Code through meetings of the Working Group for Monitoring Hate Crimes and through public meetings. Representatives of the OHRRNM participate in the work of the EU High Level Group on Combating Racism, Xenophobia and Other Forms of Intolerance and its subgroup on combating online hate speech.

58. Hate crime and hate speech are specifically monitored and recorded in state attorney’s offices and special attention is paid to handling such cases. DORH handles every case of hate crime or hate speech with equal attention and promptness, regardless of which protected group or discriminatory ground (national or ethnic origin, religion, sexual orientation, gender identity or any other characteristic) is concerned, and regardless of the form of the crime of public incitement to violence and hatred (e.g. public incitement, public approval, denial or significant diminishment of the crimes of genocide, aggression, crimes against humanity or war crimes against specific groups of people, etc.). Given that the most common discriminatory grounds, which continuously occur in prosecutorial cases every year, is national affiliation, followed by religion, ethnic origin and sexual orientation, these protected characteristics are also given special attention. The most common manner of committing the reported crimes of hate speech is through online portals and social networks, which generates the problem of detecting and prosecuting perpetrators in some cases where the actual owner of the profile cannot be identified (for example, the USA generally do not provide requested international legal assistance, citing freedom of expression and impunity of such conduct in the USA).

59. Regarding the allegations that punishable hate speech and hate-motivated violence are mainly prosecuted as misdemeanours and that there are insufficient convictions of such offences are insufficiently condemned, we emphasize that the Croatian legislation penalises such behaviour through several laws. The decision to classify particular conduct under a specific legal norm, i.e. a specific legal text, is made after a careful analysis of all the circumstances of the event and a conclusion on whether the conduct has elements of a crime, i.e. whether in the particular case the material elements of a crime or misdemeanour are realised.

60. As regards the application of provisions on hate motivation as an aggravating circumstance, sentencing and the application of provisions on hatred as an aggravating circumstance lies with the court when rendering a judgment.

61. In order to handle the cases of hate crime and hate speech as efficiently as possible, the state attorney’s offices participate in a number of activities related to the fight against hate crime and hate speech, as both trainers and participants, including numerous training activities organised by the JA, the OHRRNM as well as individual CSOs.

62. In 2020, the results of empirical research on “Hate Crime in Croatia”, conducted under the project “IRIS — Improved response to intolerance through research, strategic advocacy, and training” were presented. The project

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<sup>3</sup> The topics of hate crime, hate speech, human trafficking, violence against women and domestic violence have been included in the regular programmes of the Police College, the “Josip Jović” Police School, which implements the Adult Education Programme for the profession of police officer, and in various specialised seminars, courses and trainings.

<sup>4</sup> The OHRRNM launched a public campaign to combat hate crime and hate speech by printing stickers with the text of Enes Kišević’s poem “People are Everywhere” written on the illustration of a treetop, in response to the display of stickers of hanged people with the inscription “Serbian family tree”, which appeared in Trpinjska cesta in 2017.

was implemented by the Croatian Law Centre in partnership with the Police Academy, DORH and the OHRNM, and in cooperation with the Supreme Court and the High Misdemeanour Court, and the research covered all finalised (*res judicata*) criminal and misdemeanour cases committed between 2013 and 2018 that were initially flagged by the police or a state attorney's office as potential hate crimes.

63. The National Plan for Protection and Promotion of Human Rights and Combating Discrimination 2021–2027, which provides for a measure to strengthen efforts in the fight against racism, antisemitism, xenophobia and other forms of intolerance through training for police officers, is underway. The purpose of the training will be to improve recognition of hate crimes and ensure adequate prosecution with a view to preventing future violations of the Convention for the Protection of Human Rights and Fundamental Freedoms and thus new judgments of the European Court of Human Rights against the Republic of Croatia.

64. Data related to hate crimes by year are provided in the annex hereto and on the website of the OHRNM<sup>5</sup>.

65. In the context of the queries whether incitement to discrimination is criminalised, we would point out that incitement as a form of complicity is a general institute of the Criminal Code, prescribed by Article 37. - Whoever intentionally incites another person to commit a crime shall be punished as if they themselves have committed it. In addition, whoever intentionally incites another person to commit a crime the attempt of which is punishable, and the crime is not attempted, shall be punished for the attempted crime. Incitement as a general institute pursuant to Article 6 of the CC refers to the crimes prescribed by the CC. The CC also provides for a separate crime of Public incitement to violence and hatred in Article 325.

### **Equality between men and women (arts 2, 3 and 25 ICCPR)**

#### **Answer to question No 10**

66. Legal provisions encourage a balanced representation of women and men on electoral slates in accordance with the 2008 Gender Equality Act and special regulations: the Act on Election of Members to the Croatian Parliament, the Act on Election of Members from Croatia to the EP and the Local Elections Act. The Gender Equality Act regulates the establishment and nomination of candidate slates for the election of members to the CP, members of the representative bodies of local and regional self-government units as well as members to the EP. The representation of one gender on the lists must not be appreciably imbalanced, i.e. below 40 %. Sanctions for political parties and other authorised nominators who do not respect this principle range from HRK 20,000 to 50,000. The Act on Election of Members to the CP stipulates that when establishing and nominating party slates and independent slates for the election of members to the CP, the nominators are required to respect the principle of gender equality and take into account the balanced representation of women and men on the slates, and that the slate for the election of MPs is in line with the above principles if it comprises at least 40 % of each gender.

67. According to the Ordinance on the Textbook Standard and Members of Expert Committees for the Evaluation of Textbooks and other Educational Materials, a textbook promotes gender equality in an appropriate manner, using illustrations of the characters of both genders in equal proportions and using the nouns of both genders, especially for titles and professions, without undermining the communication level and naturalness of the Croatian language. The Ordinance is regularly applied during evaluation of textbooks.

68. In order to promote gender balance, the Act on the Financing of Political Activities, Electoral Campaigns and Referenda (2019) stipulates that for each MP or member of the representative body of a self-government unit of the under-represented gender, political parties, independent MPs and independent councillors are entitled to an allowance amounting to 10 % of the amount provided for each MP or member of the representative body of a self-government. Unlike the solution from the previous law, according to which political parties were entitled to the allowance for the under-represented gender for each elected MP or member of a representative body, the current Act establishes that the right to compensation for the under-represented sex pertains to political parties for each MP or member of a representative body of the under-represented gender (and not for each elected member). As gender representation can change during a term (by termination of parliamentary mandate or requesting inactive status and appointment of replacements), it is now more precisely regulated that the allowance for the under-represented gender is also subject to change depending on the changes in gender representation during a term of office, and is not established only once according to the composition of the initially elected MPs or members of representative bodies. Unlike the previous solution, it is now also

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<sup>5</sup> <https://hatecrime.osce.org/croatia> and <https://judskaprava.gov.hr/suzbijanje-zlocina-iz-mrznje/602>.

established that, in addition to political parties, independent MPs and councillors are also entitled to the allowance for the under-represented gender.

69. The results of the 2017 local elections show an increased proportion of women in representative bodies at local level. Women accounted for 26 % of councillors in municipalities, 27 % in cities and 27 % in counties. The proportion of women in the executive was also increased, and although no female county executive was elected, 30 % of deputy executives were women. In cities, there was a 1.6 % increase in the share of female mayors and a 4 % increase in the share of female deputy mayors. In municipalities, the share of female mayors was increased by 2 % and of female deputy mayors by around 4 %.

70. In the 2019 EP elections, Croatia elected 5 women and 7 men to the EP, the share of women amounting to 41.6 %.

71. As regards gender representation in public and political decision-making bodies and electoral slates of parliamentary political parties, out of 60 electoral slates in ten constituencies, the 40 % quota for women was not met in 14 slates (23.3 %).

72. IN the 2020 parliamentary elections, the original parliamentary mandate in the 10th convocation of the Croatian Parliament was won by 34 women (22.51 %), which is a significant progress from the 9th convocation (12.5 %). After the appointment of replacements for elected candidates who hold offices incompatible with parliamentary mandate, the total number of female MPs increased to 46 (30.4 %), which is a significant increase compared to the end of the 9th convocation (19.2 %).

73. In companies in Croatia which are listed on the Stock Exchange, there are only 10 % of women in top decision-making positions, 9.5 % of women in the position of CEO, 26.7 % in boards of directors and 4.8 % of COBs. In the top decision-making positions in trade unions, there were 24 % of women in 2018. In the decision-making positions among social partners in organisations representing employers, there wasn't a single woman in a leading position, but there were 50 % of women among the members of the highest decision-making bodies.

74. With regard to progress in the field of corporate governance and gender equality, it was pointed out in HANFA's 2019 Annual Corporate Governance Report that the new Code of Corporate Governance in the Republic of Croatia introduced for the first time a provision regulating the issue of women's share in the board of directors and supervisory board as a mandatory factor in establishing a balanced composition of the board of directors and supervisory board. The Code stipulates that, every five years, the supervisory board must set the target for the percentage of female members of the board of directors and supervisory board to be achieved in the following five years.

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

### **Answer to question No 11**

75. The National Strategy of Protection against Domestic Violence 2017-2022 contains 7 areas of action: Prevention of domestic violence, Legislative framework for protection against domestic violence, Sheltering and support for victims of domestic violence, Psychosocial treatment of perpetrators of domestic violence, Improvement of interdepartmental cooperation, Training of experts working in the field of protection against domestic violence and Sensitising the public to domestic violence issues.

76. The Act confirming the CoE Convention on preventing and combating violence against women and domestic violence was adopted on 13 April 2018, and the Convention entered into force in relation to Croatia on 1 October 2018. In May 2018, a new Handbook with Guidelines for Reporting on Domestic Violence was produced, which contains an overview of CoE recommendations on the portrayal of women in the media and an overview of the Croatian legislation containing provisions on media reporting on domestic violence.

77. The new Domestic Violence Protocol (2019) stipulates that procedures relating to domestic violence should be implemented as a matter of urgency, without delay, respecting the rights of victims and with particular sensitivity for women, children, persons with disabilities and elderly people who are victims of domestic violence.

The Sexual Violence Protocol was updated in 2018 to provide immediate, compassionate, gender-sensitive and culture-sensitive comprehensive assistance and support from all relevant institutions. The objectives of the



Protocol are to introduce a standardised procedure for victims of sexual violence regardless of age, location where the violence is committed, gender and/or other personal characteristics. Medical examinations of victims of sexual violence are carried out in general hospitals and clinics, which are required to provide the victim with urgent and comprehensive healthcare in order to preserve their physical and mental health in accordance with modern standards and practices, regardless of when the sexual violence was committed. The Ministry of Health continuously, within its means, undertakes activities to improve the system so as to ensure comprehensive healthcare for victims of sexual violence.

78. In 2018, ministers responsible for family and social welfare, police, health, education, public administration, justice and foreign and European affairs signed an Agreement on Interdepartmental Cooperation in Preventing and Combating Violence against Women and Domestic Violence and established a National Team for Preventing and Combating Violence against Women and Domestic Violence, comprising ministers signatories to the Agreement, judges of the Supreme Court and the High Misdemeanour Court, Deputy State Attorney General of Croatia and two representatives of CSOs involved in providing assistance to victims of domestic violence. County teams were also set up to prevent and combat violence against women and domestic violence.

79. In recent years, the Ministry of the Interior has invested significantly in improving the system of protection for victims of gender-based violence as well as domestic violence and other violent conduct. The improvements regard the following: establishment of minimum standards for the protection of and support to victims, informing victims about their rights, individual assessments of victims' needs, investments in capacity building, intensive and continuous training of police officers, changes in the information system, simplification of violence reporting procedure, development of new by-law solutions, scientific research and implementation of numerous prevention activities.

80. In order to systematically inform victims about their rights and possibilities of receiving support, the police have developed notification forms on the rights of crime victims, as well as notifications for victims of domestic violence (in case of domestic violence misdemeanours). The forms contain the list and contact details of the victim and witness support departments of the county courts, the National Call Centre for Victims of Crimes and Misdemeanours and the contact details of state administration bodies and CSOs dealing with victim support and protection on the territory of a police department. All forms are translated into 22 languages and must be handed to victims during police procedure.

81. During police procedure, an individual assessment of the victim is carried out in accordance with the Ordinance on the Manner of Conducting Individual Victim Assessment. Individual victim assessments with special protection measures are carried out by police officers in both criminal cases and domestic violence misdemeanour cases. Child victims of crime and domestic violence misdemeanours are always presumed to need protection measures.

82. In March 2020, the Agreement on Interdepartmental Cooperation and Coordination in the Field of Prevention of Violence and other Endangering Behaviours was concluded at local level, and city/municipal teams for preventing and combating violence and other threats were established with the aim of holding regular coordination meetings to exchange information of importance to the procedures of the competent services/institutions.

83. The MoI launched the "Behind the Door" campaign, aimed at increasing social response and recognition of violence against children, including sexual violence and violence in the digital environment during the COVID-19 pandemic, and encouraging citizens to report suspicions of abuse to the police immediately. The MoI focuses significant efforts and investments on the implementation of educational activities in the field of prevention and investigation of gender-based violence and all forms of child abuse, including active participation and organisation of cross-departmental trainings at national and regional levels. The Police Academy delivers trainings on the topic of respect for human rights, with a special focus on violence against women and domestic violence.<sup>6</sup>

84. The MoI monitors and analyses statistical indicators on the status and developments in the area of gender-based and domestic violence, i.e. violence between close persons. In order to make it easier for citizens to report violence, in addition to the usual telephone number for urgent police intervention 192 and 112 and the e-mail

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<sup>6</sup> The topics of violence against women and domestic violence have been included in the regular programmes of the Police College, the "Josip Jović" Police School, which implements the Adult Education Programme for the profession of police officer, and in various specialised seminars, courses and trainings.

address policija@mup.hr, it is possible to make an online complaint, including an anonymous one, via the *Red Button* application on the official MoI website. The website contains advice on the issues of domestic violence, sexual abuse and exploitation of children and other violations of children's rights, as well as the *Calendar of Violence* application, which enables the general public to monitor the incidence of domestic violence crimes and misdemeanours. The MoI i.e. the Police Academy participates in the implementation of the project "How Expertise Leads to Prevention, Learning, Identification, Networking and Ending Gender Based Violence (HELPLINE)" in cooperation with the non-governmental organisation B.a.B.e. ("Be Active - Be Emancipated"), the Judicial Academy, the Government Office for Gender Equality and the Slovak Institute for Labour and Family Research. The goal of the project is to protect and support victims of gender-based violence through the fight against non-reporting of such violence by laying the foundations for establishing a free and anonymous helpline for victims that would be anonymous and accessible 24/7, as well as to promote multidisciplinary cooperation between competent authorities.

85. The MoJPA coordinates the victim and witness support system. The Victim and Witnesses Support Division of the MoJPA coordinates the victim and witnesses support departments established in seven county courts, provides information to victims on the release of perpetrators from prison in accordance with the Act on Enforcement of Prison Terms, provides information and support to victims and witnesses in cross-border cases, provides information on rights in writing as well as by telephone, makes referrals to other relevant services, coordinates financial compensation to victims of crime and undertakes financial support activities for CSOs.

86. The MoJPA funds and monitors the work of the National Call Centre for Victims of Crimes and Misdemeanours, established in cooperation with the Victim and Witness Support Service Croatia. Since 25 November 2020, when the working hours of the NCC were extended, it has been available on the entire territory of Croatia every day from 00:00 to 24:00, including weekends and holidays, providing information to victims about their rights and ways of exercising them, emotional support and referrals to other institutions and organisations that can provide professional support. The NCC's availability 24/7 was ensured under the EU project "Stop Violence against Women and Domestic Violence – No Justification for Violence", implemented by the MLPSFSP, with the MoJPA and the Victim and Witness Support Service Croatia as partners in the part concerning the NCC. In order to expand the system of support for victims and witnesses and to provide support to citizens, the MoJPA has encouraged the establishment and funding of the activities of a partnership network of CSOs for support and assistance to victims and witnesses (*Network of Support and Cooperation for Victims and Witnesses of Criminal Offences*) in counties where no court departments for victim and witness support have been established. Members of the Network and the NCC also play a role in encouraging victims to report crimes through their media campaigns, presence in public space and local community, and by being available to citizens. The NCC and the Network are additionally financed from of the lottery revenue on the basis of an open call for proposals conducted by the MoJPA.

87. The website of the MOJPA contains information for victims and witnesses, there is information on victims' rights and criminal and misdemeanour proceedings, a brochure on the right to financial compensation in accordance with the Crime Victims Compensation Act and the claim form, brochure "A Guide for Victims and Witnesses in Criminal and Misdemeanour Proceedings" in Croatian and English, a leaflet of the Victim and Witness Support Department, which is also distributed to the competent authorities who come into contact with victims and witnesses in their work. Other specialised CSOs also provide assistance and support to victims of various crimes.<sup>7</sup>

88. As regards the reportedly lenient penalties imposed on perpetrators, the legal policy of punishing domestic violence and violence against close persons has been tightened, both in the sphere of criminal law and in the sphere of misdemeanour legislation. Penalties for the following crimes have also been tightened: female genital mutilation, bodily injury (inflicted on a close person), grave bodily injury (inflicted on a close person), particularly grave bodily injury (inflicted on a close person), violation of children's rights, lewd acts, sexual harassment. For the criminal offences of threat and intrusive behaviour, their commission against a close person constitutes a qualifying form of offence. Higher fines and prison sentences have also been prescribed for all forms of domestic violence in the sphere of misdemeanour liability as well as penalties for health workers, workers in social welfare institutions, persons employed in educational institutions, professional staff in religious institutions, humanitarian organisations or CSOs and all other professionals who come into contact with victims of domestic violence in their work and do not report to the police or the state attorney the domestic violence they have learned about during the performance of their tasks. The Act on Amendments to the CC, which entered into

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<sup>7</sup> <https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/iz-pravosudnog-sustava-6372/podrska-zrtvama-i-svjedocima/kontakti-organizacija-koje-pruzaju-psihosocijalnu-i-pravnu-pomoc/19915>

force on 1 January 2020, amended the concept of the criminal offence of rape to include any non-consensual sexual intercourse or an equivalent sexual act, even when there is no use of force or threat against life and limb of the victim of rape or other person. The proposed amendment resulted in the deletion of the offence of non-consensual sexual intercourse from Art. 152 CC.

89. Regarding the availability of shelters for victims of domestic violence, as of the end of 2020 there are 25 shelters for victims of domestic violence, of which 17 are funded by the MLPSFSP by an average of HRK 6,500,000.00 annually, while the 6 new shelters established in 2020 in the counties of Virovitica-Podravina, Krapina-Zagorje, Koprivnica-Križevci, Lika-Senj, Požega-Slavonia and Dubrovnik-Neretva will receive financial support from EU funds under the EU project “Ensuring a Support System for Women Victims of Domestic Violence”. The responsible authority for the project worth HRK 70,000.00 is the MLPSFSP, and the funds are intended for renovation and equipment of the facilities and the operation of shelters. There are shelters for temporary accommodation of victims of domestic violence in the City of Zagreb and in every county. Shelters are available to users and their children in case of need, and accommodation can be provided 24 hours a day at the request of the police, the social welfare centre and the victim themselves if they request accommodation in a crisis.

90. The MLPSFSP financially supports the work of counselling centres for victims of domestic violence run by CSOs and professional associations, to which it provided an annual amount of HRK 3 000 000.00 in 2019 and 2020.

91. Active 24-hour standby is available on 8 SOS phone lines in total, and the MLPSFSP financially supports the work of 7 associations and facilities for victims of violence which operate the SOS phone lines, among which is the NCC.

92. As regards legal protection against partner violence in intimate relationships, people in intimate relationships are protected from partner violence through the regulation of a number of criminal offences, aiming to protect the life, body, personal and sexual freedom of each person, for some of which (e.g. bodily injury, grave bodily injury, particularly grave bodily injury, threat, intrusive behaviour, etc.) it is provided that their commission against a close person constitutes a qualifying form of offence punishable by a more severe penalty. Moreover, for the offence of intrusive behaviour from Article 140 CC, a qualifying form and a more severe penalty is also envisaged for the commission of the offence against a person in an intimate relationship with the offender, which encompasses a wider circle of persons than the term “close person”. On 15 July 2021, the Act on Amendments to the CC was adopted, extending the meaning of the term “close person” from Article 87(9) CC to include current or former intimate partners. As a result, the commission of specific criminal offences against a current or former intimate partner constitutes a qualifying circumstance and/or is prosecuted *ex officio*.

### **Termination of pregnancy and reproductive rights (arts 2, 3, 6 and 7 ICCPR)**

#### **Answer to question No 12**

93. The rights relating to the prevention of unwanted conception or termination of unwanted pregnancy are currently regulated by the Act on Health Measures for Exercising the Right to Freely Decide on Giving Birth.

94. In order to ensure access to pregnancy termination procedures, hospitals which are registered for gynaecology and obstetrics activities are obligated to proceed as follows: if a gynaecologist expresses a conscientious objection, they are obliged to inform the patient about it, to document it in writing in their specialist report and in the hospital medical records, and to refer the patient to another gynaecologist in that hospital. If the CEO of the hospital cannot ensure the performance of a pregnancy termination procedure at the request of the patient by the hospital staff, they are obliged to hire an external associate or refer the patient to the nearest healthcare institution where it is possible to terminate the pregnancy. Consequently, a patient cannot be deprived of the right to terminate pregnancy, regardless of her residential status in Croatia.

95. Regarding the application of pain management procedures during gynaecological procedures, the MoH received the expert opinions of the Croatian Medical Association (Croatian Society for Anaesthesiology, Reanimatology and Intensive Care Medicine and the Croatian Society for Gynaecology and Obstetrics), which were transmitted to healthcare institutions with a recommendation to accept and implement them in order to ensure that patients receive the highest possible level of health protection in the area of reproductive health.

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

**Answer to question No 13**

96. The MoJPA has continuously been improving the accommodation conditions of prisoners and gradually increasing accommodation capacities, to the extent possible, especially in closed prison facilities. For example, in May 2019, by renovation and equipment of new premises, the capacity of the Bjelovar Prison was increased by 9 places in closed conditions. Furthermore, in November 2019, a new closed section for prisoners with accommodation capacity of 50 seats was established at the Požega Penitentiary by renovation and equipment of new premises. It was also planned to increase accommodation capacity for prisoners in the Glina Penitentiary by approx. 70 places, but the building in which the expansion was to take place collapsed in the devastating earthquake that hit the wider area of the Sisak-Moslavina County. In order to ensure sufficient accommodation capacity in the wake of this emergency situation and to improve the conditions of accommodation and education of minors, on 1 February 2021, a Specialised Section for Juvenile Prisoners was established and additionally equipped at the Turopolje Penitentiary. After transferring juveniles, the renovation and adaptation works started at the Požega Prison, which will ensure accommodation for additional 40 prisoners in closed conditions. Within the Požega Penitentiary, a project of extension and adaptation of a building previously used by the company “Orljava” is underway to create accommodation for additional 150 prisoners in closed conditions.

97. In relation to the standard in police cells, the competent police departments have secured adequate mattresses and bed linen for all the premises where persons deprived of liberty are placed, and they are continuously renewed in accordance with hygiene standards. As far as lighting and ventilation are concerned, adequate conditions are ensured in all accommodation facilities for persons deprived of liberty, and depending on the actual situation (observed defects, malfunctions, etc.), all defects will be rectified as soon as possible and better technical solutions provided, where necessary, within the financial means of police departments.

98. Regarding further improvement of the material conditions of pre-trial detention (investigative prison), in particular in the prisons in Osijek, Split and Zagreb, we would emphasize the following: construction works were carried out in the Osijek Prison in 2020, including: replacement of wooden joinery (windows) with PVC joinery in all rooms for prisoner accommodation; replacement of lighting fixtures with LED lighting in the entire prison facility; replacement of wooden floors in all rooms for prisoners with ceramic tiles for hygienic reasons, complete rehabilitation of sewage and plumbing installations in all sanitary facilities; ceramic wall and floor tiles were replaced in all sanitary fixtures where washbasins, toilets and mirrors with lighting fixtures have been replaced; complete renovation of the prison kitchen including sewers and plumbing, replacement of wall and floor ceramic tiles, and equipment with new kitchen appliances; complete rehabilitation of sewage and plumbing installations in the prison bathroom, replacement of floor and wall ceramic tiles, construction of partitions between showers and complete replacement of sanitary ware; replacement of worn floor tiles in all prison corridors; painting works in all rooms and corridors in the prison, and all rooms equipped with TV sets and cooling fans during the summer period; replacement of a larger number of worn beds, mattresses and wardrobe cabinets with new ones. The total value of works in the Osijek Prison was approx. HRK 2,000,000.00, financed from the state budget of the Republic of Croatia.

99. Significant progress has been made in the Split Prison over the past year in terms of improving the material conditions of pre-trial detention. Renovation of the inmate rooms was completed, sanitary facilities enclosed and new sanitary installed (where it had not been the case previously). Shared bathrooms used by detainees were renovated, and all cells are periodically painted, at least once a year. Significant rehabilitation of water pipes was carried in a part of the prison, and a room was fitted out for video calls and video visitation. In addition, facilities for the visits of inmates’ minor children were equipped. The old “peepholes” on the doors of prison cells were removed and replaced by 30x30 cm windows, which is a significant improvement in terms of security and surveillance of prisoners in cells, and additional lattice doors were set up in all the cells to be used for ventilation on hot days.

100. In the Zagreb Prison, the sanitary facilities (toilets in cells and shared bathrooms) for prisoners are gradually renovated by installing non-combustible flooring, replacing old electrical and plumbing installations and installing safety switches in bathrooms. The existing lighting system is being replaced by more advanced technology (LED lighting). First, the areas used by prisoners (visitation area) were equipped with air conditioning, and last year mattresses and linen were replaced. Prison cells and other spaces occupied by prisoners are regularly painted. Under the project “Revitalisation of prison facilities by art”, artistic interventions have been carried out in the prison. A room was equipped with furniture and art accessories for creative group activities of prisoners. Also, a visitation room was equipped with furniture, toys for children and equipment for

mother and child. The room was also equipped with air conditioning. Another room was fitted out for visiting children for all categories of prisoners, with furniture for visitors and children, as well as air conditioning. In some prison sections prisoners have been provided space for self-preparation of food, laundry washing and drying, sports activities and musical instruments. They are also equipped with computers without internet access, with associated printers. In all areas where prisoners spend time in the fresh air, canopies were built and table tennis tables installed. The procurement of fixed exercise equipment to be used by prisoners in the outdoor space is underway. The outdoor area is equipped for playing basketball.

101. In relation to the prevention of violence among prisoners, we would like to emphasize that the prevention of violence in the prison system is a top priority. The judicial police officers and all other correctional officers are focused on early detection and direct prevention of violence. Over the years, there has been a clear decrease in the number of attacks by persons deprived of liberty against prison officers, the average number of attacks over the past five years being only five attacks over a calendar year. There has been no increase in the total instances of the use of physical coercion, and there is an increasing tendency to use significantly lighter coercion means to avert danger (e.g. greater use of defence techniques and a sprayer, and less use of rubber sticks and other heavier coercion means). In addition, there were no significant fluctuations in the number of physical conflicts between prisoners over the past five years, which, compared to the previous period, has decreased by more than 25 % on average. Violence against other prisoners is sanctioned through prompt disciplinary proceedings, and if the violence has the characteristics of a criminal offence, the competent state authorities are informed in order to take measures. In addition, all judicial police officers completed the training programme on “Communication and Aggression Management”, which was also included in the standard training for new judicial police officers, as an integral part of the plan for preventing and combating inter-prisoner violence. This approach to addressing the issue of inter-prisoner violence has proved successful, since, according to all the parameters monitored, there has been no increase in inter-prisoner violence despite an increase in the number of persons deprived of liberty.

102. With regard to ensuring adequate healthcare for prisoners, the MoJPA is continuously making efforts to improve the provision of health services. There are also continuous efforts to increase the number of officers employed in prison healthcare. A legal basis has been established to allow for correctional facilities with a greater healthcare capacity to provide healthcare assistance to those with a lesser capacity. Thus the Prisoner Healthcare Department of the Valtura Penitentiary performs tasks from its scope also for the Prison in Pula-Polo when necessary, thus ensuring stability and continuity in the provision of health services.<sup>8</sup> Should there be a need for further assistance in the provision of medical care to persons deprived of liberty in the correctional facilities, it will be ensured.

## **Trafficking in persons (art. 8 ICCPR)**

### **Answer to question No 14**

103. The National Plan for Combating Trafficking in Human Beings 2018-2021 covers all aspects of the fight against trafficking in human beings and takes into account the experience of all relevant state administration bodies, CSOs and international organisations. It draws particular attention to further strengthening of cooperation between DORH and the Ministry of the Interior in criminal proceedings involving trafficking in human beings, improvement of the methods of identifying the victims of trafficking in human beings and protection of the best interest of the victims of trafficking in human beings.

104. The Government of Croatia adopted a new Protocol on Identification, Assistance and Protection of Victims of Trafficking in Human Beings and a Protocol for Voluntary and Safe Return of Victims of Trafficking in Human Beings in 2017, and a new Protocol on Integration/Reintegration of Victims of Trafficking in Human Beings in 2019.

105. By the end of 2021, the legislative framework is planned to be improved with the aim of ensuring the protection of victims of trafficking in human beings, and detecting, prosecuting and adequately sanctioning the perpetrators of trafficking in human beings and to adopt a Protocol on the Exchange of Data on Identified Victims of Trafficking in Human Beings. The aim of this Protocol is to improve the database of cases of

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<sup>8</sup> In 2019, the Prison in Pula-Pola took on an employee for a fixed term as a substitute for the nurse absent for a longer period, thus filling the 3 systematised positions of nurse. In 2019, the Požega Prison took on an employee for a fixed term as a substitute for the nurse absent for a longer period, thus filling the 2 systematised positions of nurse.

trafficking in human beings and the prosecution of the perpetrators of trafficking in human beings and related offences.

106. A number of activities have been carried out with a focus on the identification of victims and implementation of multidisciplinary measures and activities to detect and combat all forms of trafficking in human beings and prosecute the perpetrators. Furthermore, activities have been undertaken to intensify cross-border cooperation through timely exchange of information between law enforcement authorities and joint operational actions among EU member states. In preparation for the tourist season as well as during the tourist season, police officers in police departments increased their daily inspection of open sources on the internet, as well as the press advertising “well-paid jobs”, which could be a cover for labour, sexual or other types of exploitation of victims, and they took further measures and actions accordingly. Particular attention was paid to a number of activities, such as the continuous surveillance of nightclubs, frequent nautical marinas across the Adriatic coast and attractive tourist destinations, as well as agricultural, rural and other farm estates which employ additional labour during the season, with the aim of detecting and recording possible indicators of elements of the crime of trafficking in human beings.

107. In relation to the implementation of systematic forms of crime prevention, with particular focus on the forms of trafficking in human beings, cooperation has been developed between border police officers, police departments along the coast and competent police stations along the border with BiH, with the aim of joint enhanced actions to detect potential victims of human trafficking and perpetrators of the crime. Police officers for illegal migration and the criminal police have established cooperation with the employees of tourist boards and labour inspectors of the State Inspectorate of Croatia in order to gather useful information on the basis of which foreigners’ stay in tourist accommodation was supervised. Indicators, guidelines and tools have been developed for identifying victims of trafficking among migrants and applicants for international protection, as well as indicators for identifying child victims of trafficking. In 2019, practical guidelines entitled “Identification of Victims of Human Trafficking in Countries of Transit and Destination in Europe” were published in Croatian and English, which is a significant step forward in the development of capacities for identifying victims among migrants. The guidelines are intended for use by the employees of the Croatian Red Cross and other CSOs, border police, experts involved in the National Referral System for Combating Trafficking in Human Beings in Croatia and all other persons in direct contact with migrants. The guidelines were accompanied by the leaflet “Living and Working in Croatia”, intended to raise awareness of the potential risks of human trafficking on the labour market. The leaflet was published in English, Arabic, Farsi and Croatian, and is intended for applicants for international protection and the migrant population in general. In addition, infocards on the risks of trafficking in human beings and posters in English, Pashto, Farsi and Arabic were published. The materials are intended for both adults and children.

108. In relation to the position of the victim in criminal proceedings and measures for detecting, prosecuting and sanctioning perpetrators, there is a growing number of activities aimed at prevention and early detection of victims, in particular children and women victims of trafficking in human beings. During the criminal proceedings, DORH pays special attention to the application of the provisions of the CPA, which, in addition to the rights enjoyed by the victims of any criminal offence, confers additional rights on the victims of trafficking in human beings, with the aim to ensure that the victim has access to justice and is not exposed to further victimisation. Also, the amendment of the CC provided for the possibility of delayed prosecution, available to child victims, stipulating, *inter alia*, that if the crime of trafficking in human beings is committed to the detriment of a child, the limitation period for prosecution starts to run from the age of majority of the victim.

109. Civil servants of the MoI regularly participate in trainings on dealing with vulnerable groups, including victims of trafficking in human beings, in order to better identify potential victims and facilitate their access to necessary support. In 2019, they participated in the workshop “Developing guidelines for the treatment of sexual violence against children and women refugees and migrants” organised by IOM as part of the PROTECT project, as well as in the training module “Trafficking in Human Beings” of the European Asylum Support Office (EASO), followed by a four-week national online training in April 2020 (over 30 participants).

In 2019, a national training was held on the EASO module “Interviewing Vulnerable Persons”, for over 30 civil servants of the Ministry of the Interior who conduct interviews with applicants for international protection. In 2019, the EASO module “Interviewing Children” was delivered, and in 2020, civil servants working with applicants for international protection participated in the EASO training module “Gender, Gender Identity and Sexual Orientation”.

Police officers participate in trainings under the auspices of CEPOL (EU Agency for Law Enforcement Training). Furthermore, the Police Academy conducts trainings on the topic of respect for human rights, with a special focus on trafficking in human beings, among other things<sup>9</sup>.

110. The Judicial Academy carried out the following training courses on combating trafficking in human beings within the lifelong professional development of judicial officials:

- 2015 – workshop “Prosecution of the crime of trafficking in human beings” for judges and prosecutors, 17 participants
- 2018 – in cooperation with the Police Academy, two workshops on “Tackling trafficking in human beings” for criminal judges and judicial advisors in municipal and county courts, deputy state attorneys, state attorney advisors specialising in trafficking in human beings and police officers; 74 participants
- 2019 – in cooperation with the Police Academy, two workshops on “Tackling trafficking in human beings” for criminal judges and judicial advisors in municipal and county courts, deputy state attorneys, state attorney advisors specialising in trafficking in human beings and police officers; 107 participants.

111. From 2015 to 2019, judicial officials participated, via the JA, in three international seminars and one international conference abroad on the crimes of trafficking in human beings and related topics, as follows:

- 2015 – international seminar on “Financial investigations and confiscation of proceeds from crime in the context of investigations in trafficking in human beings”
- 2016 – international conference “Trafficking in human beings and crimes related to refugees”
- 2017 – international seminar “Financial investigations and confiscation of proceeds from crime in the context of investigations in trafficking in human beings”
- 2018 – international seminar “Financial investigations and confiscation of proceeds from crime in the context of investigations in trafficking in human beings”.

112. For each law association, the Croatian Bar Association maintains special lists of lawyers specialised in providing legal assistance to victims of trafficking in human beings, and training on the subject is provided for lawyers included in these lists.

113. Statistics related to trafficking in human beings can be found in the annex.

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

### **Answer to question No 15**

114. More than 700,000 persons with the status of internally displaced persons and refugees were registered in Croatia during the Homeland War and war conflicts in BiH. The Act on the Status of Internally Displaced Persons and Refugees regulates the issue of acquisition and termination of the status of persons whose right to a home has been addressed through a reconstruction programme and a housing care programme. Of the 655 persons registered in 2015 as internally displaced persons, returnees and refugees, 27 persons remained in such status at the beginning of 2021, and procedures before the competent administrative authorities regarding the review of their status are underway. Since the beginning of the process of return in 1995, 316,356 returnees registered their return to Croatia, of which 106,884 members of minorities. In 1995, more than 500 buildings were used to accommodate displaced persons and refugees, all of which have been closed by now.

115. In relation to the category of returnees who are former tenancy rights holders, out of a total of 3,030 outstanding housing claims registered in 2015, 60 remaining pending applications were recorded as of 31 December 2020, which are handled at first instance by the competent administrative departments in the counties, set up for the performance of delegated state administration tasks. The timeframe for dealing with applications depends to a large extent on the availability of housing applicants, as they are residing outside Croatia.

116. As part of the multiannual RHP, developed with the aim of permanently addressing the housing needs of the most vulnerable categories of internally displaced persons and refugees, which began with the 2005 Sarajevo Declaration and continued with a joint declaration signed by the foreign ministers of Croatia, BiH, MN and RS in Belgrade in 2011, housing care programmes are being implemented in Croatia, BiH, MN and RS. In 2013,

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<sup>9</sup> The topics of trafficking in human beings were included in the regular programmes of the Police College, the “Josip Jović” Police School, which implements the Adult Education Programme for the profession of police officer, and in various specialised seminars, courses and trainings.

Croatia and the CoE Development Bank (CEB) signed a Framework Agreement defining the legal framework for the use of funds from the RHP Fund, and the entire programme is implemented in accordance with the provisions of the Agreement and the Act Confirming the Framework Agreement between Croatia and the CEB in Connection with the Regional Housing Programme. Donor funds are allocated in a ratio of up to 75 %, while the rest is financed by national contributions. The selection of persons to participate in a regional housing programme is carried out in cooperation with the UNHCR. The programme is managed by the CEB, within which the RHP Fund was established for the purpose of allocating donor funds to partner countries. The main donor of the programme is the EU, while the CEB acts as the programme secretariat, RHP fund manager and the financial institution. The planned number of persons taken care of through the RHP programme has changed over time because the envisaged resources of the Fund have also undergone changes since the initial idea, the signing of the joint declaration of ministers and the beginning of the implementation of the programme, and in the meantime Croatia has become an EU member. So far, Croatia has been approved the financing of nine sub-projects. To date, the accommodation capacity for 325 families has been built and secured. The Central State Office for Reconstruction and Housing Care currently has EUR 17.1 million at its disposal. The estimated costs are EUR 23,225,346.00 excluding VAT, and Croatia's contribution excluding VAT is EUR 6,102,210.00. The contractual amount of the grant excluding VAT is EUR 17,123,136.00, and the envisaged deadline for completion of the programme is 30 June 2022. Within nine sub-projects, 410 families are planned to be taken care of through the RHP.

117. As regards the restitution of property granted for temporary use to internally displaced persons and refugees, out of a total of 19,278 housing units used through the temporary use programme under the Temporary Takeover and Management of Certain Property Act, by 2015 all the property had been returned to the owners, except in 64 cases. To resolve the remaining cases, all actions were taken to secure replacement dwellings in case temporary tenancy holders had a right to housing, or otherwise procedures were taken to remove them from private property. Since 2015, in 58 cases, seized property has been returned in this way. For the remaining 6 cases, proceedings are pending before the judicial or competent administrative authorities with the aim of eviction of the temporary tenancy holders and restitution of property to the owners.

118. In 2018, the MoI and IOM signed an Agreement on Direct Financial Allocation for the Implementation of the "Assisted Voluntary Return" Project under the Asylum, Migration and Integration Fund. The purpose of this project is to establish a system and implement an assisted voluntary return programme for third-country nationals illegally staying in Croatia, applicants for international protection and other third-country nationals who wish to return voluntarily to their country of origin or another third country through the programme. Assisted voluntary return measures include medical examinations and assistance, including pre-departure accommodation, travel arrangements, financial contributions, and pre-return advice and assistance.

#### **Answer to question No 16**

119. 1917 applications for international protection were submitted in Croatian in 2017, 917 applications in 2018, 1485 applications in 2019, and 1 659 applications in 2020. International protection was granted to 211 persons in 2017, 265 persons in 2018, 158 in 2019, and 42 persons in 2020.

120. Pursuant to the Act on International and Temporary Protection, the CSORHC has provided housing to asylum seekers and foreign nationals under subsidiary protection since 2017. Between 2018 and 2019, 732 persons with granted international protection were accommodated in housing units leased by third parties or in state-owned housing units. During the same period, 64 state-owned housing units were renovated and equipped with the support of the Migration and Asylum Fund (AMIF).

121. In recent years, the national housing programme has been executed to almost 100 % in relation to the funds allocated from the state budget, which constitutes the biggest contribution to resolving the housing issues of people who wish to live in one of the assisted areas, i.e. in the areas of special state concern. Funds allocated in the state budget for the National Housing Care Programme for 2020, amounting to HRK 111 million, were more than double the amount from 2015, whereby the physical scope of housing care was also doubled. Since 2015, HRK 127,663,808.33 has been spent and 415 family houses renovated. In 2020, HRK 22 449 996.87 were spent and 75 family houses were renovated. Ethnicity is not a condition for exercising the right to housing within the scope of the CSORHC.

122. Since 2015, Croatia has been continuously exposed to an increased pressure from unlawful migrants, and since the end of the major migration wave in 2016, the Croatian border police have consistently implemented measures to protect the external border of the EU in accordance with the Schengen Borders Code. In 2019, the Croatian police arrested more than 1000 people for smuggling migrants and assisting in illegal border crossings.



123. Due to the sensitive nature of police conduct at the border, the MoI has established active cooperation with international organisations and CSOs for human rights protection. In cooperation with the UNHCR, IOM, the Croatian Red Cross and the Croatian Law Centre, trainings were organised and conducted for police officers at the external border regarding access to the asylum system and protection of the human rights of migrants, provision of emergency medical assistance and health protection, basics of humanitarian law, etc. In cooperation with the UNHCR and the Croatian Law Centre, a special control mechanism for police conduct at the external border has been established, the so-called Border Monitoring, as a fully independent and objective mechanism, and the project was fully funded by the UNHCR. This project was implemented from 2008 to 2014 and in 2018 and 2019. Croatia was the first EU Member State to establish a new independent monitoring mechanism for police conduct at the border in line with the proposal of the new EU Pact on Migration and Asylum, implemented on the basis of an Agreement between the Ministry of the Interior, the Academy of Legal Sciences of Croatia, the Croatian Academy of Medical Sciences, the Croatian Red Cross the Centre for Cultural Dialogue and a legal expert for migration and asylum from the Faculty of Law of the University of Zagreb, which was concluded on 8 June 2021. In addition to activity implementers who conduct announced and unannounced on-site supervision at police stations, border crossing points, migrant reception centres and detention centres, and the Coordination Committee comprising representatives of the NGOs parties to the Agreement, the new mechanism also has an Advisory Committee involving the UNHCR, IOM, the EU Agency for Fundamental Rights, FRONTEX, the European Asylum Support Office, the People's Ombudsperson, the Children's Ombudsperson and the Ombudsperson for Gender Equality.

124. The Office of the People's Ombudsperson regularly monitors the police treatment of migrants within the scope of the People's Ombudsperson Act and the Act on the National Preventive Mechanism for the Prevention of Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, pursuant to which the Ombudsperson is authorised to make announced and unannounced visits and to inspect the premises where persons deprived of liberty are kept, as well as to have free access to data on the number of persons deprived of liberty.

125. In addition to the supervision of police conduct by state institutions and CSOs and international organisations, Croatia is ready to conduct FRONTEX surveillance through the Serious Incident Reports mechanism. The establishment of the FRONTEX mechanism of green border surveillance is one of the options proposed by the Ministry of the Interior in the past period, since it would be carried out by persons with professional experience and expertise. Also, the MoI has conducted several joint operations with FRONTEX, and it is particularly important to emphasise the use of FRONTEX aircraft for the surveillance of the external border of the EU (borders between Croatia and RS and BiH as well as maritime boundaries between Croatia and MN).

126. FRA monitors the protection of human rights through internally established mechanisms consisting of field visits, submission of questionnaires and reports. FRA has concluded a partnership agreement with some CSOs, and in cooperation with the Faculty of Law of the University of Zagreb, it issued a document "Practical Guidance for Border Guards" in 2020, which provides, in a simple and comprehensible manner, guidelines for border police treatment of persons detected in illegal crossings of the external border, with an emphasis on the protection of human rights.

127. As regards the alleged unlawful treatment and use of force against migrants by police officers, all reports received so far by the MoI have been checked, but it should be borne in mind that those reports generally do not contain sufficient information for criminal investigation. However, in all the reported cases detailed on-the-spot checks were also carried out, and it was only in very few cases that the behaviour of police officers was found unacceptable, and they were sanctioned. Furthermore, the Police Academy conducts trainings on the topic of respect for human rights, with a special focus, among other things, on the protection of the rights of migrants and asylum seekers.

128. Croatia will continue to prevent possible cases of statelessness through national legislation, paying particular attention to the Roma population, persons without an established identity i.e. "undocumented" persons and the so-called succession or transition cases (persons of undetermined citizenship status upon the dissolution of the former SFRY). Through the 2019-2020 Action Plan for the Implementation of the National Roma Inclusion Strategy 2013-2020, the level of awareness was raised and Roma community members were encouraged to full cooperation in procedures for resolving their status, and a mechanism was put in place to address Roma status issues more quickly and efficiently.

129. Apart from legislation and practice, special attention in addressing statelessness has been paid to the training of civil servants dealing with the issue of statelessness, who will give their contribution by sharing experiences with other countries as well as by further cooperation with international organisations and CSOs which provide support to stateless persons.

## **Administration of justice and fair trials (art. 14 ICCPR)**

### **Answer to question No 17**

130. The Constitution of the Republic of Croatia stipulates that the President of the Supreme Court is elected and dismissed by the Croatian Parliament at the proposal of the President of the Republic of Croatia, after obtaining a prior opinion of the General Session of the Supreme Court and the competent parliamentary committee, and that the President of the Supreme Court is elected for a term of four years. In view of the limitations set out in the abovementioned constitutional provisions, the amendments to the Courts Act in force as of 1 January 2019 elaborate in more detail the procedure of appointment and termination of office of the President of the SC, in line with GRECO's recommendations for a restriction to a maximum of two mandates and the implementation of the appointment procedure with a defined role of the SJC, and an obligation for all candidates to submit a work programme, in order to increase transparency and minimise the risk of undue political influence.

131. The Act stipulates that among candidates who meet the general and special requirements for a judge of the Supreme Court, the President of the Supreme Court is elected for a four-year term by the Croatian Parliament at the proposal of the President of the Republic of Croatia, after obtaining a prior opinion of the General Session of the Supreme Court and the competent parliamentary committee, whereby no one can be elected to the position more than twice. The authority to initiate the procedure of election of the President of the SC was given to the SJC, which publishes a public call no later than six months before the expiry of the term i.e. no later than 30 days after the termination of office of the President of the Supreme Court. The public call is published in the Official Gazette *Narodne novine* and on the SJC's website. Prescribing the publication of a public call for interested candidates and publication of their CVs and work programmes strengthens the transparency of the procedure. Candidate applications are submitted by the SJC to the Office of the President of Croatia, which then requests an opinion on the candidates from the General Session of the SC and the relevant CP committee. For a decision of the General Session of the SC to be valid, the presence of a simple majority of all Supreme Court judges is required and that decisions are adopted by a majority vote of all Supreme Court judges. The working body of the CP (Committee on Justice) takes decisions by a majority of the votes cast if a majority of its members are present at the meeting of the working body. The opinion of the Committee is made public. The decision on the appointment and dismissal of the President of the Supreme Court is taken by the Croatian Parliament by a majority of votes cast if a majority of MPs are present at the sitting. The SJC draws up a list of candidates for the President of the SC without ranking them, and the President of Croatia may request a prior opinion from the General Session of the SC and the parliamentary Committee on Justice for any candidate, for several or even all candidates. Since the prior opinions are not binding, the President of Croatia is not bound by them when selecting the candidate to propose to the Parliament.

132. Laws are constantly being amended to speed up procedures and improve the efficiency of the justice system. A major objective has also been to reorganise the justice system to increase its efficiency and to achieve a more balanced distribution of workload for judicial officials. The latest reorganisation of the judicial system in 2018 was implemented through the adoption of the Act on the Territories and Seats of Courts and the Act on the Territories and Seats of State Attorney's Offices, and partly through amendments to the Courts Act and the Misdemeanour Act. The new network of judicial authorities started to operate on 1 January 2019. The reorganisation was primarily carried out through mergers of municipal and misdemeanour courts and the correction of the existing network of municipal and commercial courts and municipal state attorney's offices. On the one hand, the total number of courts was reduced and, on the other hand, the number of cities where the courts are based was increased.

133. A large number of reform activities in the judiciary focus on the continuous reduction of backlogs (e.g. reorganisation of the network of courts and state attorney's offices, changes to procedural regulations, improvement of modern technologies in the judiciary, improvement of material conditions for the work of judicial authorities, etc.) and in particular on the reduction of the so-called backlog of old court cases (cases older than 10 years). With the aim of speeding up proceedings in municipal, county and commercial courts and the High Commercial Court of the Republic of Croatia, a systematic monitoring of the work of courts on those cases began in 2017. For this purpose, a special database was created and regular communication with court presidents established, and regular monthly reports are submitted to the MoJPA. From the end of 2017 to the end

of 2018, there was a significant decrease in the backlog of old cases in all types of courts (by 24 %, which is a significantly better result than at the end of 2017). At the end of 2019, there was also an overall decrease in the backlog of old cases, although by a slightly lower percentage than in the previous period (in 2019, the courts were burdened by an increased influx of simple consumer bankruptcy and litigation cases in municipal courts due to lawsuits against banks over Swiss franc-denominated loans).

134. Funds for organising and providing free legal aid are allocated in the state budget and have been continuously increased, depending on the possibilities and limitations of the state budget. By comparison, the total funds disbursed for the provision of free legal aid in 2019 were 44 % higher than in 2014, when the current Free Legal Aid Act entered into force. In the last four years, resources for the provision of primary legal aid have been significantly increased, while resources for the provision of secondary legal aid have remained at the same level. In 2017, funds disbursed for the provision of primary legal aid were increased by 50 % compared to the previous year, by an additional 25 % in 2018 and by an additional 47 % in 2019 and by additional 10 % in 2020. In 2019, the share of funds disbursed for the provision of primary legal aid amounted to 50 % of the total amount of funds disbursed for free legal aid, whereas in 2020 this share amounted to 58 %.

135. The tender procedure for the acceptance of projects by associations and law faculties authorised for the provision of primary legal aid is carried out on the basis of:

- Free Legal Aid Act, which provides for one-year project funding,
- Ordinance on Criteria for the Evaluation of Projects of Associations Authorised for the Provision of Primary Legal Aid and Legal Clinics, and on the Manner of Reporting on Procedures for Obtaining Legal Aid, which further specifies the criteria for the evaluation of projects and the documents applicants are required to submit, and
- Decree on Criteria, Benchmarks and Procedures for Financing and Contracting Programmes and Projects of Interest for the Common Good Implemented by Associations, which sets out in detail the criteria, benchmarks and procedures that all competent state administration bodies must apply in respect of funds from public sources when financing and contracting projects of interest to the common good carried out by associations. The Decree prescribes a complex procedure comprising several stages, with the aim to select the best quality projects and to ensure transparency in the allocation of financial resources.

136. The tender is launched by the end of January of the current year, and according to the indicative timetable for the implementation of the tender, which is part of the tender documentation, the conclusion of a contract with the selected project applicants and the disbursement of funds is carried out in May of the current year. Although the disbursement of funds for primary legal aid projects was delayed in previous years, the MoJPA made improvements in the organisational capacities and human resources, and consequently disbursed the funds for implementing primary legal aid projects in 2019 and 2020 according to the indicative timetable, whereby the largest number of primary legal aid projects was financed and the biggest overall amount was allocated to primary legal aid projects thus far.

137. Information about the free legal aid system, apart from the MoJPA website, is available on the websites of the counties and the City of Zagreb, authorised associations and legal clinics, and the Central Government Portal. In addition, authorised associations and legal clinics, as part of their projects funded by the MoJPA, inform citizens on an annual basis about the possibilities of exercising the right to primary legal aid by printing leaflets, brochures, posters or advertising via radio stations.

138. In accordance with Article 21 of the Legal Profession Act, the CBA provides free legal aid.

Consequently, the CBA received:

- 378 applications for the appointment of a legal representative without the right to a fee in 2017, and free legal aid was granted in 197 cases;
- 374 applications for the appointment of a legal representative without the right to a fee in 2018, and free legal aid was granted in 216 cases;
- 267 applications for the appointment of a legal representative without the right to a fee in 2019, and free legal aid was granted in 146 cases;
- 246 applications for the appointment of a legal representative without the right to a fee in 2020, and free legal aid was granted in 155 cases.

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

### **Answer to question No 18**

139. With regard to cases of harassment of members of the Serbian Orthodox community and vandalism of their sacral architecture, in accordance with the new Hate Crime Protocol (in force since April 2021), hate-motivated crimes are categorised according to the motivation set out in Article 87(21) of the CC. According to this methodology, criminal offences are registered according to the group of motifs (e.g. national and ethnic affiliation) and a subcategory of motivation (e.g. members of the Serbian national minority, members of the Italian national minority, etc.), which makes the specific motivation of perpetrators clearer.

140. The Act on the Restitution of and Compensation for Property Expropriated during the Yugoslav Communist Regime lays down the conditions for exercising the right to the restitution of property seized during the Yugoslav communist government. The MoJPA as the appellate body does not have any pending restitution cases concerning the property of the Coordination of Jewish Municipalities and the Serbian Orthodox Church.

141. With regard to reports that some public health institutions have denied surgery to Jehovah's Witnesses who refused blood transfusions because of their religious beliefs, it was established on the basis of statements received from hospitals that a significant proportion of hospitals ensure the application of diagnostic procedures and treatments taking into account the religious beliefs of members of the Jehovah's Witnesses. If health institutions do not have the necessary capacity, including special equipment and trained personnel for the care of such patients, they will refer the patient to a doctor or medical institution capable of carrying out the relevant type of treatment. Health institutions carrying out interventions in accordance with the religious beliefs of the Jehovah's Witnesses are evenly distributed, and they are not denied the right to healthcare guaranteed by statutory health insurance. If a diagnostic treatment procedure cannot be performed in public health institutions in Croatia, there is a legally regulated possibility of referral abroad, which is a matter of decision by the Croatian Health Insurance Institute.

## **Freedom of expression (art. 19 ICCPR)**

### **Answer to question No 19**

142. General protection of journalists against intimidation, physical attacks and violence is achieved through a number of criminal offences provided for in the CC, such as bodily injury, grave bodily injury, particularly grave bodily injury, intrusive behaviour. Additional protection of the journalistic profession is ensured through the provision of a criminal offence of threat, where threatening a journalist in relation to their work is prescribed as a qualifying circumstance, thus subject to *ex officio* prosecution, with the envisaged prison sentence between six months and five years. The protection of the journalistic profession is also ensured through the provision of a criminal offence of violation of the freedom of thought and expression. It is a general criminal offence, committed by whoever denies or limits the freedom of speech or public expression, the freedom of the press or other media of communication or the free establishment of mass media, whoever orders or practices censorship or unlawfully denies or limits a journalist's freedom to report, and whoever unlawfully prevents the publication, sale or distribution of books, magazines, newspapers or other printed matter, or the production and broadcasting of radio and television programmes, news agency programmes or the release of other media content. The statistics on harassment and attacks on journalists can be found in the annex.

143. As regards the decriminalisation of defamation, defamation is the most serious criminal offence against honour and reputation, which can only be committed with direct intent. It is required by law that, at the time of the offence, the offender was aware of the falseness of the factual claim they were making. Therefore, this provision does not call into question the freedom of thought and expression, but, in view of the potentially extremely serious consequences for the injured party, penalises the intentional assertion or dissemination of falsehoods. As it is penalised only by a pecuniary fine, defamation has come close to misdemeanours with regard to its gravity, but its retention in the CC serves to indicate its stronger social risk. The offence of grave shaming was decriminalised in 2019, retaining the right of the injured party to claim damages in civil proceedings. This legislative framework makes it possible, on the one hand, to prevent interference with media freedom and, on the other hand, to sanction those socially unacceptable behaviours which violate or threaten personal freedoms and rights of man as well as other rights and social values guaranteed and protected by the Constitution of the Republic of Croatia and international law.

144. As regards the claim that the common practice of initiating lawsuits against journalists and media outlets for violations against honour and reputation and the disproportionate monetary sanctions have a deterrent effect on the exercise of their freedom of expression, the existence of ‘conflict’ between the two constitutional principles – freedom of thought and expression and the right to honour and reputation – which the Constitution does not address directly, has been resolved through the CC. On the one hand, it protects the dignity and reputation of citizens by prescribing crimes against honour and reputation and, on the other hand, it envisages grounds for excluding unlawfulness. The relevant provisions of the CC aim to protect honour and reputation, and constitute a guide for the courts, which, in each individual case, have to resolve the conflict and determine whether there is criminal liability.

#### **Answer to question No 20**

145. In accordance with the Croatian Radio and Television Act, the HRT is independent of any political influence and pressure from promoters of commercial interests. The law requires the HRT to respect and encourage pluralism of political, religious, philosophical and other ideas and to enable the public to be aware of these ideas; the HRT cannot represent in its programmes the views or interests of a particular political party or any other individual political, religious, philosophical or other views or interests. The Act also prescribes the HRT’s obligation to deal impartially with political, economic, social, religious, health, cultural, educational, scientific, environmental and other issues, allowing the confrontation of different viewpoints. The public media service is organised in accordance with the European cultural acquis to serve the society, create public goods and guarantee the development of a democratic society. The HRT was founded to safeguard and promote European values and human rights, Croatian national and cultural values and contribute to the creation of a modern Croatian society through its quality, credible and diverse programme and services.

146. With regard to ensuring adequate financial resources for the effective implementation of the Act on the Protection of Reporters of Irregularities (Whistleblower Protection Act), ca. HRK 1,300,000.00 in total is foreseen for the first year of application of this Act, with an approximate cost structure as follows:

- ca. HRK 1,000,000.00 for expenditure on employees;
- ca. HRK 300,000.00 for the public promotion of the law (flights and brochures, round tables, media presentations and campaigns, workshops, web presentations, videos, etc.).

#### **Participation in public affairs (art. 25 ICCPR)**

#### **Answer to question No 21**

147. In 2017, the Government of Croatia adopted the Operational Programmes for National Minorities 2017-2020. Among the activities was the development of a methodology for monitoring the exercise of the right of priority in the employment of members of national minorities in state administration and in the bodies of local and regional self-government units, in order to obtain more detailed information on the exercise of the right of priority in employment, in accordance with Article 22(2) of the CARNM. In March 2019, the then Ministry of Public Administration sent a circular to the bodies subject to said provisions of the Constitutional Act, with instructions on the manner of recording and monitoring admission to the civil service on the basis of priority in employment, and on reporting it to the Ministry. Consequently, data was collected on the number of public competition procedures and internal vacancy notices in 53 state administration bodies and administrative and professional services and offices of the Government of Croatia, number of civil service posts and vacancies for permanent and fixed-term employment, number of candidates who invoked in their job application the right of priority in employment based on national minority status, and the number of candidates belonging to specific national minorities who were employed either on the basis of the highest score achieved in the selection test and interview or on the basis of invoking the right of priority. In addition, data on invoking the right of priority in employment in 2019 were also collected via the e-System for monitoring the implementation of the CARNM from 78 local and regional self-government units which are obligated to employ national minority members. In 2020, the collection of data on the exercise of the right of priority in employment by persons belonging to national minorities in the state administration and in the LRSGUs bodies continued, and the scope of monitoring was extended to include judicial authorities.

148. At the same time, other measures aimed at achieving the right of priority in employment continued to be implemented, as follows: All state bodies have to announce their public competitions for permanent employment in the state civil service in the Official Gazette of the Republic of Croatia (*Narodne novine*), on their websites

and the website of the Ministry of Justice and Public Administration. The competent employment service must also be notified of public competitions announcements. Vacancy notices for fixed-term employment in the state civil service are to be published on the website of the body concerned as well as the website of the MoJPA, and via the competent employment service. The MoJPA continuously monitors the legality of the submitted texts of public competitions and vacancy notices, and has instructed state bodies about the obligation to include the text about the right of priority in employment for national minority members under equal requirements. National minority members are instructed about their right to invoke the right of priority in employment under Article 22(2) of the CARNM, without the need to submit proof of their nationality. The MoJPA informs national minority members on the mentioned right in replies to queries received via email and telephone, as well as on its website. Since the 2020 Act on the Execution of the Croatian State Budget contained a ban on new employment, a civil service recruitment plan for state administration bodies and professional and administrative services of the Government of Croatia for 2020 was not adopted. Consequently, the recruitment of persons belonging to national minorities in accordance with the provisions of the Civil Service Act could not be planned.

149. The State Judicial Council Act stipulates that that in the process of appointment of judges the representation of judges affiliated with national minorities must be taken into account, and that candidates applying for vacant judge positions are entitled to invoke their rights as members of national minorities pursuant to the provisions of the CARNM. By the same token, the State Attorneys Council Act stipulates that in the process of appointment of state attorneys the representation of national minority members must be taken into account, and that candidates applying for vacant state attorney positions are entitled to invoke their rights as members of national minorities pursuant to the provisions of the CARNM. The Civil Service Act, which also applies to officials in judicial authorities, stipulates that the Civil Service Recruitment Plan lays down the number of job positions filled by national minority members and the plan for recruiting the necessary number of national minority members to achieve representation. The Courts Act stipulates that the representation of national minorities must be taken into account in the recruitment of judicial officials and other court employees. The Judicial Trainees and Bar Examination Act stipulates that in case there are more candidates who achieved the same overall score than there are vacant trainee positions, candidates with the right of priority under a special law will be selected.

150. The procedure for admission to the civil service in judicial authorities is carried in accordance with the Civil Service Recruitment Plan for Judicial Authorities, adopted by the MoJPA, lays down the number of job positions to be filled by national minority members and the plan for recruiting the necessary number of national minority members to achieve representation in line with the CARNM. When developing the Recruitment Plan, account shall be taken of the actual needs of the judicial authorities to fill vacant civil service posts and the financial resources allocated for recruitment.

151. Furthermore, in order to achieve an adequate representation of members of national minorities in the competition for enrolment in the Adult Education Programme for the profession of police officer, in addition to the requirements prescribed for all Croatian citizens, the possibility for candidates to invoke the right of priority under equal requirements is indicated. The right applies primarily to Croatian veterans and their family members (children in this case) and members of national minorities.

#### **Answer to question No 22**

152. Electoral legislation in Croatia regulates four types of elections, based on four separate laws: election of members of the Croatian Parliament, election of the President of the Republic of Croatia, local elections, and election of members of the EP from the Republic of Croatia.

153. All political parties registered in Croatia on the date of entry into force of the decision on calling an election have the right to propose party candidate slates for the election of members of the CP, and voters can propose candidate slates on the basis of legally collected signatures. Candidates for the president of the Republic of Croatia can be nominated by registered political parties and voters individually or collectively. In local elections, the authorised nominators of candidate slates and candidates are political parties registered in the Republic of Croatia on the date of entry into force of the decision on calling the election and voters. In elections for members of the EP, the authorised nominators of candidate slates are all political parties registered in the Republic of Croatia on the date of publication of the decision on calling the election and voters who propose candidate slates on the basis of legally collected signatures.

154. The possibility of individual nomination of independent candidates in elections in Croatia in accordance with the relevant electoral laws, without being on a candidate slate with other candidates, is envisaged for the election of the president of the Republic of Croatia, for members of the Croatian Parliament representing

national minorities, and in local elections in the part relating to the election of mayors (of municipalities and cities), county executives and their respective deputies.

155. Regarding the part of the question relating to a valid identity card as a precondition for inclusion on the voters list at the polling station, we emphasize that only voters who have a valid identity card can be entered on the voters list. However, voters who do not have a valid identity card may exercise their right to vote at the polling station on the day of the election by means of a certificate issued by the competent administrative authority in a county or the City of Zagreb, which keep the electoral register according to the place of residence of the voters.