



REPUBLIKA HRVATSKA  
PUČKI PRAVOBRANITELJ

# Summary Report of the Ombudsman for 2014

Zagreb, 31 March 2015

## 1. INTRODUCTION

The Ombudsman's Report to the Croatian Parliament for the year 2014 includes all competences of the institution of Ombudsman under the Ombudsman Act, the Anti-Discrimination Act and the Act on National Preventive Mechanism, and it is based on citizens' complaints when they feel discriminated against or think that their human rights were violated or restricted, whether it involves a procedure before public law bodies, protection of human rights in a wider sense or restriction of their freedom of movement. This report is based on the procedures conducted on the grounds of citizens' complaints or on the initiative of the Ombudsman's Office (hereinafter: the Ombudsman), and on the responses received from state bodies, non-governmental organisations, social partners, religious communities and others, as well as on other sources of information, such as reports and other available materials from different actors, media reports, expert articles and research studies.

In addition to statistical data on the Ombudsman's activities, this report contains data on the occurrences of discrimination from our scope of activities and consolidated data from all ombuds institutions. The analysis and assessment of the situation on human rights and anti-discrimination are given within specific areas. In cooperation with numerous domestic and international stakeholders, we have participated in public debates, given proposals regarding the adoption or amendment of regulations, publicly promoted important human rights issues, implemented project activities and given special attention to citizens in particularly vulnerable circumstances, whether they are placed in psychiatric institutions, reception centres or were affected by the floods. The most significant event in the work of the Ombudsman in 2014 was the opening of regional offices in Rijeka and Osijek, where in only 20 working days over 350 citizens sought our help.

Dissatisfaction and distrust in the institutions is expressed in large number of citizens' complaints. . They are lacking concrete information on which body is competent for their problem and on how they can protect their rights, while an increasing number is questioning the fairness and legality of the merits in decisions made in judicial or administrative proceedings. Many of them expected legal advice or legal representation from us, turned to us because they were unable to receive information elsewhere or requested interventions in order to correct the injustices they feel.

The difficult social situation can also be seen in the high number of complaints, irrespectively of the area they belong to – social security, labour rights, participation in execution procedures or other areas. The social housing system is still not adequately regulated and the position of elderly persons needs to be improved.

Citizens still do not have sufficient information and knowledge on what constitutes discrimination, or how to protect themselves from it, and many are also afraid of reporting it. The largest number of complaints is related to discrimination on the grounds of race, ethnicity or national origin and the area of labour and employment. There are still many challenges related to the rights of members of national minorities, both with regard to implementation of the Constitutional Act on the Rights of National Minorities and to realizing the rights of returnees.

Catastrophic floods in the Vukovar-Srijem County have once again shown the exceptional solidarity of Croatian citizens, and the Ombudsman submitted to the Croatian Parliament a special Report on human rights in the context of the disaster caused by the floods.

Activities of the National Preventive Mechanism in 2014 were largely directed at visits to psychiatric institutions, on the basis of which the Ombudsman submitted to the Croatian Parliament a special Report on human rights of persons with mental disorders in psychiatric institutions. In accordance with the Optional Protocol to the Convention against Torture and the Act on National Preventive Mechanism, a part of that report relating to protection of the rights of persons deprived of their liberty and NPM activities will be translated and delivered to the UN Subcommittee for the Prevention of Torture and other international institutions and mechanisms for protection of the rights of persons deprived of liberty.

## 2. STATISTICAL DATA FOR 2014

### 2.1. Data on the Ombudsman's activities

In 2014, the Ombudsman worked on the total of 3,892 cases: 730 cases from previous years, 2,594 new cases based on citizens' complaints or the Ombudsman's initiative, 568 general initiatives, and performed more than 600 interviews with citizens. The number of complaints in 2014 is 40% higher compared to the two previous years. Special attention was given to citizens in particularly vulnerable circumstances, for example, those placed in psychiatric institutions and reception centers or those affected by the floods.

Regional offices of the Ombudsman in Osijek and Rijeka were opened in the second half of November. In only twenty working days, the regional office in Rijeka received more than 200 and the regional office in Osijek more than 150 requests for assistance, which clearly speaks in favour of their opening and the need for this institution to be more accessible to citizens.

**Table:** Comparative overview of cases per topic/legal area (2012 - 2014)

Area	2012	2013	2014
Justice	416	366	339
Discrimination (in various areas)	202	248	263
Civil service and employment relations	164	200	226
Conduct of police officers	53	186	179
Persons deprived of liberty	219	200	178
Denationalization, housing relations and other property relations	55	215	178
Executions	22	119	159
Construction, physical planning and environmental protection	62	179	143
Health care	64	221	138
Social welfare	69	93	119
Pension insurance	77	92	98
Family law	44	88	73
Status-related rights	63	91	70
Housing care and reconstruction	65	140	84
Utility services	30	41	61

Rights of veterans and their family members	27	142	59
Education and science	28	59	58
Finances	21	97	44
National Preventive Mechanism	6	21	31
Other complaints	168	223	125
General initiatives	260	385	537
<b>Total cases</b>	<b>2,115</b>	<b>3,406</b>	<b>3,162</b>

The number of complaints remains highest in the areas of justice, civil service and employment relations. Although discrimination is still insufficiently reported, a slight increase in the number of complaints was observed.

Out of 2,594 new cases received in 2014, during the year procedure was completed in 1,718 cases. From that number, 597 cases were within the competence of the Ombudsman, while 1,121 cases were outside our competence. Other than procedural reasons, the issue of incompetence arises from insufficient informing of citizens about the competences of particular institutions and methods in which they can realize their interests. Accordingly, we provided citizens with general legal information in 640 cases and transferred 98 new cases to specialised ombuds. Out of 597 cases within our competence, following the conducted examination procedure, 217 cases were determined to be unfounded, while 380 cases were determined to be founded, after which we issued proposals, opinions, recommendations and warnings to competent bodies.

In regard to official responding to our requests, cooperation of competent bodies has improved, but the following institutions failed to provide responses in a timely manner: Ministry of Health, Ministry of Construction and Physical Planning, Ministry of Agriculture and the State Office for State Property Management.

## **2.2. Statistical data on the occurrence of discrimination**

The Ombudsman took action in 542 discrimination cases, out of which 263 were opened in 2014, which is a 6% increase compared to 2013 and also the highest number of complaints since the Anti-Discrimination Act came into force. We transferred 99 cases from previous years and had 180 general initiatives. Complainants are most frequently natural persons (186 complaints), followed by groups of individuals (60 complaints). Two complaints were submitted anonymously, while in 15 cases the procedure was initiated at the Ombudsman's initiative. Out of 263 received complaints, the procedure was finalised in 139 cases, while the remaining 124 cases are still ongoing.

In 2014, 49 complaints or 18.6% of the total number of complaints were related to citizens' complaints about discrimination on the grounds of race or ethnicity or skin colour and national origin, followed by complaints regarding discrimination on the grounds of age (25 or 9.5%), education (16 or 6.1%) and religion, political or other belief and health condition (14 or 5.3% each). Discrimination on other grounds from the Anti-Discrimination Act accounted for a small number of complaints, while in 18.6% of cases citizens stated they are discriminated against on multiple grounds.

Analysed by areas, 49.4% of complaints were related to discrimination in the area of labour and employment, followed by 8% in the area of public information and media, 8% in access

to goods and services, and 6.8% in administration, while other areas account for a smaller number of complaints.

### ***Insufficient reporting of discrimination cases***

Insufficient reporting of discrimination cases to the Ombudsman and a low number of initiated court proceedings are still present as issues which aggravate the work on providing assistance and support to victims and combating discrimination in general. The reasons for this include failure to recognise acts of discrimination, lack of information about whom to turn to, distrust in the institutions and their efficiency, fear of uncertainty, duration and costs of court proceedings and fear of victimization.

Non-governmental organisations point to the connection between non-reporting discrimination and poverty. Citizens fail to report discrimination because they are concerned -with their existential needs, while the lack of financial means also has an effect on the reluctance to initiate court proceedings. In situations where citizens depend on the assistance provided by institutions, it is highly unlikely they will complain about the discriminatory conduct they experience. Nevertheless, the highest number of discrimination complaints submitted to the Ombudsman relate to public law bodies. Therefore, education of civil servants on the prohibition of discrimination is very important for its prevention. However, informing and motivating victims to report discrimination to competent bodies is also important, so in mid-2014 we have established an anti-discrimination phone line for citizens.

### **RECOMMENDATIONS:**

1. The Ministry of Public Administration should carry out systematic training of civil servants and employees in state administration bodies and local and regional self-government units on the prohibition of discrimination and their obligation to act in a non-discriminatory manner;
2. The Ministry of Public Administration should include the Anti-Discrimination Act among legislative sources for taking the general part of the State Qualifying Exam;
3. The Office for Human Rights and Rights of National Minorities should carry out activities aimed at informing citizens on the prohibition of discrimination and on possibilities and mechanisms for protection.

## **3. HUMAN RIGHTS PROTECTION AND ANTI-DISCRIMINATION**

### **3.1. Justice**

The majority of citizens' complaints with regard to courts in 2014 were related to the quality of judgments, followed by complaints pertaining to duration of the proceedings and efficiency of the courts; however, we also recorded an increased number of complaints alleging the abuse of authority and corruption. Additionally, complaints were made as regards the quality of work and efficiency of the State Attorney's Office.

We received complaints about the payment of high costs of litigation to the State Attorney's Office which indicate that a state attorney, when representing the state, is entitled to compensation according to the rules on attorney's tariff of the Croatian Bar Association, the professional attorneys' association, although the State Attorney's Office is the state's legal representative and not its qualified attorney.

The new Free Legal Aid Act has improved and de-bureaucratized the free legal aid system, expanded the scope of beneficiaries and legal matters for which the aid is granted, while the funds available for such purpose have been increased. However, it is required to make additional improvements by increasing the accessibility of the system and the informing of citizens as well as by continuous, sustainable, increased and equalised financial allocations for primary and secondary aid. This is supported by a large number of requests we received over the phone and in person for legal advice and opinions, representation and for facilitating the use of free legal aid.

**RECOMMENDATIONS:**

4. The Croatian Government should set a special tariff for representation in proceedings where the Republic of Croatia is a party and prescribe the method for determining the value, calculation and payment of representation;
5. The Ministry of Justice should make available information on free legal aid in order to ensure equality before the law, legal protection, and access to courts and other public law bodies;
6. The Ministry of Justice should increase funds for primary legal aid;
7. The Ministry of Justice should ensure continuity and sustainability of free legal aid throughout the entire year by multi-annual funding of authorised primary legal aid providers' programmes, especially in relation to field work in socially and economically vulnerable locations.

**3.2. Judicial cases related to discrimination**

In the six years of implementing the Anti-Discrimination Act, the number of misdemeanour proceedings is continuously growing; the low number of criminal proceedings remains constant, while the number of civil proceedings has been declining in the last year.

Misdemeanour proceedings have the highest percentage of solved cases with a return of 75% convictions. The present issues include inefficient sanctioning of offenders, lack of protective measures and lack of adjusting sanctions to the specific offender and victim. As opposed to misdemeanours, there were fewer criminal cases initiated than in 2013, and no convictions were obtained.

In civil cases, other than labour disputes, victims of discrimination showed a better understanding of the legal framework for discrimination, but no discrimination claims were found to be grounded by the courts in 2014. No joint legal actions were filed, criteria for determining discrimination are uneven, shifting the burden of proof on the defendant is not applied, and in labour disputes evidentiary proceedings are often based on testimonies of employees who are economically dependent on the defendant, which affects their depositions before the court.

As regards administrative cases, administrative disputes are still predominantly used to assess the legality of actions of the administrative body without determining possible discrimination.

**RECOMMENDATIONS:**

8. The Judicial Academy should ensure regular workshops dedicated solely to anti-discrimination legislation as part of the regular education programme for judicial officials;
9. The Judicial Academy should ensure regular workshops on European and national anti-discrimination case law as part of the lifelong education of judicial officials;
10. The Croatian Bar Association should ensure training of attorneys on the application of Croatian and European anti-discrimination legislation;

11. The Office for Cooperation with NGOs and the Office for Human Rights and Rights of National Minorities should encourage the work of associations with expertise and capacities to initiate joint discrimination lawsuits.

### **3.3. Rights of national minorities**

Difficulties were present in certain areas of implementing the Constitutional Act on the Rights of National Minorities such as, official and public use of the language and script of national minorities, representation/employment of national minority members in state administration bodies, administrative bodies of self-government units and judiciary, as well as inaccess to the public media.

After the first half of 2014 was marked by the initiative of a group of citizens joined in the Headquarters for the Defence of Croatian Vukovar seeking a referendum which would raise the threshold for exercising the right to equal official use of language and script of minorities in a given local area, from the current one third to one half of the total population, the Ombudsman pointed out that such a measure would constitute an unacceptable reduction of the rights of minorities. The Constitutional Court declared the referendum to be unconstitutional and ordered it may not be held, considering that it has no rational basis or objective justification.

National minority members are still underrepresented among employees in state administration bodies, judicial bodies and administrative bodies of self-government units, and the Plan for their employment in public administration bodies for the period 2011-2014 has not been fulfilled.

Radio shows mostly, but still inadequately, comply with the obligation of broadcasting in minority languages, while television programmes fail to meet that obligation.

#### **RECOMMENDATIONS:**

12. The Croatian Government, the Croatian Parliament and the Vukovar City Council should act in accordance with the Constitutional Court decision U-VIIR-4640/2014;
13. The Ministry of Justice should establish an electronic system for data monitoring and updating and for reporting on official use of the language and script of national minorities in proceedings before administrative bodies of local self-government units, first-instance state administration bodies and legal persons with public authorities;
14. The Ministry of Justice should, because of the failure to meet the targeted representation of 5.5%, prepare a new long-term Plan for civil service employment of national minorities in state administration bodies;
15. State administration bodies, judicial bodies and administrative bodies of local and regional self-government units, the Council for National Minorities and the Office for Human Rights and Rights of National Minorities should implement measures to more efficiently inform the beneficiaries of the right to advantage in employment of national minority members;
16. The Croatian Television should increase the share of programmes for minorities and programmes in minority languages and educate and include reporters and editors specialised in minority issues;
17. The Croatian Television should establish direct and permanent cooperation with the Council for National Minorities in preparing broadcasting schemes in the part of programmes dedicated to informing members of national minorities;
18. The Ministry of Justice should, through amendments to the Act on the Register of National Minority Councils, Coordination of National Minority Councils and Representatives, provide

- national minority representatives with the status of a non-profit organisation on the date of entry in the Register;
19. The Croatian Government should establish a working group for drafting a special law on elections of minority self-governments.

### **3.4. Discrimination on the grounds of race, ethnicity or skin colour and national origin**

Out of the total number of complaints received, 18.6% were related to discrimination on the grounds of race or ethnicity or skin colour and national origin, which is often a consequence of stereotypes and prejudices. Serbs, Roma, Albanians, Montenegrins, Slovenians and Bosniaks most frequently perceive themselves as targets of discrimination.

#### ***Roma national/ethnic minority***

Members of the Roma national minority/ethnic origin submitted complaints related to employment, public information and media, education, science and sports, social security, access to goods and services, health care, judiciary and administration, and housing; there are also cases of public places where entry of Roma is implicitly prohibited, while Roma themselves are reluctant to seek judicial or other protection from discrimination.

Integration of Roma is aggravated by spatial segregation, as they mostly live in illegal settlements, their unsolved status and the fact that almost all of them live in relative poverty and as much as 9% in absolute poverty. The most difficult barriers to overcome are prejudices, as well as omissions and inactivity of the institutions, while achieving the objectives of the National Strategy for Roma Inclusion represents a great challenge at the local level.

#### ***Serbian national/ethnic minority***

Members of the Serbian national minority/ethnic origin submitted 22 complaints related to discriminatory behaviour and conduct of police officers, employment, access to goods and services, housing and social security. Conflicts caused by opposing the installation of bilingual signs have also resulted in undesired public reactions, such as the call for boycott of Serbian stores and other businesses in Vukovar and publishing the list of such stores, because of which we have requested competent bodies to take action, but procedures are still ongoing.

Only 48% of returnees have permanently returned to the Republic of Croatia. The most pronounced is discrimination in employment, the effects of which could be reduced by subsidizing the employment of minority members in the entrepreneurial sector in areas of special state concern, within social entrepreneurship projects and structural European funds.

#### ***Migrants, including asylum seekers and persons granted asylum***

The Migrant Integration Policy Index (MIPEX), with the overall rating of 42/100, makes integration policies in Croatia only semi-favourable for migrants. Children of immigrants, although born in Croatia, do not meet the requirements for acquiring the citizenship by birth, and dual citizenship is not allowed; workers with temporary residence are often employed at positions beneath their education level and their possibilities of education and training are limited. In the course of 2014 there were verbal and physical assaults on migrants because of their skin colour, and integration is further aggravated by difficulties in approving permanent residence for foreigners. The rights guaranteed to refugees are

frequently not respected, and the support system for asylum seekers fails to provide for the needs of specific asylum groups. It is probable that a larger number of illegal migrants have the right to asylum, since they are often refugees, and the label of an "illegal" does not improve their status or the possibility for protection of their rights and dignity. The Ombudsman's research indicates that articles on migrants are often related to negative events with a stereotyped/discriminatory content.

#### **RECOMMENDATIONS:**

20. The Office for Human Rights and Rights of National Minorities should harmonize, both in terms of the time and content, actions of the bodies responsible for implementing measures prescribed in the National Strategy for Roma Inclusion at national, local and regional level;
21. Local self-government units should prepare the necessary physical planning prerequisites for the legalization of illegally constructed houses and for upgrading and equipping the locations of Roma settlements;
22. The Ministry of Labour and Pension System should prepare programmes and ensure funds for subsidizing the employment of minority members in the entrepreneurial sector in areas of special state concern, employment of minority members within social entrepreneurship projects, and focusing structural European funds towards integration projects;
23. The Ministry of the Interior and the State Attorney's Office should intensify their activities in cases related to ethnic intolerance at local and regional level;
24. The Croatian Government and the Ministry of the Interior should improve the state migration policy so that closer attention is given to economic, social and cultural effects of migration flows, that is, to take note of MIPEX findings for Croatia in 2014;
25. The Ministry of the Interior should include the needs of specific asylum groups (e.g. pregnant women, single parents, persons deprived of legal capacity) into the support system for asylum seekers.

### **3.5. Reconstruction and housing care**

In accordance with the Areas of Special State Concern Act, out of the total of 11,826 requests for housing care in 2014, 8,691 were solved, of which almost 93% have been denied. There are 3,135 requests pending, of which 90% represent the backlog from previous years.

In 2014, according to priority lists, there were 175 units for housing care that were immediately available and 19 damaged units; 113 units were allocated for former tenancy right holders and construction is underway for additional 126 families, which shows great disparities between the needs and available resources in the system. Additional 364 families of former tenancy right holders with issued S1 approvals still wait for their accommodation, mostly in areas not under special state concern.

Legislative amendments resulted in denying, or dismissing as incomplete, requests for housing care that were submitted 10 or more years ago, even though at that time they contained all required documents, while applicants were not notified, on time or at all, about the need to amend their requests. The applicants placed on the priority lists, although they were not required to submit a new request in 2015, may lose their priority ranking because the newly submitted requests may have a higher number of points.

The State Office for Reconstruction and Housing Care does not deliver invoices to protected tenants since the information on payments is published on their web pages, but

beneficiaries very often do not use a computer and are unable to pay monthly rent without any fault of their own. The procedure of purchasing rented apartments is slow and the property-legal status of such apartments is often in dispute, so in 2014 only 70 purchase contracts were concluded and the majority of complaints were made in regard of the high price. The fact that returnees who are former tenancy right holders are former tenancy right holders should be recognized and valued accordingly. When entering into agreement with former tenancy rights holders who are now foreign citizens, the approval of the Minister of Justice, which the State Office for Reconstruction and Housing Care at the moment requires before preparing the contract, should be required after the contract is prepared.

Some uncertainties were observed in applying regulations on legalization of illegally constructed houses on housing care beneficiaries, which the State Office for Reconstruction and Housing Care should resolve according to the Ministry of Construction and Physical Planning's official interpretation.

Although the procedure related to the status of returnees has improved, the whereabouts and status of 420 cases remain unknown. Additionally, in 2014 returnees were still unable to obtain the right to health insurance because the returnees' status is recognised retroactively.

In 2014, the fee for private accommodation until the provision of a housing care unit was paid to 39 families, but new decisions are not being issued due to the lack of funds. Moreover, the State Office for Reconstruction and Housing Care, as the second-instance body, fails to provide necessary interpretations and opinions on the application of the Areas of Special State Concern Act.

The conditions in some of the organised housing facilities that accommodate 422 users are really appalling, which was confirmed during our unannounced visit to the Accommodation Centre Strmica near Knin. Although most of these users will be accommodated through various housing care models or by transfer into the social welfare system, it remains unclear how they will pay rent and utilities since they have little or no income.

Due to insufficient capacities of the State Office for Reconstruction and Housing Care, procedures on resolving the long-standing issue of housing and business units that were returned to owners, but into which temporary users invested their own funds and increased their value, and as a result initiated court proceedings against owners, are underway in only 8 of the remaining 18 cases, despite the fact that amendments to the Areas of Special State Concern Act enabled the reaching of settlements with the Republic of Croatia, whereas property owners would be excluded from the obligation of repaying the invested funds.

Finally, 1,702 requests for reconstruction remain unsolved in the first instance, while another 593 cases are in the process of appeal before the State Office for Reconstruction and Housing Care. Even though many of these applicants currently live outside Croatia and consequently it is difficult to contact them, in many cases that were remitted to first instance bodies in 2009 or 2010, the new first instance decision is still pending.

#### **RECOMMENDATIONS:**

26. The Legislation Committee of the Croatian Parliament should prepare a consolidated version of the Areas of Special State Concern Act;

27. The Croatian Government should ensure additional funds or, more precisely, housing units for housing care beneficiaries whose housing care requests have been resolved, but they received no housing units, and for all other housing care beneficiaries on the priority lists and in annual housing care plans;
28. The Croatian Government should make normative changes that would recognise the rights to financial aid and health protection of returnees under the special regulation on the returnee status, from the moment of reaching the decision determining the returnee status;
29. The Croatian Government should harmonize the legal framework on the basis of which returnees - former tenancy right holders would be granted the recognition, fully or in a certain percentage, of the fact that they were tenancy right holders at the time when apartments had been purchased by citizens of predominantly Croatian origin;
30. The Croatian Government and the State Office for Reconstruction and Housing Care should as soon as possible reach settlements with regard to cases of occupied private property whose owners still cannot enter into possession of their property, or whose property is devastated, and who must pay for the temporary users' investments;
31. The State Office for Reconstruction and Housing Care should in an appropriate way provide all housing care beneficiaries with information necessary to execute payments of monthly rent by certified mail, if possible;
32. The State Office for Reconstruction and Housing Care should, when concluding apartment purchase contracts with former tenancy rights holders who are now foreign citizens, prepare the contract before seeking approval of the Minister of Justice;
33. The State Office for Reconstruction and Housing Care should issue decisions and ensure payment of funds to housing care beneficiaries who are entitled to receive the fee for private accommodation until the provision of a housing care unit, according to the Government's conclusion of 17 July 2008.

### **3.6. Status-related rights**

#### ***Permanent residence***

The main feature of this topic in 2014 relates to procedures of *ex officio* cancelling of permanent residence of citizens who failed to meet their obligations under the Residence Act. Disputes were also caused by the procedure of notification of temporary stay abroad because, in diplomatic/consular missions in Belgrade and Subotica, Croatian citizens of Serbian nationality could apply only for reconstruction or housing care, but not for any other legal reasons.

#### ***Citizenship***

A relatively low number of citizenships granted to persons born in Croatia may be explained by being in a more difficult position to meet the prescribed requirements. Persons who left Croatia as children and have permanent residence in one of the ex-Yugoslavian countries, but are not Croatian nationals, are required to meet stricter requirements than those prescribed for persons married to Croatian citizens, Croatian emigrants or Croats without permanent residence in Croatia. Moreover, even descendants of national minority members born abroad, who did not acquire the Croatian citizenship as juveniles and live in ex-Yugoslavian countries, consider that their possibility to become members of national minorities is aggravated because they are unable to acquire the Croatian citizenship under privileged conditions.

#### ***Residence of foreigners***

A significant issue pertains to the situation where foreigners who live in Croatia are denied the extension of temporary residence due to the lack of a valid foreign travel document, although in previous years, in the same situation and under the same law, their temporary residence was duly extended. Leaving Croatia to obtain a new passport is often not possible due to family and financial reasons, which particularly affects family members of Croatian citizens whose previous temporary residence was approved for the reason of family reunification or for humanitarian reasons as well as persons living in Croatia who have not fully regulated their status since Croatia's independence.

**RECOMMENDATIONS:**

34. The Ministry of the Interior should amend the Croatian Citizenship Act in order to enable persons born in Croatia who have permanent residence in ex-Yugoslavian countries, and descendants of national minority members born and residing abroad, to acquire the Croatian citizenship under the same conditions as prescribed for Croatian emigrants or Croats without permanent residence in Croatia;
35. The Ministry of the Interior should, in cases of approving or extending temporary residence for persons located in Croatia, act in accordance with the previous practice based on Article 52 paragraphs 3 and 4 of the Aliens Act and, in its decision-making, should take special consideration of circumstances related to humanitarian reasons and family reunification (e.g. duration of living in Croatia, founding a family and home or not leaving Croatia during the entire period in question).

### **3.7. Conduct of police officers**

A further backlog of cases in the Ministry of the Interior's Commission for Complaints was created, and at the same time the number of new cases increased, which aggravates the efficient civilian supervision of police work, although the Commission established a significantly larger percentage of justified cases than the internal police control.

The reason for the still significant number of complaints submitted to the Ombudsman is the lack of trust in the impartiality of the Ministry of the Interior's internal control procedures. The possibility to register citizens as criminal offenders in advance, just on the basis of police actions taken against them, exists despite the fact that no judgment was made. Likewise, there are cases indicating that citizens face difficulties when reporting criminal offences which are prosecuted *ex officio*, because a police officer may assess the application as unjustified, which is unacceptable.

**RECOMMENDATIONS:**

36. The Ministry of the Interior should ensure conditions for efficient functioning of the Commission for Complaints and internal control;
37. The Ministry of the Interior should harmonize data in criminal records with the actual situation, together with strict control of the manner of keeping those records;
38. The Ministry of the Interior should enable citizens to report criminal offences which are prosecuted *ex officio* without any obstacles.

### **3.8. Civil service and employment relations**

#### ***Rights during unemployment***

Complainants expressed dissatisfaction with the work of the Croatian Employment Service (CES) due to the inability to participate in the measure of occupational training without commencing employment, the duration of appeal proceedings against the CES decisions on deletion from the register of unemployed persons or on abolishment of the right to financial compensation. The persistently high number of unemployed persons in CES records shows that the implemented measures are not sufficient to more substantially reduce the number of unemployed persons.

#### ***Employment relations in public services***

Complaints in this area include irregularities related to wrongful layoffs, reduction of salary, non-payment of overtime work, irregularities in employment and appointment and/or dismissal of directors, non-payment of severance pay and non-delivery of the calculation of owed and unpaid salary. With regard to the proposed Act on the Performance of Auxiliary and Non-Essential Services in the Public Sector, under which it was planned to outsource those services from the public to the private sector, its rushed introduction could result in violating the rights from civil service relations as well as social rights of civil servants in public and state services.

#### ***Employment relations in the private sector and crafts***

Citizens' complaints related to termination of employment, non-extension of a fixed-term employment contract, illegal overtime work, non-payment of due salary and severance pay and non-delivery of the calculation of owed and unpaid salary and severance pay. We instructed citizens to protect their rights in communication with the employer or before the courts; the questions we received still point to the need for providing better information to citizens regarding their protection in the area of employment relations.

#### ***Harassment and abuse in the workplace***

Harassment or abuse in the workplace is already recognised as a specific and growing problem of employees in the private sector, crafts, public and state services, but this area is still not systematically and fully regulated by law. As the number of persons who claim they are victims of abuse in the workplace has increased 2.5 times in one year, we can only assume the actual number of victims who did not seek help. The claims made in the received complaints indicate that in specific cases it is hard to recognise whether they relate to severe violations of employment rights, abuse of power of school board directors and/or members, or abuse in the workplace.

#### ***Civil service relations***

We continued to work on complaints from previous years in which complainants reported violations of their rights due to unlawful deployment following the changes in the structure of state administration bodies and expressed doubts regarding the changes of the employee structure based on political and other affiliations in the Ministry of Justice, Ministry of Defence, Ministry of Finance, and Ministry of Social Policy and Youth. We have repeated our recommendations and warned the relevant Ministries to reconsider the justification of individual claims, act in accordance with decisions of the State Service Committee and the Administrative Court and, in cases of apparent illegalities, replace their decisions with new ones, without retroactive effect. Further, the Ministry of Public Administration instructed all state administration bodies about the mandatory content of the explanation of decisions in civil servant matters, legal effects of nullified decisions and the obligation to comply with the principle of non-retroactivity in the decision-making process.

We also continued to work on complaints of police officers made after changes to the internal structure of the Ministry of the Interior in 2012, which were related to violations of the rights of police officers who held positions of heads of internal structural units due to the illegal posting of internal job vacancies for these positions as if they are unoccupied. The Ministry of the Interior's claim was rejected as unfounded by the Administrative Court decision, while the decision of the State Service Committee, as the defendant, was proclaimed legal; however, after that the Croatian Parliament adopted the Authentic Interpretation of Article 126 paragraph 1 with regard to Articles 60, 62 and 63 of the Police Act, according to which, after the enactment of the Ordinance on the Internal Order of the Ministry of the Interior, which is harmonized with the Police Act, there is a clear obligation to appoint, elect or deploy all police officers in accordance with that Ordinance, regardless of which positions they held at that time, in compliance with the procedures prescribed in Articles 60, 62 and 63 of the Police Act. In line with the Authentic Interpretation, all ongoing appeal proceedings were suspended, which in turn caused proposals submitted to the Constitutional Court to review the constitutionality of the Authentic Interpretation.

#### **RECOMMENDATIONS:**

39. The Croatian Employment Service should improve its measures of informing citizens of their rights during unemployment, more actively and transparently participate in retraining of redundant workers and, to that end, increase the number and strengthen mobile teams in the entire Croatia;
40. The Ministry of Labour and Pension System and the Ministry of Public Administration should carry out the rationalization of public services in the manner that will not jeopardize regular and quality performance of activities in public services, and at the same time respect the acquired rights of state and public servants;
41. The Ministry of Labour and Pension System should regulate abuse in the workplace, subject to a prior public debate, in order to provide victims with the best possible legal protection;
42. The Ministries should, in the process of reaching new decisions on the deployment of officers due to the changes in the organisational structure, comply with the principle of non-retroactivity in administrative procedures and eliminate other illegalities which caused the nullification of decisions in accordance with decisions of the State Service Committee, instruction of the Ministry of Public Administration and the Administrative Court decision.

### **3.9. Discrimination in the area of labour and employment**

Complaints of discrimination in labour and employment area covers 49.4% of all complaints, of which 33.1% are related to the area of labour and 16.3% to the area of employment, which is an increase compared to 2013.

Employed citizens are still reluctant to initiate long, uncertain and expensive court proceedings, so they endure difficulties in order to keep their job. Unemployment does not constitute discrimination by itself, but certain groups of citizens are exposed to a special risk of discrimination, poverty and social exclusion: older persons who are still of working age, young persons, long-term unemployed persons with secondary education and national minority members, particularly Roma, who are because of their low education level forced to perform low qualified, temporary and low-paid jobs. Citizens most frequently complained of discrimination on the grounds of age and education, but the largest number of complaints were related to multiple discrimination. Trade unions still point to discrimination on the

grounds of trade union membership, stating that it influences the employers' decisions on concluding or extending employment contracts.

Age is one of the most frequent employment barriers, as is visible from numerous job vacancies posted on web sites. Apart from age, these postings often contain other discriminatory criteria, such as economic status, where owning a car is without any justified reason listed among employment conditions. When denying unemployed persons applications for granting education or training for the purpose of retraining, the Croatian Employment Service does not issue administrative acts, thus disabling them from filing an appeal. The same applies to the measure of occupational training without commencing employment because, according to the opinion of the Ministry of Labour and Pension System and CES, this is not an unemployed person's right, but a possibility which depends on the inflow of funds into the state budget.

Citizens still complain of discrimination in state and local administration bodies on the grounds of political and other beliefs, which arises in cases of amending internal order ordinances, whereas the Ministry of Public Administration is competent for establishing an efficient system for control of legality and practicality of these acts of public law bodies. An additional reason for concern is the perception of citizens that a job and benefits in the state administration and public sector may be obtained only by belonging to a particular political option or through corruption and nepotism.

Because of their social position, homeless persons are faced with many issues, prejudices and stereotypes, which also make their employment very unlikely. Even when they do find employment, it often involves manual labour for a few hours.

In the course of 2014 we also received a large number of complaints alleging discrimination on various grounds related to the restructuring process and redundancy solutions for workers in the large company owned by the Republic of Croatia. The criteria for determining the number of redundant workers contained in the collective agreement are not contrary to regulations nor directly discriminatory, but the insufficient transparency and unclear way of making the decision on the number of redundant workers raised doubts about its arbitrariness. In such procedures, the criteria for determining the number of redundant workers should be clear and defined, and account should be taken on how some apparently neutral criteria affect particular groups of workers, in order to avoid indirect discrimination.

#### **RECOMMENDATIONS:**

43. The Ministry of Labour and Pension System and the Croatian Employment Service should continuously work on increasing the employment rate of vulnerable groups of citizens, including homeless persons, in accordance with strategic documents;
44. The Croatian Employment Service should continue educating various stakeholders in the labour market, particularly employers, in terms of raising their awareness regarding stereotypes and discrimination in the workplace and in employment procedures;
45. The Ministry of Labour and Pension System and the Croatian Employment Service should issue decisions on the right to use employment promotion measures in the form of administrative acts;
46. The Ministry of Public Administration should establish an efficient system for control of legality and purposefulness of internal order ordinances issued by heads of public law bodies.

### **3.10. Retired persons and elderly persons**

#### ***Social security of elderly persons***

Non-institutional services for elderly and disabled persons are not sufficiently developed nor equally distributed across the network of social services and half-day or full-day stay for elderly persons is not provided. The state support for elderly persons over 65 has not been introduced; moreover, the 2013 Social Welfare Act reduced the amount of the guaranteed minimum allowance for elderly and disabled persons. The issue of signing lifelong and until death support contracts is still present because certain support providers fail to meet their contractual obligations since their only goal is to obtain the housing unit.

#### ***RECOMMENDATIONS:***

47. The Ministry of Social Policy and Youth should, within the network of social services, increase the number of services Counselling and Assistance and Assistance at Home for elderly persons and ensure the accessibility of these services in the entire territory of Croatia and, subject to prior opinion of regional self-government units and the City of Zagreb, include Daily Stay in the network of social services according to the actual needs of elderly and disabled persons;
48. The Ministry of Social Policy and Youth should amend the Social Welfare Act or adopt a subordinate act in order to prescribe the criteria for admission and release of beneficiaries of homes for elderly and disabled persons and introduce transparent waiting lists;
49. The Ministry of Social Policy and Youth should amend the Social Welfare Act in order to raise the amounts of the guaranteed minimum allowance for elderly and disabled persons, that is, introduce state support for elderly persons without a pension;
50. The Ministry of Social Policy and Youth should, in cooperation with regional self-government units and the City of Zagreb or Social Welfare Councils, develop and improve the system of social services for elderly and disabled persons, especially non-institutional services;
51. The Ministry of Social Policy and Youth and associations involved in the protection of elderly persons should continue to organise targeted counselling and campaigns in social welfare homes, associations, local councils and city blocks in order to inform elderly persons of the key differences between lifelong and until death support contracts and potential negative consequences of signing such contracts;
52. The Ministry of Justice should review the justification for the existence of until death support contracts in the Civil Obligations Act and provide stronger protection mechanisms for support recipients of lifelong and until death support contracts according to the principles of equal value of performances, conscientiousness and fairness.

#### ***Pension insurance***

The start of implementation of the new Pension Insurance Act caused public dissatisfaction, particularly of war veterans, because it prescribes that pensions of beneficiaries obtained under special regulations are divided into the part obtained under a special regulation and the part obtained according to the period of pensionable service. In the meantime, the Ministry of Labour and Pension System suspended the implementation of that provision with regard to war veterans until 30 June 2015.

In December 2014, the average pension amounted to HRK 2,231.48, and 48.64% of pension beneficiaries were receiving below-average pensions.

Issues are still present in the application of international agreements on social insurance with regard to pension beneficiaries residing in BiH and Serbia as is the issue of non-payment of pension to beneficiaries who do not have or did not deliver their OIB to the Croatian Pension Insurance Institute.

### **RECOMMENDATIONS:**

53. The Ministry of Labour and Pension System should consider the possibility of reintroducing the minimum pension regardless of the period of pensionable service, which could ensure a dignified life of elderly citizens with a low number of years of pensionable service;
54. The Croatian Pension Insurance Institute should improve international cooperation, in particular with neighbouring countries, in order to improve the informing of citizens on the method of use of the right to pension insurance in cases that involve acquiring insurance in one country and using it in another;
55. The Croatian Pension Insurance Institute should, in cooperation with the Ministry of Foreign and European Affairs, inform Croatian citizens residing abroad about the importance of obtaining OIB.

### **3.11. Discrimination on the grounds of age**

Senior citizens seldom decide to seek help from competent institutions, so the majority of age discrimination remains unreported, while inadequate public speech is only one of the forms of discrimination against them. Discriminatory criteria for admission are still present in some homes for elderly and disabled persons.

Services which rely exclusively on modern technologies become unavailable to senior citizens. The possibility to choose between traditional and modern communication methods would ensure participation of senior citizens in public life and in the process of making decisions that are important for them.

Both young and old drivers pointed to the discriminatory provisions of the Road Traffic Safety Act.

### **RECOMMENDATIONS:**

56. All public law bodies should, when creating their products or services by applying a universal design, take into account their accessibility to older persons;
57. All public law bodies should, together with modern technologies, enable the use of traditional communication methods.

### **3.12. Social welfare**

The 2013 Social Welfare Act did not improve the social status of persons with general incapacity for work nor persons depending on assistance and care of another person, so the next amendments to the Social Welfare Act should prescribe a certain percentage increase of the guaranteed minimum allowance for such persons. No steps forward were made in solving the backlog of second-instance cases in the area of social welfare.

The delay in adopting regulations which should regulate the status of vulnerable/protected energy customers prevents the persons living in poverty or those with impaired health and/or disability to realise their rights guaranteed by law.

The Social Housing Strategy is yet to be prepared, and many local units fail to meet their legal obligation of subsidizing social housing and financing shelters or reception centres for homeless persons.

Homeless persons do not have equal access to social welfare rights, therefore it is important to realize their faster integration into the local community and redefine the definition of a homeless person according to the ETHOS classification. The network of social services for homeless persons is not harmonized with the 2013 Social Welfare Act because in certain counties no social services are defined for them.

#### **RECOMMENDATIONS:**

58. The Ministry of Social Policy and Youth should amend the Social Welfare Act to increase the guaranteed minimum allowance for persons with general incapacity for work and older persons;
59. The Ministry of Social Policy and Youth and the Ministry of Economy should draft proposals of the Regulation on Criteria for Acquiring the Status of Vulnerable Energy Customer and the Regulation on Criteria for Acquiring the Status of Protected Energy Customer and should plan and allocate the funds for that purpose in the state budget for 2016;
60. The Ministry of Social Policy and Youth should carry out activities for drafting the Social Housing Strategy;
61. The Ministry of Social Policy and Youth should carry out a detailed analysis of the workload of the Service for second-instance procedures and forensic expertise in order to ensure the handling of appeals within the prescribed period;
62. The Ministry of Social Policy and Youth should amend the Social Welfare Act to expressly prescribe which social welfare rights are granted to a homeless person until he/she regulates his/her temporary/permanent residence and is again included in the life of the local community and to harmonize the definition of a homeless person with the ETHOS classification;
63. The Ministry of Social Policy and Youth should organise a survey on the problems of homelessness, actual number of homeless persons and their social inclusion and, on the basis of its results, prepare the National Programme for Homeless Persons in accordance with the European Parliament resolution on an EU homelessness strategy;
64. The Ministry of Social Policy and Youth, large cities, cities in the centre of counties and regional self-government units should comply with provisions of the 2013 Social Welfare Act on homeless persons;
65. The Ministry of Social Policy and Youth should adjust the network of social services for homeless persons with their actual needs.

### **3.13. Executions**

The Ombudsman is still receiving complaints from citizens on finding out about executions only after their accounts have been frozen and the owed sum withdrawn. In cases of settling the debt with an execution creditor or the assignment of debt, an account remains frozen until the execution creditor notifies the Finance Agency and withdraws the execution order, for which no time-limit is prescribed, so the process may be prolonged or even result in double payment. Citizens also complained of the protection of income under service or copyright contracts which, to be protected from execution, must be the only permanent financial income, which is proven by a public document, but execution debtors have no information on who and in what form issues this document.

A special problem relates to executions involving real properties, which is particularly sensitive when families are evicted from their only home. In this regard citizens point out inconsistencies in the judicial procedure and doubts in the legal justification of execution decisions; however, evictions are carried out according to court rulings, against which legal

remedies could have been sought. However, in cases involving the only real property which the execution debtor uses for housing, the right to a home should be protected in accordance with the case-law of the European Court of Human Rights and the Constitutional Court of the Republic of Croatia, by applying the principle of proportionality.

**RECOMMENDATIONS:**

66. The Ministry of Justice should amend the Execution Act and prescribe a time-limit that forces enforcement creditors to withdraw the enforcement order from the register immediately after settling or assigning the debt;
67. The Ministry of Justice should amend the Execution Act and establish a body competent for issuing public documents as proof that an income is the only financial income, thus subject to limitation of enforcement;
68. The Ministry of Justice should amend the Execution Act by entering a provision on the right to a home.

### **3.14. War veterans**

The rights of veterans are regulated in several regulations, which are frequently amended, and the core law regulating the rights of veterans has been amended 13 times since 2004. In fact, legal uncertainty and the fact that veterans' rights are not regulated under one comprehensive law, but in many with frequent amendments, generated one of the requests proclaimed at the protest of a part of veterans that are, since November 2014, camping in front of the Ministry of Veterans' Affairs, demanding, *inter alia*, the adoption of one comprehensive and integrated law on the rights of Croatian Homeland War veterans. At the beginning of 2014, the right to maintenance was cancelled, and for a part of beneficiaries this right was to be replaced by the guaranteed minimum allowance prescribed by the Social Welfare Act, but no timely information was provided regarding the procedure for submitting applications, so some maintenance beneficiaries remained without any income. The number of veterans' complaints to the Ombudsman has dropped significantly, whereas those received relate to the work of state administration offices as first-instance bodies, and as second-instance bodies with regard to appeals on decisions on determining the status of Croatian Homeland War veterans and the duration of procedure, with detailed descriptions of war paths and difficult financial situation, including requests for assistance in solving housing issues.

**RECOMMENDATION:**

69. The Ministry of Veterans' Affairs, and other Ministries competent for decision-making on financial and other rights of veterans and their family members under special regulations, should include veterans into the drafting of regulations related to them, and should appropriately, timely and in detail inform them about their rights and ways to assert them.

### **3.15. Civil victims of war**

The received complaints reflect numerous problems, such as non-recognition of victim status, and their right to indemnification, high litigation costs in proceedings for indemnification, execution procedures and others. The drafting of the new law that would cover all civil victims of war has been postponed to the fourth quarter of 2015. Meanwhile, the number of cases from Croatia before the European Court of Human Rights concerning ineffective investigations of crimes committed during the war is rising; those cases are

related to violation of the right to life by ineffective investigation of committed crimes, right to a fair trial, right to an effective remedy, discrimination, and errors in applying the Amnesty Act. First settlements between victims' family members and the Republic of Croatia have been achieved, but the Croatian Government still has to harmonize its approach to this group of citizens.

**RECOMMENDATIONS:**

70. The Ministry of Veterans' Affairs should draft the proposal Act on the Protection of Military and Civil Victims of War and open it for public consultations;
71. The Croatian Government should write-off debts for litigation costs incurred in proceedings for indemnification of civil victims of war.

### **3.16. Health**

#### **Health protection**

The assumptions for the Act on Patients' Rights, Obligations and Responsibilities were published in 2014 and should contain provisions on efficient legal instruments for the protection of patients' rights in line with the Constitutional Court decision and the earlier Ombudsman's recommendations. In addition to this law, the Ministry of Health conducted the process of online consultations with the public concerned for further 25 laws, or amendments thereof, in the period from 5 December 2014 to 5 January 2015. Other than the inappropriate period for consultations, the subject-matter to be covered in future regulations was not presented in the manner prescribed by the Regulation on the implementation of regulatory impact assessment, which prevented a quality public debate.

#### **Health insurance**

In their complaints, citizens pointed to possible omissions in the work of the Croatian Health Insurance Fund, due to which they were unable to fulfil their rights under mandatory and supplemental health insurance. We provided general legal information, directing them to competent bodies, including courts and legal assistance of attorneys. A significant number of questions received by the Ombudsman were actually addressed to the Croatian Health Insurance Fund, which shows that information from that competent body is inaccessible.

**RECOMMENDATIONS:**

72. The Ministry of Health should adopt and publish the Regulation on the medically acceptable time period for receiving health care services by establishing waiting lists;
73. The Ministry of Health should in the process of adopting regulations comply with the Act on Regulatory Impact Assessment and the Code on Consultations with the Public Concerned in the Process of Adopting Laws, Other Regulations and Acts;
74. The Croatian Health Insurance Fund should ensure a sufficient number of employees for receiving and processing citizens' questions, especially by phone or e-mail.

### **3.17. Discrimination in the area of health care**

The distribution of available funds within the health care system is an issue pointed out by citizens in their complaints, as well as the media. The feeling of injustice and helplessness is particularly associated with the most vulnerable social groups, such as retired and unemployed persons, workers not receiving salary and patients with severe diagnoses,

which are also most exposed to discrimination on the grounds of age, economic or health status and to multiple discrimination.

The austerity in the health care system negatively affects the dynamics of realizing health insurance rights. Due to a lack of the required reagent, in some cases patients have to wait up to 6 months for HIV viral load blood test results.

Professional chambers in the field of health care are competent for both supervising their respective professionals and providing support to patients. The practice shows that these are mutually opposed competences which affect the quality of the support provided to patients.

The Ordinance on criteria and method for determining compliance with specific mental and physical health requirements for persons joining the police and police officers and on the composition and work method of health commissions in authorised health institutions prescribes several discriminatory contradictions for performing police work.

**RECOMMENDATIONS:**

75. The Ministry of Health and the Croatian Health Insurance Fund should undertake all measures in order to again secure the timely availability of necessary diagnostics and medical treatments to HIV-positive patients, thus providing health care services in accordance with the law and the clinical care standard;

76. The Ministry of the Interior should revise the list of contradictions in the Ordinance on criteria and method for determining compliance with specific mental and physical health requirements for persons joining the police and police officers and on the composition and work method of health commissions in authorised health institutions.

**3.18. Education**

The Croatian Parliament adopted the Strategy for Education, Science and Technology, defining the key goals on which the education system reform will be based. In compliance with the National Education Council's decision, the bodies competent for education policy have reduced their activities on adopting new and amending the existing legal and subordinate acts, curriculums and school books until the Strategy's adoption. However, since then the Ministry of Science, Education and Sports has failed to adopt laws that are crucial for the education system.

The received complaints related to the quality of the study process, the student standard of living, and realization and protection of students' rights. Further, we were contacted by students not receiving a state scholarship because the Ordinance on conditions for gaining rights to state scholarship does not list difficult socio-economic conditions as one of the criteria for granting a scholarship.

**RECOMMENDATION:**

77. The Ministry of Science, Education and Sports should supplement the criteria for granting state scholarships in category E – students with lower socio-economic status, prescribed in the Ordinance on conditions for gaining rights to state scholarship.

### **3.19. Discrimination in the area and on the grounds of education**

The majority of complaints regarding discrimination in the area or on the grounds of education indicate that the education system is not following the needs of the economy, while employers still do not recognize nor apply the results of the reformed high education in the employment process. An ordinance that would prescribe the required education level for teachers and professional assistants has yet to be adopted. The terms used in regulations are non-harmonized, so the terms VSS, VŠS and SSS (university degree, college degree and secondary school education, respectively) are still frequently used, although this concept of specifying the education level was abandoned with transition to the Bologna system. The position of graduate students of specialist graduate professional programmes on the labour market is still questionable. Their knowledge and skills are not recognized, so a completed graduate university programme is still listed as a legal requirement for performance of professional occupations. One of such regulations is the Road Traffic Safety Act, under which a completed graduate university programme is required for the positions of driving school examiners or supervisors.

#### **RECOMMENDATIONS:**

78. Ministries and other competent bodies should harmonize the required education level for particular jobs with the Croatian Classification Framework and the Bologna system, taking into account the employability of graduating students of specialist graduate professional programmes;
79. The Ministry of the Interior should amend the Road Traffic Safety Act in the part prescribing conditions for professional supervision over the work of driving schools and for examiners for the subjects Traffic Regulations and Safety Rules and Driving a Vehicle;
80. The Ministry of Science, Education and Sports should adopt the Ordinance on the required education level for teachers and professional assistants, which will be harmonized with the Act on Academic and Professional Titles and Academic Degree.

### **3.20. Discrimination on the grounds of religion**

Discrimination on the grounds of religion is exhibited as unfavourable treatment, often based on stereotypes or prejudices, leading to differences in the position and possibility of equal participation in social life of members of different religions or persons not belonging to any religion.

The long-standing discrimination of some minority religious communities was ended in 2014 by signing of the Agreement between the Croatian Government and the Union of Churches "The Word of Life", the Church of the Full Gospel and the Protestant Reformed Christian Church on matters of common interest, thus complying with the 2010 judgment of the European Court of Human Rights.

The unacceptable official position of the Tax Administration, according to which tax exemption on the real estate sale tax may be granted only if purchasing the already existing religious facilities or land for their construction, but not apartments, houses or office spaces to practice religious rituals, has not been amended.

The Croatian Bishops' Conference in 2014 pointed out the violation of religious feelings of Christian believers by listing examples of profaning and desecrating Christian symbols in the

theatre play "Croatian Actors" of the Croatian National Theatre "Ivan pl. Zajc" in Rijeka, more difficult promotion of police and military personnel close with the chaplain, and insults and accusations related to priests of the Archdiocese of Zadar.

Acting upon a complaint filed by the association Protagora, we have warned about the discriminating practice of holding a Holy Mass at the beginning of the school year which is attended by all teachers and pupils regardless of their religious or non-religious affiliation; in this regard, we made a recommendation to change this practice in relation to teachers, while the children's ombudsman is handling the procedure with regard to pupils. We have also received a question from the Croatian Employment Service on doubts as to direct discrimination in employment on the grounds of religion regarding the job vacancy at the Catholic Faculty of Theology, for which it was required to provide a baptismal certificate. Considering that employment of administrative staff that is non-religious or belongs to another religion would not jeopardize or reduce scientific or educational activities of the Catholic Faculty of Theology, we have issued a recommendation to allow candidates to apply without submitting a baptismal certificate.

#### **RECOMMENDATIONS:**

81. The Tax Administration should act in accordance with the 2012 Constitutional Court decision U-III-3817/2009, that is, remove its opinion of 27 October 2005 on applying the tax exemption on real estate sale tax;
82. The Catholic Faculty of Theology of the University of Zagreb should, when employing administrative staff, allow the application of candidates without requiring a baptismal certificate or knowledge and acceptance of Catholic teachings.

### **3.21. Unacceptable and discriminatory public discourse**

The most extreme form of unacceptable public speech is hate speech, a criminal offence encouraging violence or hatred towards an individual or a group because of a particular characteristic. According to the Office for Human Rights and Rights of National Minorities' data, last year there were a total of 29 proceedings related to this criminal offence, out of which 20 were for hate speech against members of national minorities.

In addition to criminal, there is misdemeanour and civil liability of an individual or a group for the statements made, but there is also unacceptable speech that mostly never reaches the court; however, it is subjected to public condemnation, for which the term hate speech is also used, but in the widest sense. Discriminatory speech was again in 2014 mostly directed at members of national minorities, particularly Serbs and Roma. Unacceptable speech is more frequent in advertising as well.

Some web portals fail to apply professional standards and keep publishing articles propagating hatred, of which they were warned, but without any improvements. During 2014 we analyzed texts on web portals on migrants, asylum seekers and persons granted asylum in the period 1 Jan - 31 Dec 2013. News on negative events were predominant and included, for example, attempts of illegal entry into Croatia, followed by news describing living conditions in countries from which those persons came from, and there was a certain number of articles with a stereotyped/discriminatory content.

The main feature of web portals is their interactivity, which often makes it impossible to react in real time to all unacceptable comments. This is why they should strengthen administrator capacities in order to react and remove comments and, if required, report them to law enforcement agencies. As Internet is predominantly used by youth, they are often victims of different forms of harassment, which requires special attention and further education.

Discriminatory chanting and singing is still present on football stadiums. According to the data from the Croatian Football Association, matches in the Croatian First Football League were suspended for discriminatory shouting, and large fines were paid for discrimination-related offences. Moreover, 204 indictment proposals were filed for misdemeanours of singing and/or shouting messages that express and encourage hatred on the basis of racial, national, regional or religious affiliation. This data again shows that it is high-time for competent bodies to look at the situation in sports more closely, whereas the prevention of violence and education of the youth as responsible citizens should be a priority.

#### **RECOMMENDATIONS:**

83. The Ministry of Science, Education and Sports should apply the measure of including contents on the unacceptability of all forms of discrimination and on promoting tolerance and respect of differences into children's education programmes listed in the National Programme for the Protection and Promotion of Human Rights for the period 2013 – 2016;
84. The Ministry of the Interior should continuously educate police officers on misdemeanour and criminal liability in acts involving hate speech and other discrimination-related criminal offences and misdemeanours;
85. The Ministry of Culture should, when preparing the media policy, give special attention to discriminatory and unacceptable discourse in the media and should design efficient prevention models;
86. The Office for Human Rights and Rights of National Minorities should once a year organise a workshop for editors and reporters on the forms of discrimination and role of the media in its prevention, particularly those covering issues of national minorities, receipt and integration of migrants/asylum seekers/persons granted asylum.

### **3.22. Property relations**

#### ***Housing***

Ever since its adoption in 1996, the Apartment Lease Act has been raising issues because it regulates opposing rights of apartment owners and protected tenants, so additional efforts are required to solve this issue in a timely and adequate manner, taking into account the rights of all parties covered by the Apartment Lease Act. The Ombudsman has in previous years already reported the issues caused by the Apartment Lease Act after its Article 40 was repealed by the Constitutional Court decision in 1998. This issue has again interested the public in 2014 because of evictions. Citizens and associations which contacted the Ombudsman pointed out the different court practices in applying the Apartment Lease Act in cases of evicting protected tenants.

#### ***Construction***

In 2014, citizens submitted complaints related to: illegally constructed buildings, legalization procedures, participation in the process of adopting physical planning documents, duration of second-instance appeal proceedings, inability to receive information on the case status,

complaints on the work of the building inspection and lack of response to citizens' complaints and requests submitted to the Ministry of Construction and Physical Planning and the building inspection. Citizens frequently do not receive reply from the building inspection and the Ministry of Construction and Physical Planning, and the Ombudsman did not receive replies to requests in a timely manner, not even after sending rush notes.

From the building inspection's replies to the Ombudsman, it arises that petitioners are wrong in thinking that inspectional supervision of construction is based upon their petition or report or, more precisely, that they have the position of a party in the procedure. However, the Building Inspection Act prescribes a time-limit in which a building inspector is obliged to inform the petitioner that no regulations were violated, while the Administrative Procedure Act prescribes that state administration bodies must reply to all petitioners.

### ***Compensation for property seized during the Yugoslav communist rule***

In 2014, the Croatian Government issued the Decision on criteria under which beneficiaries, when their agricultural land cannot be returned, may be offered another adequate land to be located by the Agricultural Land Agency. This legal option will accelerate the solving of applications for return and reduce the number of citizens' complaints. However, the Regulation on special compensation for movable properties considered cultural heritage, which are integral parts of collections, museums, galleries and other institutions has not been adopted yet. One of the problems is also the unequal practice of the Ministry of Justice, as the second-instance body, and administrative courts where they issued different decisions in two legally and factually identical cases.

### ***RECOMMENDATIONS:***

87. The Ministry of Construction and Physical Planning should submit the draft proposal of the Apartment Lease Act to the legislative process as soon as possible;
88. The Ministry of Construction and Physical Planning should, pursuant to the Building Inspection Act and the Administrative Procedure Act, inform citizens of the measures taken on the basis of their petitions;
89. The State Administration Offices in counties and the City of Zagreb should, in cooperation with the Agricultural Land Agency, find replacement agricultural land for the purposes of restitution to beneficiaries, especially when this is ordered in second-instance decisions and administrative court judgments;
90. The Croatian Government should pass the Regulation on special compensation for movable properties considered cultural heritage which are integral parts of collections, museums, galleries and other institutions;
91. The Ministry of Justice should harmonize its legal practice in issuing second-instance decisions in property restitution procedures;
92. The Ministry of Justice should ensure better accessibility and quicker issuing of legal opinions to state administration office in counties competent for property restitution procedures;
93. The High Administrative Court of the Republic of Croatia should harmonize the case law in administrative disputes related to restitution.

### **3.23. Environmental protection and public health**

A slightly higher number of complaints about pollution from industrial plants and suspicious waste operations were received; these are most frequently related to access to information

and participation of the public in environmental matters, reflecting health concerns. There is a large gap in identifying environmental damage between citizens' complaints and replies of competent bodies, and it is important to prescribe the protection of whistleblowers who report environment-related illegal actions. Although planned under the Strategic Plan for Public Health Development 2013 - 2015, health ecology was not regulated nor was the mandatory health impact assessment (HIA) prior to the construction of industrial plants introduced and developed, which is particularly important for areas with several industries using fossil fuel for longer periods. The approach and method of regulating protection from electromagnetic radiation are also non-transparent.

#### **RECOMMENDATIONS:**

94. The Ministry of Environmental and Nature Protection should, in cooperation with competent bodies, prepare a comprehensive list of waste landfill sites and industrial environmental pollution sources;
95. The Ministry of Environmental and Nature Protection should, in cooperation with Ministry of Health, by using appropriate regulations, introduce the procedure of health impact assessment (HIA) prior to the construction of industrial plants;
96. The Ministry of Health should ensure all requirements for monitoring environmental factors and their impact on health in accordance with the Strategic Plan for Public Health Development 2013 - 2015;
97. The Ministry of Health should draft a new Ordinance on the protection from electromagnetic radiation in accordance with the Code on Consultations with the Public Concerned in the Process of Adopting Laws, Other Regulations and Acts.

#### **4. PERSONS DEPRIVED OF LIBERTY AND PERFORMANCE OF ACTIVITIES OF THE NATIONAL PREVENTIVE MECHANISM**

In 2014, complaints made by persons with mental disorders related to involuntary hospitalisation, placement without consent and placement in homes for adult persons with mental disorders. In the process of examining complaints, we visited the Psychiatric Clinic of KBC Osijek and the Home for adult persons with mental disorders in Bjelovar. The issues that could lead to uneven treatment of involuntarily hospitalised persons with mental disorders and violation of their rights are still present. It is unacceptable that some psychiatric institutions do not have a closed unit in which the measure of involuntary medical treatment should be performed, so they use means of physical restraint.

Persons with mental disorders are more exposed to potential violations of human rights, so within NPM activities special attention was given to their accommodation in psychiatric institutions. We carried out unannounced visits of the following institutions: Psychiatric Clinic Vrapče, Neuropsychiatric Hospital "Dr. Ivan Barbot", Psychiatric Hospital Rab, Psychiatric Hospital Ugljan and Psychiatric Hospital Lopača. The visits provided insight into the rights of involuntarily placed forensic patients, persons with more severe mental disorders who are seriously and directly endangering their own life, health or safety, or the life, health or safety of other persons, and who have been involuntarily confined on the grounds of a county court decision, children with mental disorders, users of long-term accommodation as a social service and persons who pay for their hospitalisation in psychiatric institutions. During the visits, in line with the NPM methodology and powers, we did not analyse psychiatric judgments or the process of diagnosing mental illness nor issued opinions whether it is professionally justified to involuntarily detain or place individual

persons in a psychiatric institution. After the visits, in addition to individual reports, we have also drafted and submitted a special Report on human rights of persons with mental disorders in psychiatric institutions as part of NPM activities.

Although the conduct of health care workers towards persons with mental disorders is, in general, very professional and the NPM did not identify actions that would constitute torture and inhuman treatment, it did identify actions that may constitute degrading treatment and violation of constitutional and legal rights of persons with mental disorders.

Unnecessary restrictions or violations of the rights of persons with mental disorders are a result of regulatory deficiencies, insufficient financial and human resources, and sometimes inadequate knowledge of international standards and provisions of the Act on the Protection of Persons with Mental Disorders. In some institutions, the accommodation conditions for persons with mental disorders are inadequate and may constitute degrading treatment, so it is necessary to urgently start their renovation in order to provide the adequate accommodation conditions. Persons with mental disorders are frequently not sufficiently informed of their rights and ways to seek protection, while this is further aggravated by the fact that attorneys appointed *ex officio* often do not even contact them. Patients on more occasions complained about not being informed of judgments, particularly decisions on extending the involuntary placement. Since this prevents them from seeking legal remedies, it is a clear restriction and violation of the constitutional right to appeal. Further, in the majority of cases involuntary placement is often no different from the so called involuntary treatment because, generally, doctors consider that a decision on involuntary placement automatically gives consent to all medical procedures as well.

The use of physical force for punishing a patient or the use of means of coercion that would constitute torture or inhuman treatment was not identified in any of the cases. However, we did identify actions that are contrary to international standards and may cause violations of the rights of persons with mental disorders and constitute degrading treatment, such as restraining a patient in front of other patients. There are great differences in the use of means of coercion, not only between psychiatric institutions, but also between individual wards in an institution, which is unacceptable.

As involuntary placement, placement without consent and the use of means of coercion represent a restriction of the right to freedom, these procedures must always be in the focus of all persons who perform them. Furthermore, the Government has to provide clear procedures and prescribe appropriate and efficient protection mechanisms to prevent any possibility of abuse.

Unlike in previous years, when complaints regarding the accommodation conditions were the most represented, the majority of complaints submitted in 2014 by persons deprived of liberty within the prison system were related to the quality of health care, while the third most frequent cause was conduct of penal officers. One of the reasons for this is also the reduction of the overall prison system occupancy rate, but the occupancy rate in high security conditions in some prisons is still above 140%. Due to the age and condition of buildings used by penal institutions, the accommodation conditions do not comply with international standards and may constitute degrading treatment, which is why it is required to continue investments in improvement and enlargement of high security facilities.

Complaints regarding health care are still related to long waiting periods for performing individual specialist medical examinations, recommended surgical treatments and physical therapy, while prisoners' complaints also include the manner of performing protective measures of compulsory psychiatric treatment and compulsory treatment of addiction. From some of the prisoners' complaints it may be concluded that they became addicted to Suboxone while serving their sentence, which is an issue that demands special attention. Additionally, the issue is partially a result of the insufficient number of health care workers in penal institutions. The quality of health care provision in the prison system would be improved if it would be organisationally and financially a part of the Ministry of Health.

The number of complaints in which prisoners state that judicial police officers insult them and call them offensive names has increased, and another concern is the large number of complaints related to insults and harassment on the grounds of national origin. Therefore, it is required to systematically educate officers on human rights.

The flaws in the Execution of Prison Sentences Act, the Criminal Procedure Act and regulations passed on the basis thereof are still present and could have negative effects on the level of respect of the rights of persons deprived of liberty. Prisoners still complain about the duration of procedure for responding to their complaints and requests for judicial protection, which is why instruments of legal protection must be made effective in practice.

Complaints on the conduct of police officers when arrested are mostly related to impolite conduct and rough treatment (turning of hands, cuffs put on too tight), and to unnecessary delays in calling for medical assistance. In 2014, the means of coercion were applied in 4,608 cases, of which fire arms were used in 16 cases.

The NPM visited the facilities intended for persons deprived of liberty at six locations under the Zadar County Police Administration and at nine locations under the Sisak-Moslavina County Police Administration which were all, apart from Petrinja, in line with the standards. The given recommendations include, *inter alia*, providing the option of directly calling the detention supervisor by ringing a bell, increasing the number of detention rooms, introducing video surveillance in all rooms, excluding the toilet, in which the arrested person moves, ensuring their stay in the open air, providing a direct flow of fresh air into the rooms, access to drinking water and toilet in the room, use of a table and chair, securing sufficient funds for meals and keeping the required records in written form. Detention supervisors should not be performing other activities at the same time, and it is necessary to improve their working conditions.

We find that, generally, the conduct of police officers towards persons deprived of liberty is professional; however, some actions may contribute to the violation of human rights, such as failure to keep written records updated. In line with the UN Convention against Torture, competent authorities must carry out an unbiased investigation every time there are reasonable reasons for doubt that an act of torture has been committed. The fulfilment of this international obligation is certainly not supported by the fact that citizens who file complaints to the Ministry of the Interior's Commission for Complaints wait for a decision for more than a year. It remains to be seen whether the new solution from the Police Act, under which it is planned to establish commissions in each police administration, will aid in the implementation of the listed Constitutional Court decision requiring actual independence of

investigators, possibility of public control of the investigation, and efficient access to the investigation by complainants.

It is also necessary to educate all police officers on human rights and international standards of treatment of persons deprived of liberty.

National legislation regulating the asylum system is aligned with the EU's legal framework; however, asylum seekers often voluntarily leave Croatia and go to other countries even before a decision is made on their application, which also continued after Croatia's accession to the EU. Main issues are insufficient accommodation capacities and inadequate health protection. The Croatian language learning programme is not implemented since 2010, which significantly aggravates their integration into the society. In the last year, 3,569 illegal migrants were reported and 1,408 deportations executed. Supervision of deportations from Croatia has never been implemented, and first supervisions are planned for the first half of 2015.

The NPM came to an unannounced visit of the Aliens Reception Centre, the only facility for accommodation of illegal migrants in Croatia. The rights of involuntarily detained aliens during their stay at the Centre are respected, but some organisational and accommodation shortcomings were observed that aggravate the situation. No psychological assistance is provided, there is no special box and forms for complaints, health care is inadequate, and they are unable to use free legal aid in proceedings deciding on their deportation.

The procedure of amending the Act on National Preventive Mechanisms was initiated last year, and amendments will ensure a higher number of visits, more active participation of associations and independent experts, and inclusion of specialised ombuds in the performance of NPM activities.

#### **RECOMMENDATIONS:**

##### ***Persons deprived of liberty in the prison system:***

98. The Ministry of Justice should align accommodation conditions with international and legal standards;
99. The Ministry of Justice and the Ministry of Health should separate health care for persons deprived of liberty from the judicial system and include it in the health care system;
100. The Ministry of Justice should, until health care for persons deprived of liberty is separated from the judicial system, ensure a sufficient number of health care workers and improve the quality of health care provided to persons deprived of liberty;
101. The Ministry of Justice should harmonize regulations related to the execution of prison sentences and remove the indicated flaws in the Execution of Prison Sentences Act and the Criminal Procedure Act;
102. The Ministry of Justice should carry out systematic education of penal officers on the protection of prisoners from all forms of cruel, inhuman or degrading treatment;

##### ***Persons with mental disorders in psychiatric institutions:***

*In addition to the recommendations provided in the Special report on human rights of persons with mental disorders in psychiatric institutions as part of the activities of the National Preventive Mechanism in 2014, it is also recommended:*

103. The Ministry of Justice should in the Act on the Protection of Persons with Mental Disorders prescribe the types of means of coercion and conditions for their use on persons with severe mental disorders placed in psychiatric institutions as well as any restrictions of use with regard to particular categories of patients;

104. The Ministry of Health should in the Ordinance on minimum conditions regarding premises, staffing and medical and technical equipment needed to provide health services prescribe conditions that must be complied with by all health institutions which carry out involuntary confinement and involuntary placement of persons with mental disorders;

***Persons deprived of liberty in police stations:***

105. The Ministry of the Interior should continue to improve accommodation conditions in rooms for persons deprived of liberty in police stations;

106. The Ministry of the Interior should ensure a sufficient number of detention supervisors, improve their working conditions and equipment, and prescribe that they are to perform only those tasks;

***Asylum seekers, asylees and illegal migrants:***

107. The Ministry of the Interior should ensure permanent and appropriate conditions in the Asylum Seekers Reception Centre and its sufficient capacities in the case of abrupt and large inflow of asylum seekers;

108. The Ministry of Health should ensure the provision of health care in the Asylum Seekers Reception Centre in Kutina and inform physicians that medical costs of persons under international protection are paid directly by the Ministry of Health;

109. The Ministry of Science, Education and Sports should, in accordance with the Asylum Act, provide the Croatian language learning programme to persons under international protection for the purpose of facilitating their integration and employment;

110. The Ministry of Justice should regulate by law exceptions from the principle of reciprocity in cases of asylum seekers acquiring real properties;

111. The Aliens Reception Centre should separate asylum seekers and illegal migrants b< rooms, ensure the provision of psychological assistance and implement the measure of strict police supervision in line with the Aliens Act;

112. The Ministry of the Interior should consider the possibility of providing free legal aid to aliens in the process of deciding on their placement in the Aliens Reception Centre;

113. The Ministry of Health should ensure the functioning of an infirmary in the Aliens Reception Centre in line with the prescribed health care.

## **5. GENERAL INITIATIVES**

### **5.1. Floods and disaster caused by them**

The Report on Human Rights in the Context of the Disaster Caused by the Floods in the Vukovar-Srijem County submitted to the Croatian Parliament contains recommendations for improving the protection and rescue system, different types of assistance (especially psychosocial), official register of flood victims, collective accommodation, control of public works, reconstruction and payment of costs and the informing of citizens in all potential emergency situations. The method of solving these issues requires intersectoral coordination and cooperation of all stakeholders, while taking into account the areas of special state concern in view of unequal financial capacities of local units.

### **5.2. Roundtable on poverty and elderly persons**

Organised in view of the International Day of Older Persons, International Day for the Eradication of Poverty and the World Homeless Day gathered around fifty representatives of state, regional and local bodies, civil society organisations, academic community and media. Its purpose was to point out the troubling reduction in social security of elderly persons,

particularly in terms of poverty and homelessness. A separate issue of discussion was economic abuse related to Contract of Support until Death and the need to establish improved legal protection of elderly persons from all forms of abuse. The roundtable also emphasized the need to improve cooperation with other stakeholders and the need to improve information of elderly persons on their rights.

### **5.3. Conference "Are We Combating Discrimination? Application of the Anti-Discrimination Act in Croatia"**

The Conference gathered 130 representatives of all relevant institutions involved in combating discrimination. The adopted conclusions included the need for more extensive amendments to the Anti-Discrimination Act, further education of key stakeholders, especially judges, higher visibility of ombuds institutions and working on promotion and raising awareness to reduce non-reporting of discrimination.

## **6. PARTICIPATION IN DRAFTING LEGISLATION**

In 2014 we participated in the process of preparing 15 draft regulations in the area of human rights and anti-discrimination based on the Ombudsman Act, Anti-Discrimination Act and Act on National Preventive Mechanism, mostly already during the period of debate, but also in later stages of the process – issuing of opinions to the party responsible for drafting legislation or committees of the Croatian Parliament. These were: Execution Act, Associations Act, Family Act, Act on the Temporary Child Support, Social Welfare Act, Act on the Protection of the Population against Communicable Diseases, Act on Primary and Secondary Education, Labour Act, Civil Service Act, Civil Servants Act, Act on Administrative Disputes, Police Act, Act on National Preventive Mechanism, Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, disability, age or sexual orientation, Strategy for Combating Poverty and Social Exclusion in Republic of Croatia (2014-2020) and the Programme for implementing the Strategy in the period 2014-2016.

## **7. NATIONAL AND INTERNATIONAL COOPERATION AND PUBLIC PARTICIPATION IN PROMOTING HUMAN RIGHTS AND ANTI-DISCRIMINATION**

### **7.1. Cooperation with stakeholders**

The Ombudsman's Council for Human Rights continued activities and, in line with its advisory role, helped in raising the visibility and scope of the Ombudsman's work. In 2014, cooperation with specialised ombuds was carried out through joined work on individual cases and forwarding of complaints, joint meetings and preparation of the UPR Report. Cooperation with civil society organisations was also continued, especially with regional anti-discrimination contact points. The Ombudswoman, her deputies and advisors participated in many conferences of civil society organisations and state administration bodies, where they presented the Ombudsman's activities and contributed to conclusions made at these conferences.

## **7.2. International cooperation**

As the national authority for combating discrimination, the Ombudsman submitted to the European Commission against Racism and Intolerance (ECRI) of the Council of Europe the opinion on compliance with the Commission's recommendations. In the UPR process, the Ombudsman, in cooperation with specialised ombuds, submitted the Second Independent Report, and also submitted the Independent report on implementing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the UN Committee against Torture, which the Committee discussed in November 2014. Croatia is still behind in its reporting obligations under international agreements, especially with regard to the International Covenant on Economic, Social and Cultural Rights, while it is extremely important for Croatia to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Revised European Social Charter. During this year, the Ombudswoman, her deputies and advisors participated in many international conferences in the area of human rights and anti-discrimination organised by various international organisations and associations, particularly in activities of the European Network of Equality Bodies i.e. bodies competent for combating discrimination and promoting equality.

### **RECOMMENDATIONS:**

114. The Croatian Government should adopt a decision appointing a coordination body for compliance with reporting obligations under various Conventions, and appoint bodies competent for preparing reports and complying with recommendations under these Conventions;
115. The Croatian Government should start the procedure for ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Revised European Social Charter.

## **7.3. Public relations**

The efforts on improving the institution's visibility were continued in 2014. We issued 22 communications on subjects under the Ombudsman's competence, contents of the web site were regularly updated and it, compared to 2013, recorded an increase of 90% in data transfers and 47.39% in traffic. In communication with citizens and media we also used Twitter and started a Vimeo channel. The representation of the Ombudsman's activities in printed media and on web sites has increased, while the media interest was highest when regional offices in Rijeka and Osijek were opened.

## **7.4. Project activities**

The Ombudsman in 2014 participated in the project related to drafting the Second Independent Report on human rights under the UPR, which was supported by UNDP, and, in cooperation with the Office for Human Rights and Rights of National Minorities in the project "Drafting of the National Anti-Discrimination Plan" financed by the Union's Progress programme.

## **7.5. Education of target groups**

Education of civil servants on implementing the Anti-Discrimination Act was held in the National School for Public Administration by the Ombudsman's advisors as lecturers, and we also participated in the course "Education and training of young national minority members" and lectures for students in Zagreb, Osijek and Rijeka.

## **8. HUMAN RESOURCES, WORK ORGANISATION AND BUDGET OF THE OMBUDSMAN'S OFFICE**

In 2014, the Ombudsman's Office was managed by the Ombudswoman and three deputies. In April, the Croatian Parliament appointed the Deputy Ombudsman Mario Krešić, and in October Jagoda Novak left the position of deputy for personal reasons. The Office started the year with 30 employees and ended it with 33 employees. After completing the works and relocation, from 1 May 2014 the Ombudsman's Office in Zagreb operates from one location, and in November 2014 regional offices in Osijek and Rijeka were opened, thus making this institution more accessible to citizens.

The Office's budget for 2014 was HRK 8,904,731.00, which is 1.13% more than in the previous year, but still 0.55% lower than in 2012. The activities planned and completed stand at 94.58%, due to inability to open regional offices before November 2014. However, the Ombudsman's Office budget has again in 2014 been under the level necessary for efficient performance of all functions of this institution.

## **9. CONCLUSION**

The number of cases processed by the Ombudsman in 2014 was 40% higher than in two previous years and, since the opening of regional offices, the number of received complaints has increased significantly. We find that accessibility to citizens is one of the key preconditions for efficient operation, which makes the opening of regional offices in Osijek and Rijeka an important step in that direction.

The most significant areas of citizens' concern in 2014 were justice, civil service and employment relations, conduct of police officers and discrimination on the grounds of ethnic affiliation or national origin. From the complaints it is visible that citizens are uninformed of their rights and mechanisms for their protection and show a high level of distrust in the system. The improved accessibility of competent bodies and higher quality of cooperation, as well as informing citizens of their rights and ways to assert them, and passing decisions based on the law according to prescribed and clear rules known in advance; these are the necessary preconditions for building a system based on the rule of law and legal certainty that citizens can trust.

The long-term economic crisis is reflected in an increasingly difficult social status of citizens and lack of possibility to realize many social rights. The position of ethnic or national minorities is still a problem, both in terms of implementing the Constitutional Act on the Rights of National Minorities and in terms of ethnic discrimination, which is still mostly directed at members of Roma and Serbian national minorities. Prejudice against illegal migrants, asylum seekers and persons granted asylum is still present, regardless of the fact

that their number has not significantly increased after Croatia's entry into the EU. The areas of labour and employment have the highest number of discrimination-related complaints.

Violations and unnecessary restrictions of the rights of persons deprived of liberty are, generally, a result of regulatory deficiencies and insufficient financial and human resources. The conditions of accommodation in some wards of psychiatric institutions constitute degrading treatment and, despite the reduction of overcrowding, the conditions of accommodation in the prison system are still unsatisfactory.

In conclusion, once again we stress the importance of informing citizens of their rights, improving the accessibility of all institutions and respecting the rule of law; we call for cooperation of all interested parties, including competent public law bodies, non-governmental organisations, experts and specialised ombuds, for the purpose of a joint effort to help make equality and respect of human rights in Croatia no longer a dream, but a reality.

## Abbreviations

DORH – State Attorney's Office of the Republic of Croatia

DUOSZ – State Office for Reconstruction and Housing Care

HOK – Croatian Bar Association

HS – Croatian Parliament

MB – Ministry of Veterans' Affairs

MG – Ministry of Economy

MP – Ministry of Justice

MRMS – Ministry of Labour and Pension System

MRRFEU – Ministry of Regional Development and EU Funds

MSMP – Ministry of Social Policy and Youth

MZOS – Ministry of Science, Education and Sports

MGPU – Ministry of Construction and Physical Planning

MU – Ministry of Public Administration

MZOP – Ministry of Environmental and Nature Protection

PU – Tax Administration

ULJPPNM – Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia

UDU – State Administration Offices

UzU – Office for Cooperation with NGOs of the Government of the Republic of Croatia

VRH – Government of the Republic of Croatia

ZIKZ – Execution of Prison Sentences Act

ZKP – Criminal Procedure Act

ZoSPP – Road Traffic Safety Act

ZZODS – Act on the Protection of Persons with Mental Disorders

ZUP – Civil Procedure Act