



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to the submission of the third periodic report of Croatia (CCPR/C/HRV/3) adopted by the Human Rights Committee at its 105th session, 9-27 July 2012*

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

1. Please provide information on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have taken place since the previous periodic report, including any relevant case law. Please also provide information on measures adopted to disseminate the Covenant among judges, lawyers and prosecutors.
2. Please provide information on significant political and administrative measures taken since the previous report to promote and protect human rights under the Covenant, and the resources allocated thereto, their means, objectives and results.
3. Please provide any other information on new measures taken to disseminate and implement the Committee's previous recommendations (CCPR/C/HRV/CO/2), including any relevant statistical data.

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

Constitutional and legal framework within which the Covenant is implemented (arts. 2 and 26)

4. Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol. Please indicate what concrete steps have been taken to implement the Committee's Views in the case of *Paraga v. Croatia* (757/1996).

* The present list of issues was adopted by the Committee at its 105th session, according to the new optional procedure established by the Committee at its ninety-ninth session. This new procedure consists of the adoption of lists of issues by the Committee, which are transmitted to States parties prior to the submission of their periodic reports. The replies from States parties to these lists of issues will constitute their periodic reports under article 40 of the Covenant.

5. In its previous concluding observations (para. 4), the Committee expressed its particular concern that some constitutional provisions limited certain rights to “citizens”, including equality before the courts. Please indicate the measures taken by the State party to bring all its provisions in line with articles 2, paragraph 1, and 26 of the Covenant, taking into consideration the Committee’s general comment No. 15 (1986) on the position of aliens under the Covenant.

6. Please provide detailed information on the process of merging the specialized Ombudspersons functions with the Office of the Ombudsman and indicate the measures taken to ensure the full independence of the new unified national human rights institution. Please provide information on the human and financial resources allocated for the effective functioning of this institution. Please also describe its mandate and activities in the field of civil and political rights and the steps taken to implement them.

Non-discrimination and equality (arts. 2, paragraph 1, 3, 7, 22 and 26)

7. With reference to paragraph 5 of the Committee’s previous concluding observations, please indicate the measures that the State party has taken during the reporting period to combat discrimination against minorities. Please provide information on the practical implementation of the Anti-discrimination Act (OG 85/08), including examples of case law, and the national anti-discrimination policy plan 2008-2013. What measures have been taken to protect members of the Serb minority against discrimination? Please provide information on the concrete measures taken by the State party to address the serious concerns regarding the situation of de facto discrimination, intolerance, violence and harassment faced by Roma, as was reflected for instance in the report by the Council of Europe’s Commissioner following his visit to Croatia in April 2010. Please also provide information on the number of hate crimes reported during the period under review, including information on the outcome of the investigation into the alleged physical attacks on participants in the “Different Families, Same Rights” pride march organized in Split on 11 June 2011.

8. Further to the Committee’s previous concluding observations (para. 7), please indicate any measures taken to promote effective implementation of legislation and policies on gender equality and to ensure women’s participation in different areas of public affairs. Please provide information on the progress made in the implementation of the National Policy for the Promotion of Gender Equality 2011-2015, as well as on the status of the National Plan for the Implementation of Security Council resolution 1325 (2000). Please also indicate all the measures taken to eliminate gender stereotyping and to strengthen the mainstreaming of gender perspectives in educational curricula and textbooks.

9. Please provide information on the achievements made by the 2007-2015 National Strategy for Equalization of Opportunities for Persons with Disabilities, as well as steps taken to reform the law on mental capacity and the guardianship system.

Violence against women (arts. 3 and 7)

10. In light of the Committee’s previous concluding observations (para. 8), please report on the impact of the implementation of the National Strategy for Protection from Domestic Violence 2008-2010. Please provide statistical data covering the period under review on the number of complaints filed concerning different forms of violence against women and the number of convictions handed down, including the sentences imposed and the compensation awarded to the victims. Please also provide updated information on existing support services for victims of domestic violence, including the number of State-run facilities available to women needing temporary accommodation and/or the amount of funding provided by the State organizations operating such facilities. In this regard, please comment on reports according to which shelters for victims of domestic violence face severe funding shortages.

11. According to the information available, dual arrests and convictions of both the perpetrator and the victim of domestic violence are prevalent throughout Croatia. Please comment on these reports and explain the scope of the protective measures provided for in the Act on Protection against Domestic Violence (OG 13/09, 14/10, 60/10), in particular with reference to the conditions under which they may be granted. Please clarify whether the filing of an appeal by the offender does automatically suspend or stay execution of all protective measures, including restraining orders. Please also provide detailed information on gender-sensitive training and awareness-raising programmes for law enforcement officials, health-care personnel and social workers in direct contact with the victims.

Public emergencies (art. 4)

12. With reference to the Committee's previous concluding observations (para. 9), please provide information on the measures taken by the State party to ensure that its constitutional provisions governing states of emergency are fully compatible with article 4 of the Covenant, taking into consideration the Committee's general comment No. 29 (2001) on states of emergency.

Right to life and prohibition of torture and cruel, inhuman or degrading treatment, remedies and administration of justice (art. 6, 7, 2, paragraph 3, and 14)

13. With regard to the Committee's previous concluding observations (para. 10), and the request for information made by the Committee's Rapporteur for follow up on concluding observations in her letter of 21 November 2011, please provide up-to-date information on the activities of the specialized war crimes chambers (number of cases received, number of investigations opened and decisions adopted). Please include information on domestic investigations, prosecutions and convictions for perpetrators of war crimes and crimes against humanity committed during "Operation Storm" carried out between August and November 1995.

14. Please provide updated information on the progress made in executing the Operation Plan for the Implementation of the Strategy for the Investigation and Prosecution of War Crimes Committed in the Period 1991-1995. Please comment on reports that indicate that there are persistent obstacles to the effective investigation and prosecution of war-related crimes in Croatia. In particular, please provide information on the measures taken to ensure that the legal framework used for prosecution of war-related cases is in line with relevant international standards, including cases related to crimes against humanity, command and superior responsibility and war crimes of sexual violence. Please clarify the scope of the Law on invalidation of certain legal acts of the judicial bodies of the Former Yugoslav National Army, the former Socialist Federal Republic of Yugoslavia and the Republic of Serbia (OG 124/11), adopted in November 2011, and comment on the serious concerns expressed by the State Attorney General and the European Commission regarding its potential negative implications on bilateral cooperation on war crime cases. Please also provide information on the measures taken to address allegations of war-time crimes committed by senior officials; provide adequate measures of witness protection and support; and ensure fair and adequate reparation for victims of war crimes.

15. According to information available, the number of war crimes trials conducted in absentia increased in 2011, particularly in cases in which the defendant was a Serb. Please provide information on the measures taken to ensure that persons convicted in absentia have access to effective remedies with the possibility of reopening a case and that all such trials are held in conformity with article 14 of the Covenant.

Liberty and security of the person and treatment of prisoners (arts. 7, 9 and 10)

16. Please provide detailed statistical data, disaggregated by sex, age, ethnicity and place of detention, on complaints of acts of torture and ill-treatment recorded during the

period under consideration. Please include information on investigations, disciplinary and criminal proceedings, convictions and the disciplinary and/or criminal sanctions applied. Please also indicate the measures taken for the rehabilitation and compensation offered to victims.

17. Please indicate measures taken by the State party to address prison conditions in some facilities, including inadequate access to medical care and overcrowding. As requested by the Committee in its previous concluding observations (para. 13), please provide statistical data and other information illustrating progress made in the implementation of alternative measures to detention. Please include updated information, including statistics, disaggregated by sex, age and ethnicity, on the number of pretrial detainees and convicted prisoners and the occupancy rate of all places of detention for the period 2009-2013.

18. Please provide information on the number of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with psychosocial disabilities. Please comment on reports that the five-year plan for deinstitutionalizing persons with psychosocial disabilities continues to consider smaller institutions as adequate community living options. What is the situation with respect to alternative forms of treatment, such as community-based rehabilitation services and other forms of outpatient treatment programmes? Please explain the measures, if any, taken to abolish the use of enclosed restraint beds (cage/net beds) as a means of restraint in psychiatric facilities.

Elimination of slavery and servitude (art. 8)

19. According to reports, the State party is a destination, source, and transit country for men, women and children subjected to conditions of sex trafficking and forced labour. Please provide information, on an annual basis since 2009, on complaints, investigations, prosecutions and convictions, including penalties, for perpetrators of human trafficking. Please indicate what measures, if any, have been adopted to improve and develop training in the identification of victims of trafficking, especially child victims. Has the State party evaluated the effectiveness of the Protocol on the integration of victims of human trafficking adopted in May 2011?

Freedom of movement (art. 12)

20. With regard to the Committee's previous concluding observations (paras. 6 and 14), please provide updated information on the steps taken to find sustainable solutions for the remaining internally displaced persons and returnees in the State party, including those who continue to live in collective shelters. Please also provide information on the progress made so far in the so-called "Sarajevo Process"?

Freedom of expression and association and right to peaceful assembly (arts. 19, 21 and 22)

21. With regard to the Committee's previous concluding observations (para. 17), and the request for information made by the Committee's Rapporteur for follow up on concluding observations in her letter of 21 November 2011, please provide information on the public condemnation of instances of intimidation and attacks against journalists. In this regard, please inform the Committee of the outcome of the criminal investigation into: (a) the alleged attack against Duško Miljuš, an investigative journalist at *Jutarnji List* covering corruption, in June 2008; and (b) the June 2010 attack on Stjepan Mesarić, reporter of the weekly *Medjimurske Novine*, after writing an article about corruption in the local construction industry.

Rights of the child (arts. 7, 13 and 24)

22. According to the information before the Committee, the State party lacks adequate infrastructure to protect unaccompanied and separated migrant children. Please provide information on the steps taken, and procedures in place, to ensure that appointed guardians represent the child's best interests and safeguard the protection needs of their wards. Please indicate the qualification criteria for guardians who represent unaccompanied children. Please clarify whether all unaccompanied and separated children have the right to be assisted by an interpreter and to be provided legal assistance other than for asylum appeals.

Rights of persons belonging to minorities (arts. 2, 24, 26 and 27)

23. With regard to the Committee's previous concluding observations (para.16), please provide updated information on the measures taken to ensure that the administrative procedures and legislative provisions on citizenship do not disadvantage persons belonging to national minorities. Please describe the results of the Action Plan for the Implementation of the Constitutional Act on the Rights of National Minorities. Please include information on the measures taken to ensure adequate political representation and participation of minorities at all levels of government, in particular members of the Roma and the Serb minority.

24. With regard to the Committee's previous concluding observations (para. 19), please provide updated information on the steps taken to effectively end de facto segregation of Roma children in schools, as highlighted by the European Court of Human Rights' judgement of 16 March 2010 in the case of *Oršuš and Others v. Croatia*, concerning discrimination of Roma pupils in the education system. According to the information before the Committee, the measures developed by the State party's authorities are insufficient to address the causes of discrimination of Roma children in the education system, as identified by the Grand Chamber of the European Court of Human Rights. Please comment.
