

APPENDIX 1.

ELEMENTS ON THE COMMON CORE DOCUMENT

GENERAL INFORMATION AND ORGANISATION OF GOVERNMENT (INSTITUTIONS)

(General)

1. According to the latest census in 2001, Croatia had 4,437,460 inhabitants, 44.31% in rural areas. Compared with the 1991 census the average annual growth rate was down by 0.63%, but in the 2001 census a new criterion was applied according to which the census included persons with normal residence and limited absence of up to 12 months. According to ethnic origin, in 2001, there were: 3,977,171 Croatians, 201,631 Serbs, 20,755 Bosniaks, 19,636 Italians, 16,595 Hungarians, 15,082 Albanians etc. Population density was 78.4 (in 1991, it was 84.6). In 2009, 45,807 children were born, and 53,885 persons died. Life expectancy is 79.6 for women and 72.4 for men.

(Government)

2. The Constitution of the Republic of Croatia of 22 December 1990 defines the Republic of Croatia as a unitary and indivisible democratic and social state. The highest values of the constitutional order are: freedom, equal rights, ethnic equality, peace, social justice, respect for human rights, ownership, rule of law, preservation of nature and environment, democracy and multiparty system. Government is based on the tripartite division of power into the legislative, executive and judicial branches. On 25 June 1991, the Parliament of the Republic of Croatia adopted the Constitutional Decision on Sovereignty and Independence of the Republic of Croatia, declaring Croatia an independent state. Following the failure to resolve the Yugoslav crisis, on 8 October 1991, it severed all state legal ties. With a review of the Constitution in November 2000, the Republic of Croatia changed from semi-presidential to a parliamentary system. In 2010, amendments to the Constitution, in addition to creating conditions for Croatia to join the European Union, also brought improvements in human rights, notably: explicit mention in the preamble to the Constitution of all the ethnic minorities in Croatia, 22 in all; formulation of the compulsory education in such a way as not to be constitutionally limited to elementary school only any more, which is in line with the efforts to make the compulsory education include higher levels; strengthening the role of the Ombudsman by through the provision of immunity and explicit mention of his/her autonomy and independence, as well as the rights of citizens to file complaints with the Ombudsman; and introduction to the right to access to information as a constitutional category.

3. **Croatian Parliament** is the representative body of the citizens and the legislative branch of power. It decides on the promulgation of and amendments to the Constitution and passes laws, the national budget, national security and defence policies, as well as acts expressing its own policy. It also decides on matters of war and peace, change of the borders of the Republic of Croatia, and calls referenda, conducts elections, appointments and relieving of duty in accordance with the Constitution and law, and controls the operation of the Government and

other public office holders reporting to the Croatian Parliament. Members of Parliament are elected directly by secret ballot for a period of 4 years, and the Parliament has a Speaker and one or more Deputy Speakers. Sessions of the Croatian Parliament are public. Unless provided otherwise in the Constitution, the Croatian Parliament decided by a majority of votes, provided the session is attended by the majority of MPs, and MPs vote in person. Laws (organic laws) regulating the rights of ethnic minorities are passed by a 2/3 majority vote of all the MPs, and laws dealing with the constitutionally guaranteed human rights and basic freedoms, election system, organisation, scope and method of operation of state administrative bodies, and the organisation and scope of local and regional self-government are passed by a majority vote of all MPs.

4. President of the Republic of Croatia represents and acts on behalf of the Republic of Croatia in Croatia and abroad, cares for the regular and coordinated operation and stability of the government and is in charge of the defence of the independence and territorial integrity of the Republic of Croatia. President is elected on the basis of the universal and equal suffrage in direct election by secret ballot for a period of five years, by the majority vote of all the voters who cast their votes. No-one can be elected president more than twice.

President announces elections for the Croatian Parliament and calls the Parliament for its first session, calls referenda in accordance with the Constitution, entrusts the mandate to form the Government to the person who on the basis of the division of MP seats in the Croatian Parliament and the consultations conducted enjoys the confidence of the majority of all MPs, he gives pardon, awards medals and recognitions and performs other duties defined in the Constitution.

President and Government of the Republic of Croatia cooperate in the creation and implementation of foreign Policy. At the proposal of the Government and with the counter-signature of the Prime Minister, the President decides on establishing diplomatic missions and consular posts of the Republic of Croatia abroad. At the proposal of the Government and with the opinion of the parliamentary committee in charge, the President decides on the appointment and relieving of duty of heads of diplomatic missions of the Republic of Croatia abroad, with the prior counter-signature of the Prime Minister. The president also accepts credentials and letters of revocations of foreign heads of diplomatic missions to Croatia.

The President is also the Supreme Commander of the Armed Forces of the Republic of Croatia and appoints and relieves of duty military commanders. On the basis of a decision of the Croatian Parliament the President also declares war and concludes peace, and in case of imminent threat to the independence, integrity and existence of the state the President may, with a counter-signature of the Prime Minister, order the use of the Armed Forces even though no state of war has been declared. During the war, the President may pass decisions with legal effect on the basis and within the framework of the powers he has been bestowed upon by the Croatian Parliament. If the Croatian Parliament is not in session, the President of the Republic is empowered to issue decrees with legal effect in order to regulate any issues as required by the state of war.

The President may propose to the Government to hold a meeting and consider specific issues and can attend the meeting and take part in the debate. Both institutions, as provided in the Constitution and law, cooperate in guiding the operation of secret services. Appointments of heads of security services, with the prior opinion of the parliamentary committee in charge, is counter-signed by the President and Prime Minister.

5. Government of the Republic of Croatia holds the executive power in accordance with the Constitution and law, and it is made up of the Prime Minister, one or more Deputy Prime Ministers, and Ministers. Without a specific approval of the Government, the Prime Minister and members of the Government may not perform any other public or professional duty. Members of the Government is proposed by the person to whom the President of the republic of Croatia has entrusted the mandate to form the Government.

The Government introduces law bills and other acts in the Croatian Parliament, and proposes the national budget and the annual financial statement. It also enforces laws and other decisions of the Croatian Parliament, issues ordinances to enforce laws, manages the home and foreign policies, directs and controls the operation of the state administration, cares for the economic development of the country, guides the operation and development of public services. The Government reports to the Croatian Parliament. The Prime Minister and members of the Government are jointly responsible for the decisions made by the Government, and they are individually responsible for their specific areas of work.

6. Judicial branch, autonomous, and independent, is operated by **courts** (regular and special) that administer justice on the basis of the Constitution and laws. The Supreme Court of the Republic of Croatia, as the highest judicial instance, ensures uniform enforcement of laws and equality of citizens. The establishment, scope, composition and organisation of courts and court proceedings is regulated by laws. Court hearings are public and judgements in the name of the Republic of Croatia are announced publicly. The public may be excluded from the entire or from part of the discussion as required in any democracy – in the interest of morale, public order or state security, particularly in case of trials involving minors or for the protection of the privacy of the parties, or in marriage disputes and proceedings related to custody and adoption, or to keep a military, official or business secret, and protect the security and defence of the Republic of Croatia, but only to the extent that in the opinion of the court is absolutely necessary under the special circumstances when the publicity could compromise the interests of justice.

7. Attorney General is an autonomous and independent judicial body authorised and obliged to act against perpetrators of felonies and other criminal offences, take legal action for the protection of the property of the Republic of Croatia and file remedies for the protection of the Constitution and law. The Attorney General of the Republic of Croatia is appointed for a period of 4 years by the Croatian Parliament at the proposal of the Government of the Republic of Croatia, with the prior opinion of the parliamentary committee in charge. Attorney General includes municipal and county public prosecutors' offices headed by public prosecutors appointed by the Public Prosecutors Council from among the ranks of Deputy Attorney Generals. (The Public Prosecutors Council is a body of 11 members, of whom 7 Deputy Attorney Generals elected by all the public prosecutors and their deputies, 2 university professors of law elected by all the professors of law schools, and 2 members appointed by the Croatian Parliament from among the ranks of MPs, one of them from the ranks of the opposition). Public prosecutors (Attorney General, municipal and county public prosecutors) have deputies, appointed by the Public Prosecutors Council. The duty of the Deputy Attorney General is permanent.

8. Constitutional Court of the Republic of Croatia consist of 13 judges appointed by the Croatian Parliament for a period of 8 years from among the ranks of outstanding legal experts, particularly judges, public prosecutors, attorneys at law and university law professors. The

procedure of candidacy for a judge of the Constitutional Court and proposed appointment by the Croatian Parliament is conducted by the committee of the Croatian Parliament in charge of the Constitution. The Constitutional Court elects its president for a period of 4 years.

A judge of the Constitutional Court of the Republic of Croatia cannot perform any other public or professional duty. He/she can be relieved of duty prior to the expiry of the time for which he/she was appointed if he/she: requests to be relieved of duty; is sentenced to a prison term; or if he/she permanently – in the estimate of the Court – loses the ability to perform his/her duty.

The Constitutional Court of the Republic of Croatia decides on the conformity of laws with the Constitution, as well as of the conformity of other regulations with the Constitution and law, and can make such deliberations on laws and other regulations that have ceased to be valid, if from their cessation until the filing of a request to no more than six months have passed. It also decides on constitutional complaints filed against individual decisions of state administrative bodies, units of local and regional self-government and legal persons vested with public powers, when such decisions violate human rights and basic freedoms and the right to local and regional self-government. Furthermore, it monitors the conformity with the Constitution and law and reports on the failures noted to the Croatian Parliament, and deals with the conflicting authorities of the legislative, executive and judicial branches. In accordance with the Constitution it decides on the responsibility of the President of the Republic of Croatia and monitors the constitutional conformity of the programs and actions of political parties and may, in accordance with the Constitution, ban their operation, and also monitors the constitutional and legal conformity of the elections and national referenda and deals with election disputes that are out of the jurisdiction of courts. The Constitutional Court shall also repeal a law if it finds that it is not in conformity with the Constitution, and it shall repeal or annul any other regulation if it finds that such regulation is not in conformity with the Constitution and law.

The procedure and requirements for the appointment of judges of the Constitutional Court of the Republic of Croatia and for relieving them of duty, the requirements and time limits for initiating the procedure to evaluate conformity with the Constitution and law, the procedure and the legal effects of its decisions, protection of human rights and basic freedoms guaranteed by the Constitution and law and other issues relevant to the performance of its duties, and its operation, are regulated in a Constitutional Law, whereas its internal organisation is regulated in its Rules of Procedure.

(Status in international organisations)

9. In regard of membership of international organisations, the Republic of Croatia was admitted to the United Nations on 22 May 1992, to the Council of Europe on 6 November 1996, and to NATO on 1 April 2009. In 2001, Croatia signed the Stabilisation and Association Agreement with the European Union, and is now pending admission to the EU, as its main foreign-policy goal.

FRAMEWORK FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

(General Framework)

10. Croatia has developed a normative and institutional framework for the protection and promotion of human rights and has high standards harmonised with the international ones. However, the implementation of the standards and related capacity building still remain

somewhat of a challenge, with continuous efforts being invested. The right to life as the basic and natural right of every person is clearly guaranteed in Art. 21 of the Constitution: “Any human being has the right to live. In the Republic of Croatia there is no death penalty”. Additionally, Article 17 paragraph 3 of the Constitution prescribes: “Not even in case of imminent threat to the existence of the state can the applicability of the provisions of this Constitution on the right to life be limited....”. In the Republic of Croatia the death penalty was abolished on 8 December 1991 by the Law on Taking Over the Criminal Code of the Socialist Federal Republic of Yugoslavia.

11. According to the Constitution the Republic of Croatia is a sovereign, democratic and social state in which human rights and basic freedoms are protected based on the principles of equality before the law and non-discrimination and equality of genders. The Constitution, in Article 3, mentions respect for human rights as the „highest value of the constitutional order“, and in this spirit all other provisions are to be interpreted. In Chapter III „Protection of human rights and basic freedoms“ there is detailed elaboration of the civil and political, economic, social and cultural rights and definitions of the specific principles and mechanisms for their protection. Among other things, there is the guarantee of the principle that all citizens are equal before the law and discrimination on whatever grounds is prohibited - race, colour, gender, language, religion, political or other belief, national or social origin, fortune, birth, education, social position or other characteristics. Freedoms and rights of citizens may only be restricted by law in order to protect the freedoms and rights of other people and the legal system, public morale and health, and any restriction must be proportionate to the nature of the requirement on a case by case basis. The Constitution guarantees equality to members of all ethnic minorities, whereas the specific protection of the rights of ethnic minorities is regulated in the Constitutional Law on the Rights of Ethnic Minorities, and special laws that guarantee ethnic minorities the cultural autonomy and regulate the representation of representatives of ethnic minorities on representative and other bodies.

12. The national system of human rights protection is based on the Constitution and domestic legislation and international instruments for the protection of human rights to which the Republic of Croatia is a party. Pursuant to Article 140 of the Constitution: “Treaties entered into and ratified in accordance with the Constitution and published, that are in effect, constitute part of the interior legal order and, in their legal effect, are positioned above law“. Courts are authorised to directly apply treaties when they decide on matters of protection of human rights of individuals. The Courts Act in Article 5 prescribes: “Courts shall administer justice on the basis of the Constitution and law. Courts also administer justice on the basis of treaties that are integral part of the legal order of the Republic of Croatia.“ In this context there is education of judges and public prosecutors, particularly through the education at the Judicial Academy, a public institution.

(Status – treaties)

13. The Republic of Croatia is party to numerous human rights treaties (a number of them was adopted into Croatian legislation from the predecessor state on the basis of the notification of succession as of 8 October 1991) such as:

- On universal level:

International Pact on Economic Social and Cultural Rights, International Pact about Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of All Forms of

Discrimination Against Women, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, to which there have been no reservations filed. The Republic of Croatia signed the International Convention for the Protection of All Persons from Enforced Disappearance whose ratification is now under consideration. Croatia is also a party to all the protocols with the above-mentioned instruments, and a special Working Group is examining the signature/ratification of the Protocol to the International Pact about Civil and Political Rights;

- On regional level (88 instruments of the Council of Europe)

including, in addition to European Convention on Human Rights and Basic Freedoms, the following: European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, European Charter on Regional and Minority Languages, Framework Convention for the Protection of National Minorities, Convention on Action against Trafficking in Human Beings, Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine. The Government of the Republic of Croatia regularly submits reports to the treaty bodies concerning the implementation of these instruments and recommendations (in regard of paragraph 13 see the Report for more detail).

(National legislation)

14. Protection of human rights is regulated in more detail in numerous laws that must be harmonised with the provisions of treaties concerning human rights to which Croatia is a party. Laws directed towards the protection and promotion of human rights include: Constitutional Law on the Rights of Ethnic Minorities, Anti-discrimination Act, Gender Equality Act, Same-sex Companionship Act, Law on Free Legal Assistance, Law on the Right to Access to Information, Criminal Code, Labour Act, Aliens Act, Asylum Act, Law on Protection from Domestic Violence, Law on Maternity and Parentage Benefits, Family Act, Social welfare Act, Law on Criminal Procedure, Law on Enforcement of Legal Sanctions, Law on Pre-school Education and Teaching, Law on Teaching and Education in primary and Secondary Schools, Law on Vocational Education, Law on Education of Adults, Law on Scientific Activities and University Education, Law on Teaching and Education in the Respective Languages and Scripts of Ethnic Minorities, Health Care Act, Law on Compulsory Health Insurance, Law on the Protection of the Patients' Rights, Law on the Protection of Persons with Mental Disorders, Media Act, Electronic Media Act, Law on Croatian Broadcasting Company, Law on Croatian News Agency, Volunteer Act, Reconstruction Act, Regional Development Act, Law on the Election of 6 of MPs to the Croatian Parliament, Civil Servants Act.

(National framework for human rights protection)

15. Responsibility for the implementation of the national legislation and international commitments in the promotion and protection of human rights rests with the entire system of government (the concept of the tripartite division of power and separate operation of the Constitutional Court), independent institutions (Ombudsman, specialised ombudspersons: for children, gender equality and persons with disabilities) and civil society organisations whose activities are supported by the Government of the Republic of Croatia. Special role is played by courts that are guaranteed autonomy and independence in the Constitution.

(Ministries and government offices)

16. In the context of the mentioned tripartite division of power, and in addition to courts, there are also ministries, in charge of judiciary and administration, foreign and interior affairs,

science, education and protection of sensitive/particular social groups, as well as government offices established with a view to additionally support the advancement of human rights in individual areas, including:

- **Government Office for Human Rights** reviews the condition of human rights and freedoms in accordance with the Constitution, the Constitutional Law on the Rights of Ethnic Minorities, and reports by international organisations, the Ombudsman and NGOs. It regularly monitors international standards and documents for the protection and promotion of human rights and proposes to the Government activities and measures to more efficiently exercise human rights. It also prepares and participates in the organisation of international and national seminars, panel discussions and public debates, and in designing and conducting campaigns. The Office pays special attention to cooperation with civil society by co-financing their projects and including their representatives in the operation of the national bodies in charge of specific human rights areas and in the development of national programs. In addition to the specific work in particular areas such as trafficking in human beings, discrimination and monitoring the implementation of the National Program for Human Rights protection and Promotion, it hears complaints of citizens and is actively involved in international cooperation. It also functions as the Secretariat for the Human Rights Commission of the Government of the Republic of Croatia and the National Committee for Combating Trafficking in Human Beings (prepares meetings, coordinates drafting national programs and monitors their implementation). Head of the Office is the National Coordinator for Combating Trafficking in Human Beings;

- **Government Office for Ethnic Minorities** engages in technicalities in support of the implementation of the established policy of equality of ethnic minorities who live on the territory of the Republic of Croatia and their exercise of the rights guaranteed to them in the Constitution and laws. The Office proposes measures for the exercise of such rights and prepares proposals for securing the funds. It also makes proposals and gives opinions concerning the funding of specific needs of members of ethnic minorities and their associations and cooperates with the authorities in charge and administrative bodies on local level in the areas where considerable number of member of respective ethnic minorities live. It monitors the cooperation between the associations and institutions of ethnic minorities (whose programs are funded from the national budget) with the institutions in the home countries of their respective ethnic groups, prepares opinions and analyses concerning the implementation of international standards in the exercise of the rights of members of ethnic minorities. Particularly noteworthy is the cooperation with the Council of Europe in the implementation of important documents such as the Framework Convention for the Protection of National Minorities;

- **Government Office for Gender Equality** as a technical department of the Government coordinates the activities whose purpose is to establish gender equality. To this end it develops a comprehensive system of protection and promotion of gender equality, monitors its effectiveness, approves action plans of state administrative bodies, proposes laws and regulations and/or their amendments and develops the national policy for the promotion of gender equality and monitors its implementation. The Office conducts research and analyses and submits reports to the Government concerning the implementation of the national policy. It is in charge of monitoring the harmonisation of legislation with treaties and of preparing national reports in accordance with treaties on gender equality. It also cooperates with NGOs and promotes knowledge and awareness of gender equality and coordinates the operation of county commissions for gender equality;

- **Government Office for Associations** deals with technicalities of creating conditions for cooperation and partnership with civil society. It has a broad scope of activities, from proposing new legislation, monitoring the implementation of the National Policy for creating encouraging conditions for the development of civil society and measures, to developing programs, standards and recommendations for funding the operation of organisations of civil society from the national budget and other public sources, and from the pre-accession and structural funds of the European Union. The Office coordinates the operation of the authorities and state administrative bodies on the local level concerning the monitoring and improvement of cooperation with the NGO, non-profit sector. It manages projects to support the development of civil society within the programs initiated under CARDS and those planned under PHARE and IPA programs and the program of the Community *Europe for Citizens*. It cooperates closely with the Council for the development of civil society to which it also provides technical, administrative, professional and financial support.

17. There are also **Government consultancy bodies** such as: Council for Ethnic Minorities with a view to encouraging ethnic minorities to participate in public affairs and to protect their rights, Council for the Development of Civil Society with a view to developing cooperation between the Government and civil society in the implementation of the policy in this area.

There are also **many other Government bodies in charge of human rights and protection of vulnerable groups** such as: Human Rights Commission with a view to reviewing the effectiveness of the system for the protection and promotion of human rights and to preparing policy documents, Commission for Monitoring the implementation of the National Program for the Romanies that currently also includes 9 representatives of the Romanies and proposes measures for the improvement of this program and controls the spending, Commission for Combating Drug Abuse with a view to coordinate activities in the areas from prevention to re-socialisation, Commission for Combating HIV/AIDS with a view to coordinating national and international activities related to the spread of HIV/AIDS infection (for more details on paragraph 17 see the Report).

(Human rights coordination offices on county level)

There are county human rights coordination offices, established for the sake of effective functioning of the system of human rights protection and promotion on local and regional levels.

(Croatian Parliament)

18. Croatian Parliament, the supreme legislative body, reviews human rights primarily through the operation of:

- **Committee for Human Rights and Rights of Ethnic Minorities** that monitors and participates in the implementation of policies in the human rights and ethnic minority rights areas. In the law-making procedure the Committee has the status of the reference authority concerning the implementation of ratified international instruments, implementation of the constitutional provisions on human rights, and exercise of the rights of ethnic minorities guaranteed in the Constitution and laws, and is entitled to propose measures for the exercise of such rights. It monitors the position of Croatian minorities in the neighbouring states and proposes measures for improving the cooperation with a view to preserving the national identity. The Committee cooperates with scientific and expert governmental and non-governmental organisations active in this area, as well as with the working bodies of

parliaments of other states and international bodies. It also cooperates with the working bodies in charge of complaints and with other working bodies of the Croatian Parliament;

- **Committee for Gender Equality** that monitors and participates in the implementation of the gender equality policy and in the process of making laws and other regulations is the central authority in this area. It also promotes the adoption of international documents on gender equality and monitors their implementation.

(NHRI)

19. With a view to protect and promote human rights and basic freedoms, there is a number of independent national institutions. **Office of the Ombudsman** is an „A“ status institution that meets the „Paris requirements“. As an attorney for the Croatian Parliament the Ombudsman protects the constitutional and legal rights of citizens before the government and bodies vested with public powers. In accordance with the Anti-discrimination Act the Office is designated as the central agency for combating discrimination. Croatia has also opted for a special system of special ombudspersons:

- **Ombudsperson for Children** monitors the conformity of laws with the provisions of the Convention on the Rights of the Child (for details see the Report);

- **Ombudsperson for Gender Equality** monitors the implementation of the Gender Equality Act and other legislation in this area. The Ombudspersons for Gender Equality is appointed by the Croatian Parliament for a period of 8 years. The Ombudsperson's scope of work is prescribed in the Gender Equality Act. The Office is funded from the national budget and reports to the Croatian Parliament annually. The Ombudsperson accepts reports by natural persons and legal entities related to the discrimination on the basis of gender, provides assistance to natural persons and legal entities in filing lawsuits against gender discrimination, examines individual reports up to filing lawsuits and may conduct reconciliation procedure and out-of-court settlement. Furthermore, the Ombudsperson collects and analyzes statistical data about cases of gender discrimination and conducts independent research, publishes independent reports and exchanges information with the corresponding European agencies. The Ombudsperson is authorised to warn and issue recommendations, and state administrative bodies, bodies of units of local and regional self-government and other bodies vested with public powers are obliged to notify the Ombudsperson in writing within 30 days about the measures taken. The Ombudsperson can also file a request for a review of the conformity of a law with the Constitution, or of the conformity of another regulation with the Constitution and law, if it finds that gender equality has been violated, and may file for the amendment to such legislation.

- **Ombudsperson for Persons with Disabilities** protects, monitors and promotes the rights and interests of persons with disabilities on the basis of the Constitution, treaties and laws. The Ombudsperson appointed is herself a person with the severest kind and extent of disability. The Ombudsperson monitors the conformity of legislation regulating the protection of the rights and interests of persons with disabilities with the provisions of the Constitution and international documents, as well as the implementation of national policies and fulfilment of the commitments arising from international documents. The Ombudsperson examines cases of violation of the rights of persons with disabilities and takes action with a view to preventing such violations and informs the public about it. The Ombudspersons also proposes taking measures for building a comprehensive system of protection and improvement of their

quality of life, and cooperates with associations of persons with disabilities. State administrative bodies, units of local and regional self-government, legal entities and natural persons are obliged to notify the Ombudsperson immediately, and in any case within 15 days, about what has been done concerning the warning, proposal or recommendation issued. In case of a notification that a person with disability is subject to discrimination, violence, sexual harassment, exploitation, neglect or grossly negligent treatment, the Ombudsperson shall immediately file a report to the public prosecutor in charge and warn the state administrative body in question and propose measures for the protection of the rights and interests of persons with disabilities.

(Organisations of civil society)

20. An important role is played by organisations of civil society that contribute to social cohesion, participating democracy, philanthropy and volunteering, and education for democratic citizenship and human rights, for the support of which there is now a legal and institutional framework. According to the information from the Register of Associations kept by the Ministry of Administration, in 2009, the network of organisations of civil society included more than 39,558 associations, 152 trusts and 10 foundations, plus more than 600 private institutions and about 250 trade-union associations and employer associations, as well as 50 religious organizations and 1,976 legal entities of the Catholic Church. Additionally, the Register of Foreign Associations included 129 foreign associations (from 21 countries), as well as several foreign foundations operation in Croatia. Considering the new regulation, non-profit organisations are required to register with the Register of Non-profit Organisation kept by the Ministry of Finance, as real indicator of the status of active associations once the data collected has been processed.

(Complaint mechanisms)

21. As a guarantee for the exercise of the constitutional freedoms and rights a special mechanism has been put in place – a **constitutional complaint** that may be filed by a citizen when an individual act of a state administrative body, a body of a unit of local and regional self-government or legal entities vested with public powers, deciding on the citizen's rights and duties or a criminal charge, violated human rights of basic freedoms guaranteed by the Constitution. The complaint shall be filed after all the regular legal remedies have been exhausted. Persons who believe to have been denied their rights, once the constitutional complaint has been consumed, may further turn to the European Human Rights Court and all the committees that under UN conventions are mandated to hear individual complaints.

22. As of 5 November 1997, the Republic of Croatia ratified the European Convention for the Protection of Human Rights and Basic Freedoms, together with its relevant Protocols. By doing this, the Republic of Croatia recognized the **jurisdiction of the European Human Rights Court** (hereinafter: European Court) to hear complaints by any natural person, NGO or group of persons who claim to be victims of the violation of rights recognised in the Convention that may have been perpetrated by the Republic of Croatia. In addition, the Republic of Croatia undertook to subject to the final award of the European Court in any dispute it may be a party to.

In the proceedings before the European Court the Republic of Croatia shall be represented by a representative of the Government who shall also be the coordinator for the enforcement of judgements of the Court on the national level. On the average the European Court receives about 700 cases against the Republic of Croatia, the majority of which are rejected before it is forwarded to the Government to respond.

Claimants mostly invoke the violation of Article 6 of the Convention (the right to a fair trial), mostly concerning the trial of the case in a reasonable period of time, but after the establishment of effective legal means consistent with the practice of the European Court the number of such cases and violations confirmed has gone down substantially. Other substantial violations that the European Court established in case of Croatia mostly concern unimpeded ownership, respect for privacy and family life, prohibition of torture and inhuman treatment and in some cases violation of the right to life, prohibition of discrimination and the right to free movement.

The Republic of Croatia shall submit to the final decision of the European Court in any dispute it is a party to. Earlier, the obligations of the state mostly concerned individual measures: payment of equitable compensation, renewed domestic proceedings, enforcement of a decision passed in the administrative procedure etc. Due to the increasing complexity of cases there are more and more obligations to enforce general measures from individual judgement, or from a group of judgements concerning the same issue. Enforcement of general measures requires amendments to legislation, a change of court or administrative practice, adoption of action plans for preventing the repetition of the violation etc. The incentive to enforce general measures comes from the representative of the Government to the authorities in charge, and the enforcement of some of them requires inter-agency cooperation.

The enforcement of judgements is monitored by the Committee of Ministers of the Council of Europe. The Republic of Croatia is part of the collective enforcement, represented on the Committee by its Minister of Foreign Affairs and European Integration, and operatively by its Permanent Representative at the Permanent Mission of the Republic of Croatia to the Council of Europe.

All the judgements and final decisions of the European Court passed with regard to the Republic of Croatia are translated into Croatian and uploaded to the website of the Ministry of Justice. Translations are regularly sent to the authorities that participated in respective proceedings, and to the Constitutional Court of the Republic of Croatia and the Supreme Court of the Republic of Croatia, whereas the original versions are available on the website of the European Court. In the semi-annual publication „Overview of the practice of the European Human Rights Court“ there are collected translations of the judgements against the Republic of Croatia in the relevant period, and a selection of judgements against other states.

(National program and current situation)

23. The National Program for the Protection and Promotion of Human Rights 2008-2011 provides the program framework, i.e. the analysis of priority measures in the areas such as combating racial and other forms of discrimination, gender equality, protection of ethnic minorities, protection of victims/witnesses, freedom of the media, right to access to information, religious rights and freedoms, right to work, protection of family, children and young persons, care for particularly vulnerable groups, combating corruption, trafficking in human beings etc. In 2010, the Operative Plan for its implementation was adopted.

Important progress is noted in combating discrimination, as well as in other areas - gender equality (greater political participation of women and marking domestic violence as unacceptable), rights of the child (prohibition of corporeal punishment) and persons with disabilities (normative framework, independent mechanism), trafficking in human beings,

migrants and asylum seekers (international standards) etc. In this context we present two areas in more detail – anti-discrimination and gender equality.

(Anti-discrimination)

24. Important progress is noted in the anti-discrimination area - passage of laws and establishment of the institutional mechanism through the operation of the Office of the Ombudsman. In cooperation with the Ombudsman and the Peace Studies centre the Government conducted the project of «Support to the implementation of the Anti-discrimination Act» (80% co-financed by the EC) with a view to educate the media, civilian society, employers and the public about the law and the protection against discrimination (national campaign), and this contributed to the consolidation of partnership and raising awareness of discrimination. However, a research into the views of discrimination showed it was necessary to further raise awareness of the public. At the International Conference in Zagreb on the Anti-discrimination Act (2009), the Guide to the Act was also introduced. Education, particularly of the authorities in charge remains a priority. In partnership with the Ombudsman, within IPA 2009 there is just beginning a three-year project of *Establishing a Comprehensive System for Anti-discrimination Protection*. Pursuant to the commitments from the Durban Declaration, the 2008-2013 National Anti-discrimination Plan was adopted, with measures that promote awareness of non-discrimination, participant democracy or representatives of the groups discriminated against, education of professionals and respect and tolerance. (for more details on para 14 see the Report).

(Hate crime)

25. Since 2006, Croatian legislation has sanctioned the crime of hate as any criminal offence committed out of hatred towards a person on account of his or her race, colour, gender, sex orientation, language, religion, political or other belief, ethnic or social origin, fortune, birth, education, social position, age, health status or other characteristics. Crime of hate characterisation is an aggravating circumstance in measuring out the punishment, and the concept is still being improved - a Working Group for the preparation of a new Criminal Code is considering the definition of the crime of hate as a concurrent criminal offence with another criminal offence or as a qualifying form of a specific criminal offence. Another Working Group is also working on the phenomenology of the crime of hate, including the implementation of education and campaigns (raising awareness) and media appearances. With a view to sanctioning discriminatory acts, the Ministry of the Interior has prescribed in detail how to proceed and gather data about the crime of hate. In practice there has been no organised violence against specific groups, it was rather a matter of individual and non-organised incidents without common characteristics that would indicate planning, organisation and execution. Croatia was among the first to conduct training for police officers concerning crimes of hate.

(Gender equality)

26. The Gender Equality Act has established the (at the level of officials) **coordinator(s) for gender equality in all state administrative bodies**, who cooperate with the Gender Equality Office and are responsible for the implementation of this law, and the Office supports them technically in the implementation of the law and the National Policy for Promoting gender Equality. To this end action plans are being adopted for the promotion and establishment of gender equality in state administrative bodies. Protection of the rights of women is systematically monitored through the operation of different authorities - the Parliamentary Committee for Gender Equality, the Office of the Ombudsman for Gender Equality, the Office for Gender Equality, Coordinators for Gender Equality at all the Ministries, central

state offices and state administrative offices in counties. The strategic document is the National Policy for the Promotion of Gender Equality, the third in a row for the period 2006-2010, was adopted by the Croatia Parliament. The National Policy is based on the existing legal framework and confirm the guarantees of gender equality that are integral part of international law, *acquis communautaire*, CEDAW Convention and the closing comments of its Committee, and the Convention of the International Labour Organisation, the European Convention for the Protection of Human Rights, and the Beijing Declaration and the Platform for Action and the Millennium Development Goals. The strategic framework and the Action Plan include 30 objectives and 144 measures in the following critical areas: women's human rights, equal opportunities on the labour market, gender sensitive education, equality in decision-making, violence against women, women's health and institutional mechanisms. Measures are being conducted by state administrative bodies and other government bodies, many of them in cooperation with NGOs.

The legal basis for setting up **county commissions for gender equality** (members of county assemblies or the Zagreb City Assembly, coordination at state administrative offices, representatives of NGOs and independent experts) as working and consultative bodies with county assemblies, is the Gender Equality Act. Units of regional self-government and the City of Zagreb shall set up such commissions and create conditions and provide funding for the promotion of gender equality at local level. In all the 20 counties and the City of Zagreb county commissions for gender equality have been set up, and more than 75 municipal and city commissions have also been established, indicating progress in local capacity-building.