



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
6 November 2013

Original: English

Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention
pursuant to the optional reporting procedure**

**Combined fourth and fifth periodic reports of States parties
due in 2008**

Croatia***

[19 March 2013]

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- * The third periodic report of Croatia is contained in document CAT/C/54/Add.3; it was considered by the Committee at its 598th and 601st meetings, held on 6 and 7 May 2004 (CAT/C/SR.598 and 601). For its consideration, see the Committee's conclusions and recommendations (CAT/C/CR/32/3).
- ** In accordance with the information transmitted to State parties regarding the processing of their reports, the present document has not been edited.

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Replies to the issues raised in the list of issues prior to reporting (CAT/C/HRV/Q/4-5)

Articles 1 and 4

Reply to the issues raised in paragraph 1 of the list of issues prior to reporting

1. The definition of torture in the said article include mental pain or suffering, and as mentioned in the former Article 176 (Official Gazette No. 110 of 1997) "Torture and Other Cruel, Inhuman or Degrading Treatment" which states: "An official or another person who, acting upon the instigation or with the explicit or implicit consent of a public official, inflicts on a person physical or mental pain or severe physical or mental suffering for such purposes as to obtain from him or a third person information or a confession, or punishes him for a criminal offence he or a third person has committed or is suspected of having committed or who intimidates or coerces him for any other reason based on discrimination of any kind shall be punished by imprisonment for one to eight years."
2. Also, above mentioned issues-criminal offense is regulated by Article 104 of the new Croatian Criminal Code (Official Gazette No. 127 of 2011).
3. Furthermore, the definition of torture includes all elements of punishment for any act, without restrictions to criminal offense.

Article 2

Reply to the issues raised in paragraph 2 of the list of issues prior to reporting

4. In order to fulfil the obligations which are arising from the signed international documents, within the Government of the Republic of Croatia is established the Office for human rights as a body in charge for the implementation of the National programme for the protection and promotion of human rights through the implementation of the Protocol on the procedure in case of hate crimes, which regulates the interagency cooperation between the Ministry of the Interior, Ministry of Justice and the Human Rights Office of the Croatian Government.
5. The national preventive mechanism in the Republic of Croatia is the Ombudsman. The Ministry of the Interior has established detention units and facilities for retention of persons in custody and has systematized working positions for detention supervisors who are responsible for the respect of the human rights of the persons in custody, in accordance with the international conventions and national laws. Detention units and facilities are in compliance with minimal standards of the mentioned Convention. Regarding the detention units and facilities, the mechanisms for monitoring and regular oversight (the detention supervisors, audio-video surveillance) are established. The Ombudsman conducts a regular monitoring and oversight of the detention units and facilities and sends a report on conducted monitoring with the recommendations for improving the system.

Reply to the issues raised in paragraph 3 of the list of issues prior to reporting

6. In the reporting period, pursuant to Article 15 of the Act on the Ombudsman (Croatian Official Gazette 125/11), the Ombudsman had used his powers and without prior notification inspected the premises of Police Administration Zadarska (Second Police Station Zadar, Police Station Biograd, Police Station Benkovac, Police Station Obrovac and Police Station Gračac), Police Administration Šibensko-kninska (Police Station Šibenik, Police Station Knin, Police Station Drniš and Police Station Vodice) and Police

Administration Zagrebačka (First Traffic Police Station Zagreb) where he noted irregularities related to plumbing faults, access to drinking water, lack of artificial and daily light, video surveillance and tidiness of premises. The Police Administrations inspected by the Ombudsman have eliminated the noted shortcomings in a short time and the other police administrations have been instructed to eliminate similar shortcomings independently or in cooperation with relevant MoI departments.

7. Likewise, we would like to point out that the new Act on the Ombudsman has entered into force (Croatian Official Gazette 76/12) and pursuant to its Article 20 the Ombudsman has kept such powers.

Reply to the issues raised in paragraph 4 of the list of issues prior to reporting

8. Foreign nationals under suspicion of committing an illegal activity shall be apprehended and taken to custody in police stations. Regardless of the type of illegal activity, the identity of the foreign nationals and legal grounds for their stay in the Republic of Croatia shall be verified and inspected in each individual case, through verification of data in the Information System of the Ministry of the Interior and in the National Information System for the State Border Control (NISFSBC), their personal objects and monetary assets subject to legal confiscation shall be removed, the foreign nationals shall be physically examined, an investigation shall be conducted, witnesses heard, travel and other documents shall be checked (or possibly an expertise report written), documents required for return to the country of origin or previous temporary/permanent residence obtained, and any possible obstructions for deportation and banishment shall be checked.

9. Prior to the questioning, it is necessary to provide an interpreter for a language spoken or understood by a foreign national. The right to an interpreter has been prescribed by the Article 107, paragraph 4 of the Aliens Act, while the interpretation costs shall be covered by the Ministry of the Interior.

10. In the case of underage foreign nationals not accompanied by parents or other legal representatives, it is necessary to notify a competent social welfare centre, which will appoint a guardian to the foreign national and ensure their presence during the proceedings.

11. At the beginning of the questioning, the foreign national held in custody shall be notified on the rights of arrested persons pursuant to Article 123, paragraph 2 of the Aliens Act ("Official Gazette" number: 130/11) and Article 134, paragraph 1 of the Misdemeanour Act, which implies the information on the following:

- Grounds for arrest of the foreign national;
- Right to a defence lawyer and to undisturbed communication with the defence lawyer;
- Right to inform the family of the foreign national, within 12 hours after the arrest, upon the request of the foreign national;
- Right to inform the consulate/embassy upon the request of the foreign national (in the case of the underage foreign national, informing the relevant diplomatic mission/consular office is mandatory).

12. In case that the foreign national requires medical attention, they shall be provided medical treatment. Typically, medical treatment is provided by the Emergency services. However, if the Emergency physician considers that the foreign national requires the assistance of a medical specialist, the foreign national shall be transported to the local hospital or to a specialised institution, depending on the diagnosis. Providing medical treatment to foreign nationals is stipulated by the Law on Providing Medical Treatment for Foreign Nationals ("Official Gazette" number: 114/97).

13. The institute of free legal aid for foreign nationals illegally residing in the Republic of Croatia, has been introduced in the Croatian legislation through the new Alien Act that came into force on 1 January 2012. The right to the free legal aid is exercised pursuant to Article 107, paragraph 6, and Article 113, paragraph 3 of the Alien Act, and Article 7, paragraph 5 of the Free Legal Aid Act (“Official Gazette” number: 62/08, 44/11, 81/11), whereas the cost of providing such aid shall be ensured by the state budget. So far, there were no requests for free legal aid to foreign nationals.

14. Right to notify the family of the foreign national within 12 hours since the arrest has been stipulated by the Article 134, paragraph 2 of the Misdemeanour Act, including the note stating that the parent or guardian of the arrested underage person will be notified regardless of the wish of the detainee. Moreover, pursuant to Article 22 of the Rules of Stay in the Foreign Nationals Reception Centre, the foreign national accommodated at the Foreign Nationals Reception Centre is entitled to have their family notified on the event.

15. The records on the arrested foreign nationals are kept pursuant to Article 204, paragraph 1, item 7 of the Alien Act, and Articles 70, 72 and 77 of the Ordinance on travel documents for foreign nationals, visas and treatment of foreign nationals (“Official Gazette” number: 36/08, 28/10). Immediately upon the arrest, the foreign national shall be registered in the Database of persons deprived of liberty and detained persons, maintained in the MOI Information System, pursuant to Article 33 of the Ordinance on the reception and treatment of arrested and detained persons, and in the Records of detained persons in the Police Detention Unit (“Official Gazette” number: 88/09).

Paragraph 4 (a)

16. Article 40 of the Police Duties and Powers Act (“OG” number: 76/09) stipulates that the person believed to hold information useful for the performance of the police duties, may be brought in for questioning.

17. The call for questioning must indicate the name, location and address of the structural unit of the Ministry, as well as the grounds, location and time of the questioning.

18. The person who has been called in for questioning in a regular manner, and made no response to the call, may be apprehended only if the warning on this possibility has been mentioned in the call or if the circumstances clearly indicate that the person refused to be served the call.

19. The person who has responded to the call or has been brought in by force, and refused to provide information, may not be called in again for the same reason.

20. Furthermore, the Article 158 of the Misdemeanour Act (“OG” number: 107/07), stipulates that when acting within their competence in terms of conducting surveillance or in case of reasonable doubt that a misdemeanour has been committed, the authorised persons from the state institutions are bound to take measures in order to:

- Determine whether the misdemeanour has been committed and who was the perpetrator;
- Prevent the perpetrator or accomplice from hiding or escaping;
- Reveal and secure the traces of misdemeanour and objects that might be used to determine the facts;
- Collect all information that could be useful for successful investigation procedures.

21. The State institutions may request information from the citizens and take other measures in accordance with the legislation regulating their activities, except in the case of these measures being contrary to this Act. In the case of danger imposed to the public order

or to security of persons and property, the State institutions may require police assistance in performing the tasks referred to in paragraph 1 of this Article.

22. In order to complete the tasks referred to in paragraph 1 of this Article, the Police may:

- Requests the necessary information from the citizens;
- Conduct the necessary search of transport vehicles, persons and luggage;
- Within the shortest time necessary, and no longer than six hours, take surveillance over and restrict the movement of the certain persons in the certain area;
- Take other measures to discover persons and objects (surveillance, escort, blockade, raid, ambush, trap, etc.);
- Take necessary measures in relation to identifying the equal identity of persons and objects;
- In the presence of the competent person, conduct a search of the certain facilities and premises of the State institutions, legal entities and other business premises and take insight into a part of their documents and information;
- Take other necessary measures and activities.

23. Unless this Act or a special regulation prescribes making records, an official note will be made on the facts and circumstances determined on the occasion of taking some of the activities referred to in the paragraph 1 – 3 of this Article, which are of interest to the misdemeanour proceedings.

24. If the authorised person from the State institution has, within their competence for conducting surveillance, directly witnessed the misdemeanour being committed or has directly determined such acts by means of the appropriate technical devices, and has created an official note or technical recording thereof, the official note and technical recording shall be treated as evidence in the misdemeanour proceedings. Written records made by the bodies conducting surveillance in accordance with the special regulations, may also be used as evidence in the misdemeanour proceedings, provided that they were made in accordance with the General Administrative Proceedings Act or other special regulations relevant to the surveillance issues.

25. When collecting information and acting within their competence for conducting surveillance, an authorised person from the State institution may question a person in the form of a suspect, in accordance with the provisions of the Act on Questioning Persons Charged with a Misdemeanour. On such occasion, the person must be notified on their right to a defending lawyer, who is allowed to be present during the questioning. In case that the accused person fails to hire the defence lawyer immediately or makes no decision to go further without a defence lawyer, the State institutions will stop the questioning for up to 2 hours, in order to enable the suspect to hire a defence lawyer of their preference or select one from the list of the duty lawyers.

26. When acting with their competence for conducting surveillance, the authorised person from the State institution may, under the provisions of the Act on Questioning Persons Charged with a Misdemeanour, also question the persons acting as witnesses.

27. Records on questioning the accused persons and suspects, as referred to in paragraph 6 and 7 of this Article, may be used as evidence in the misdemeanour proceedings.

Paragraph 4 (b)

28. Article 24 of the Rules of Stay in the Foreign Persons Reception Centre stipulates the following:

“A foreign national may receive written correspondence or parcels during the entire stay in the Centre. The delivery of the written correspondence and parcels takes place daily. The foreign national shall open the written correspondence and parcels in the presence of a police officer. The police officer is obliged to remove from the parcel the contents or part of the contents that are not allowed to be kept in the Centre. The Centre will return the removed contents of the parcel back to the sender or in other legally prescribed manner remove or dispose of it from the Centre.”

29. Opening written correspondence and parcels in the presence of a police officer has been prescribed only for safety reasons, and if the written correspondence contains nothing but the letter, the police officer will not read it.

Paragraph 4 (c)

30. Medical examination of a foreign national at the Foreign Nationals Reception Centre shall be conducted pursuant to the Code of Medical Ethics and Deontology enacted in accordance with the Statute of the Croatian Medical Association – without the presence of the police official, in order to protect the confidentiality of medical data. The physician shall conduct the examination and give their opinion (not the entire patient record) to the police officer who has requested the treatment.

Reply to the issues raised in paragraph 6 of the list of issues prior to reporting

31. Pursuant to Article 124 of the Alien Act (preliminary accommodation for foreign nationals), movement of foreign nationals could be confined by accommodating them in the Foreign Nationals Reception Centre, for no longer than 3 months, and in order to ensure their presence during the proceedings of reaching an extradition decision, but only if the foreign national imposes danger threat to the national security or has been sentenced for a crime involving prosecution by virtue of the office.

32. Movement of foreign nationals shall not be restricted if the same effect could be achieved by softer measures stipulated in the Article 136 paragraph 3 of the Alien Act, such as:

- Giving away travel documents and passenger tickets;
- Giving away certain financial assets;
- Confinement to a certain accommodation address;
- Reporting to a police station at a specified time.

Reply to the issues raised in paragraph 7 of the list of issues prior to reporting

33. Pursuant to the Police Responsibilities and Powers Act in force (76/2009), Article 4, paragraph 2 strictly stipulates “Police Officer shall refuse to carry out an order or command that are obvious to lead to a criminal offence. The Police Officer shall immediately notify their superior officer, Senior State Attorney, President of the Court or a Leading Official of another competent institution.”

34. Article 4, paragraph 3 of the current Police Duties and Powers Act (76/2009) expressly states: “The police officer shall refuse to execute the warrant or the order if it is evident that the execution of that warrant or the order constitutes a criminal offence. About the refusal to execute a warrant or an order the police officer shall immediately inform the chief superior, the chief State Prosecutor, the president of the court or the head of another competent authority”. Article 14, paragraph 2 of the said Act also states: “The police officer shall be bound to respect dignity, reputation and honour of every person, as well as other fundamental human rights and freedoms. The police officer shall treat with special care

children, minors, elderly and weak and disabled people and the victim of a criminal offence and a misdemeanour”.

Reply to the issues raised in paragraph 8 of the list of issues prior to reporting

35. Further to obligations specified by the National Plan for the Prevention of Trafficking in persons for 2009-2011, the Ministry of the Interior of the Republic of Croatia is taking a series of activities aiming to prevent and detect the criminal offences of trafficking in persons and initiate the measures of protecting the victims of these crimes. The persons in charge of these activities are specially trained police officers, conducting police work within the scope of organised crime.

36. Pursuant to the valid Criminal Code, trafficking in persons is sanctioned as the criminal offence of trafficking in persons and slavery, as set forth in Article 175, reading as follows:

“(1) Those who engage in breaching the rules of the international law through the use of force or by threatening to use force, by fraud, abduction, abuse of a helpless position or a position of dominance, or in other way lure, buy, sell, deliver, transport, transfer, encourage or mediate in acquisition, selling or delivery, hide or accommodate a person in order to establish a relation of slavery or a similar relation, forced labour or servitude, sexual abuse, prostitution or illegal transplantation of human body parts, or those who keep a person as a slave or in similar manner, shall be punished by one to ten years in prison.

(2) Those who, by breaching the rules of the international law, lure, sell, deliver, transport, transfer, encourage or mediate in acquisition, selling or delivery, hide or accommodate a child in order to establish a relation of slavery or a similar relation, forced labour or servitude, illegal child adoption, sexual abuse, prostitution or illegal transplantation of human body parts, or those who keep a child or an underage person in slavery or in a similar relationship, shall be punished by at least five years of imprisonment.

(3) If the criminal offence referred to in paragraph 1 or 3 of this Article was committed by a group or a criminal organisation or it was committed by an official, if the criminal offence was committed against a larger number of persons or caused death to one or more persons, the perpetrator shall be punished by at least five years of imprisonment or by a long-term prison sentence.

(4) Those who knowing that a person is performing forced labour or is held in servitude, or suffers sexual abuse, is held in slavery or in a similar relationship, is engaged in prostitution or illegal transplantation of human body parts as a victim of trafficking in persons, and if they abuse the position of such person or enable another person to abuse their position, they will be punished by a prison sentence of three months to three years.

(5) The circumstance indicating whether the person has consented to forced labour or servitude, sexual abuse, slavery or a similar relationship, or to illegal transplantation of their body parts, bares no relevance to the existence of the crime referred to in paragraph 1 and 2 of this Article.”

37. Apart from the aforementioned, it is necessary to point out that the new Alien Act (OG, number: 130/11) has been enacted on 01.01.2012, within the framework of goals set by the National Plan for the Prevention of Trafficking in persons for 2009-2011, referring to the improvement of legislation for the purposes of more efficient protection of victims. Inter alia, this law includes the provisions on the manner of regulating the residency issues for the victims of trafficking in persons through the institute of temporary residency for

humanitarian reasons, as well as the provisions on the manner of identifying the victims of trafficking in persons, on their participation in the assistance and protection programme, on the rights exercised by the victim who has been approved the temporary residence, provisions on the safe return of victims and the reasons for termination of the temporary residence.

38. With the purpose of identifying the victims of trafficking in persons and providing adequate assistance and protection, the Ministry of the Interior of the Republic of Croatia maintains an intensive cooperation with other Ministries involved in combating the trafficking in persons, with the civil society organisations and the international organisations, especially with the organisations such as: Croatian Red Cross, nongovernmental “Organisation for Integrity and Prosperity Split” and “Centre for Women War Victims – Rosa”, as well as with the international organisations (ICMPD- International Centre for Migration Policy Development).

39. Further to the aforementioned, the Ministry of the Interior of the Republic of Croatia in all of the recorded cases of trafficking in persons applies the procedure of taking the necessary actions, in accordance with the valid Protocol for identification, assistance and protection of victims of the trafficking in persons.

40. The following chart presents the information on the number of identified victims of trafficking in persons in the Republic of Croatia from 2002 until 2011, by country of origin.

Table 1
The number of identified victims by countries of origin

<i>The number of identified victims by countries of origin</i>	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Albania	-	-	-	-	1	-	-	-	-	-
Bosnia and Herzegovina	-	1	3	1	1	2	2	1	1	1
Bulgaria	-	-	-	1	3	-	-	-	-	-
Cameroon	-	1	-	-	-	-	-	-	-	-
Croatia	2	2	5	3	3	9	4	4	4	13
Moldova	3	1	2	-	-	1	-	-	-	-
Morocco	-	-	1	-	-	-	-	-	-	-
Romania	-	-	3	1	1	-	-	-	1	-
Russian Federation	-	1	-	-	-	-	-	-	-	-
Serbia	-	1	3	-	1	3	1	3	1	-
Slovakia	-	1	-	-	-	-	-	-	-	-
Ukraine	2	-	2	-	3	-	-	-	-	-
USA	-	-	-	-	-	-	-	-	-	-
Stateless	1	-	-	-	-	-	-	-	-	-
Total	8	8	19	6	13	15	7	8	7	14

41. For the purpose of meeting the goals set within the National Plan for the Prevention of Trafficking in Persons 2009-2011, which are also referring to the chapter entitled “Identification of victims, detection, initiating proceedings and imposing sanctions for perpetrators of the crime of trafficking in persons”, the following activities of the Ministry of the Interior of the Republic of Croatia were highlighted:

- For the purpose of fulfilling the measure specified within the National Plan for the Prevention of Trafficking in Persons 2009-2011 under title “Strengthening the cooperation with the civil society organisations in relation to activities in the area of combating the trafficking in persons”, the Ministry of the Interior of the Republic of Croatia maintains an intensive cooperation with the civil society organisations which were engaged in the operative tasks of taking the calls addressed to the SOS telephone line introduced for the purposes of more successful fight against the phenomena of the trafficking in persons.
- For the purpose of fulfilling the programme goal set by the National Plan for the Prevention of Trafficking in Persons 2009-2011, which refers to highly developed international cooperation in the areas of disclosing, initiating proceedings and imposing sanctions with regard to trafficking in persons, the Ministry of the Interior of the Republic of Croatia is continually engaged in the international police cooperation via the standard communication channels of Interpol and Europol.

42. In terms of providing and ensuring assistance and protection for identified victims of trafficking in persons, the representatives of the Ministry of the Interior of the Republic of Croatia, as members of the Operations Team of the Republic of Croatia National Committee for the Suppression of Trafficking in Persons, together with the trained police officers appointed by the Police Administrations for the monitoring and suppression of the issues of trafficking in persons, take active part in each individual case of identifying the victims of trafficking in persons in order to ensure the necessary assistance and protection, and with the aim of coordinated action.

43. In all cases of identifying the victims of trafficking in persons, as agreed with the civil society organisations and the National Coordinator, the Ministry of the Interior of the Republic of Croatia has without delay ensured the assistance of the civil society organisations, mobile teams and the Ministry representatives in charge of the issues of healthcare and social welfare, in order to provide an adequate assistance and protection for the victims.

44. Apart from the abovementioned, the police officers of the Ministry of the Interior of the Republic of Croatia are having meetings with the representatives of the Croatian Red Cross and other nongovernmental organisations, representatives of the Republic of Croatia State Attorney’s Office and the Office for Victim and Witness Support within the Ministry of Justice, in order to ensure timely and well-coordinated action and initiate individual assistance and protection programmes for the identified victims of trafficking in persons in the Republic of Croatia.

45. For the purposes of raising the citizen awareness on the observed phenomena in relation to trafficking in persons, including all of the possible consequences thereof, in 2011, the Ministry of the Interior of the Republic of Croatia in cooperation with the Croatian Red Cross, supplied every Police Administration with a set of topic-related posters with the logo of the Ministry, which were made thanks to donations of the Kingdom of Norway and within the prevention programme of the Croatian Red Cross, in order to be distributed and exhibited at frequently visited locations, especially on all of the border crossings in the Republic of Croatia and in the offices of the structural units in all of the Police Administrations involved in combating illegal migrations and organised crime.

46. Any information related to the activities conducted by the Ministry of the Interior of the Republic of Croatia within the implementation of the National Strategy to Combat Trafficking in Human Beings may be accessed on the Internet pages of this Ministry www.mup.hr.

47. Furthermore, we would like to make a special emphasis on the fact that during 2011, the Ministry of the Interior of the Republic of Croatia created a website dedicated to all of the missing persons in the Republic of Croatia. The project is entitled “The National

Register of Missing Persons” (NRMP) and it aims to ensure access to photographs and publicly disclosed information on any person registered as missing by the Ministry, as well as on those with an on-going active search, all at one place.

48. The website comprises the missing person profiles with photographs and information on disappearance, and the citizens who might have any useful information on the missing person could submit this information online. Moreover, the website supports the use of popular social networks, which is all aiming to speed up the process of finding different categories of the missing persons. The sections were specified as follows: report disappearance, missing persons (profiles), a word from an expert, myths and facts, prevention, news, legal advice, partners, press, trends and social networks.

49. As mentioned above, the website shall include the section entitled “a word from an expert”, which aims to point out the specifics related to disappearances of persons who might later on be categorised as the victims of trafficking in persons.

50. The content of the website includes mentioning the certain models of luring the possible victim, the phenomenological aspects of trafficking in persons, as well as prevention tips for endangered groups, thus making this content adequate to be read by wider audience. The website is available to public since 29 September 2011, when it was presented on the occasion of celebrating the day of St. Michael, the patron saint of police officers in the Republic of Croatia.

51. Apart from the aforementioned, we wish to emphasise that the police paid special attention to undertaking a series of activities, such as continuous surveillance of night clubs, frequently visited nautical marines along the coastline, that is, surveillance over high-profile tourist destinations and agricultural and other farms looking to hire additional work force during the season, in order to perceive and record the indicators possibly showing the elements of the criminal offence of trafficking in persons. Also in relation to implementing the systematic prevention of crime with special regard to the forms of trafficking in persons, cooperation has been developed between the border patrol officers from the coastal Police Administrations and the competent police stations located along the borderline with Bosnia and Herzegovina, through organising mixed border patrols.

52. Along with the above, the police in the Republic of Croatia monitors the available, so-called open sources, in order to notice and act upon unclear, but seemingly very attractive vacancy announcements, which are often used to lure the possible victims. In most of the cases, this has led to raising charges for committing the offence referred to in Article 12 of the Law on misdemeanours against public order “Engaging in Prostitution”. At the same time, police officials conducting the border patrol tasks and the tasks relating to the state border protection are under obligation to intensify the measures of control when dealing with persons caught in illegal trespass of the state border, regardless of the fact whether it was an entrance or a transit of persons, in order to investigate whether there is reason to suspect the crime of trafficking in persons or similar crimes.

53. To the aforementioned one should add a series of public speeches held by representatives of the Ministry of the Interior on the topic of “trafficking in persons”, numerous interdepartmental activities carried out by the police and representatives of other services and institutions, and educational content implemented in the training of police officers.

54. For the purpose of strengthening the international cooperation of the Republic of Croatia with other countries, as well as with the international and intergovernmental organisations involved in combating trafficking in persons, we wish to point out that the Ministry of the Interior of the Republic of Croatia has continuously taken active part in all of the regional and international initiatives, as well as in the implementation of numerous

activities and projects lead by the international bodies and organisations involved in combating the trafficking in persons.

55. In addition to the aforementioned, we would especially like to mention the two projects in which the representatives of the Criminal Police Administration of the Ministry of the Interior of the Republic of Croatia took part:

- “Introducing prerequisites for establishment of joint investigation teams to combat trafficking in persons in South-Eastern Europe” and
- “Enhancing Transnational Cooperation on Trafficking Cases in South-Eastern Europe-TRM II”

Article 3

Reply to the issues raised in paragraph 9 of the list of issues prior to reporting

56. As the examples of forced removal of a foreign national for reasons specified in Article 118 of the Alien Act (danger to life or freedoms due to racial, religious or national reasons, due to being part of a special social group, due to political stands, in case that the foreign national could be subjected to torture or inhuman and degrading treatment or punishment or to a death penalty), we set forth the two events as follows:

The case of a Philippine citizen

57. The citizen of the Republic of the Philippines legally entered the Republic of Croatia on 4 October 2009 via Zagreb Airport, as a foreign national who was previously issued a tourist visa for the Republic of Croatia.

58. Immediately prior to expiry of 90 days of stay, when he was supposed to leave the Republic of Croatia, on 30 December 2009 he submitted a request for asylum, which was denied by the Decision of the Ministry of the Interior of the Republic of Croatia. The foreign national filed an appeal against that Decision, but the Committee for Asylum, as a second degree instance, confirmed the first instance decision, and the appeal was denied.

59. Since the Decision of the Ministry of the Interior of the Republic of Croatia became enforceable on 24 September 2010, the aforementioned Philippine citizen has been illegally residing in the Republic of Croatia as of 25 September 2010.

60. On 22 September 2010, the foreign national submitted a request for postponement of execution of the Decision of the Ministry of the Interior of the Republic of Croatia, which was denied by the Decision of this Ministry, Directorate for Administrative and Inspection Affairs of the Sector for Administrative Affairs, Aliens and Citizenship of the Department for Aliens and Asylum.

61. On 19 October 2010, the Police Administration in Zagreb brought the foreign national before the Misdemeanour Court in Zagreb with the indictment proposal for committing the misdemeanour referred to in Article 87, paragraph 1, item 2 of the Alien Act. The Court ordered a precautionary measure of temporary confiscation of passport issued by the Republic of the Philippines, in order to secure the attendance of the foreign national in the misdemeanour proceedings.

62. On 15 October 2010, the attorney of the foreign national submitted a new proposal for postponement of execution of the Decision on deportation and requested that the foreign national be ordered a temporary residence based on Article 112 of the Alien Act. The proposal mentioned that on 7 October 2010, the attorney filed an appeal against the aforementioned Decisions of the Ministry of the Interior to the Administrative Court of the Republic of Croatia, requesting postponement of the Decision on deportation.

63. The request for ordering a temporary residence has been denied, as well as the repeated proposal for postponement of execution of the Decision on deportation.

64. The proposal for postponement of execution of the Decision on deportation has been denied for the same reasons that caused the denial of the asylum request.

65. The request for ordering a temporary residence under Article 112 of the Alien Act has been denied due to lack of legal and realistic impediments for the return to the country of origin.

66. On 27 October 2010, the Ministry of Justice of the Republic of Croatia, Office for monitoring the practice and representation before the European Courts, issued a notification stating that a request for ordering a temporary measure against deportation has been filed before the European Court of Human Rights in Strasbourg.

67. In the meantime, apart from the 3 days spent in the Foreign Nationals Reception Centre, no other actions were taken against the foreign national in terms of his return to the country of origin.

The case of a Turkish citizen

68. The Turkish citizen entered the Republic of Croatia on 12 September 2007, via the Karasovići border crossing (border crossing towards Montenegro).

69. On 26 September 2007, the foreign national submitted an asylum request due to homosexuality. The request was denied further to the Decision of the Ministry of the Interior of the Republic of Croatia. An appeal was filed against this Decision, but it was rejected by the Asylum Committee as a second instance body, and confirmed the first instance Decision.

70. The Decision of the Asylum Committee was issued to the foreign national on 13 February 2008, and the foreign national has been illegally residing in the Republic of Croatia ever since.

71. The foreign national has filed an appeal against the Decision of the Asylum Committee to the Republic of Croatia Administrative Court, and this appeal has been rejected as well.

72. Due to specific circumstances of this case (the foreign national has submitted a request for temporary postponement of deportation to the European Court of Human Rights via his attorney) the foreign national was, pursuant to Article 112 of the Alien Act, permitted temporary residence in duration from 6 March to 6 September 2008, which enabled him to stay in the Republic of Croatia.

73. Since he failed to respect the terms of temporary residence by trying to illegally leave the Republic of Croatia on 17 May 2008 and enter the Republic of Slovenia, the Primorsko-goranska County Police Administration issued a Decision on deportation, according to which the foreign national was forbidden to enter and reside in the Republic of Croatia during the period of one year. After his request for postponement of deportation was denied by the European Court of Human Rights in Strasbourg, the foreign national was accommodated in the Foreign Nationals Reception Centre for 18 days, from where he was deported to Turkey in early June 2009.

Data and information requested in paragraphs 9 and 10 of the list of issues prior to reporting

74. Hereinafter we deliver the available statistical data on the number of forced expulsion and deportation decisions in the period from 2001 to 2011.

Table 2
Measures of expulsion 2001-2011

No.	Year/Country	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
1.	Albania	119	331	195	184	1006	1586	1150	904	176	76	28
2.	Bosnia and Herzegovina	1289	1554	1663	2361	1596	1546	1330	1301	602	730	793
3.	Bulgaria	37	24	88	40	33	38	50	58	34	23	57
4.	Hungary	35	28	52	38	21	29	11	14	33	10	34
5.	Macedonia	126	104	216	268	381	510	497	496	293	435	509
6.	Moldova	3	9	17	17	22	179	368	381	254	245	381
7.	Montenegro	14	14	48	36	42	7					
8.	Poland	26	32	20	27	16	6	12	19	8	22	13
9.	Romania	56	78	95	95	66	135	237	469	357	363	3790
10.	Russia	31	31	29	29	9	21	13	24	16	14	42
11.	Slovakia	31	34	25	33	13	6	9	14	15	4	8
12.	Slovenia	68	114	107	132	66	79	95	67	50	33	30
13.	Serbia	259	348	387	828	1648	299					
14.	Serbia and Montenegro*						1845	1790	1179	1069	1241	1473
15.	Turkey	196	113	149	326	214	332	356	365	333	427	972
16.	Afghanistan	875	188	15	2	2	0	0	2	3	7	13
17.	Pakistan	266	11	9	11	21	20	20	32	20	25	87
18.	Palestine	46	58	1	0	7	25	4	2	1	5	16
19.	Kosovo	245	181	335	96							
20.	Israel	36	56	0	0	0	9	0	0	11	8	34
21.	Other	639	448	786	440	396	250	249	210	341	368	1353
Total		4397	3756	4237	4963	5559	6922	6191	5537	3616	4036	9633

Table 3
Forced removals from 2001 to 2011

No.	Year/Country	2011			2010			2009			2008			2007			2006			2005			2004	2003	2002	2001
		Total	F	M	Total	F	M	Total	F	M	Total	F	M	Total	F	M	Total	F	M	Total	F	M	Total	Total	Total	Total
1.	Albania	81	1	80	288	17	271	56	4	52	73	2	71	686	12	674	560	20	540	543	11	532	376	51	26	4
2.	Bosnia and Herzegovina	297	23	274	476	67	409	446	72	374	382	33	349	467	35	432	351	21	330	250	35	215	248	35	90	96
3.	Bulgaria	13	1	12	5	4	1	5	2	3	8	0	8	6	0	6	21	6	15	22	6	16	19	3	1	3
4.	Hungary	7	1	6	14	5	9	7	5	2	14	2	12	12	2	10	5	2	3	4	3	1	1	1	0	3
5.	Macedonia	53	12	41	32	1	31	47	5	42	108	7	101	125	3	122	182	15	167	186	9	177	206	31	144	11
6.	Moldova	1	0	1	2	0	2	1	0	1	8	5	3	14	5	9	31	10	21	140	58	82	110	40	42	107
7.	Montenegro	1	0	1	4	0	4	5	0	5	15	3	12	14	1	13	4	1	3							
8.	Poland	10	0	10	6	0	6	1	0	1	7	0	7	2	1	1	3	0	3	1	0	1	2	1	1	2
9.	Romania	12	2	10	26	3	23	30	3	27	20	4	16	17	4	13	45	9	36	116	14	102	234	108	119	1085
10.	Russia	7	1	6	15	2	13	6	1	5	4	0	4	5	1	4	7	3	4	3	1	2	3	0	2	9
11.	Slovakia	4	1	3	2	0	2	2	0	2	3	1	2	1	0	1	4	2	2	2	2	0	0	1	0	0
12.	Slovenia	14	2	12	24	2	22	19	5	14	18	5	13	17	4	13	8	4	4	20	2	18	14	4	2	7
13.	Serbia	136	21	115	129	10	119	131	13	118	387	55	332	871	80	791	138	14	124							
14.	Serbia and Montenegro*																809	63	746	607	62	545	420	145	307	287
15.	Turkey	166	17	149	78	7	71	86	4	82	167	6	161	105	4	101	125	12	113	131	4	127	198	118	202	149
16.	Afghanistan	803	73	730	106	6	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17.	Pakistan	233	0	233	1	0	1	4	0	4	5	0	5	0	0	0	0	0	0	0	0	0	1	0	13	5
18.	Palestine	15	0	15	15	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0
19.	Kosovo	146	7	139	115	4	111	120	38	82	43	4	39													
20.	Israel	32	0	32	49	0	49	0	0	0	0	0	0	0	0	0	1	0	1	1	0	1	0	0	0	7
21.	Other	270	21	249	141	10	131	53	10	43	83	16	67	97	18	79	54	50	4	42	18	24	65	43	72	305
Total		2301	183	2118	1528	138	1390	1019	162	857	1345	143	1202	2439	170	2269	2348	232	2116	2068	225	1843	1897	581	1025	2080

Table 4

Forced removals of/measures of expulsion of minors 2005-2011

No.	Year/Country	2011		2010		2009		2008	2007	2006	2005
		Forced removals	Measures of expulsion	Forced removals	Measures of expulsion	Forced removals	Measures of expulsion	Forced removals	Forced removals	Forced removals	Forced removals
1.	Albania	0	0	9	15	12	29	41	305	249	173
2.	Bosnia and Herzegovina	3	10	16	21	18	28	18	11	9	19
3.	Bulgaria	0	0	0		0	0	0	0	0	0
4.	Hungary	0	0	0		0	1	0	0	0	1
5.	Macedonia	0	1	2		0	2	6	1	6	9
6.	Moldova	0	0	0		0	0	0	1	1	4
7.	Montenegro	0	0	0		0	0	0	1	0	0
8.	Poland	0	0	0		0	0	0	0	0	0
9.	Romania	0	0	0		0	0	1	0	1	6
10.	Russia	0	1	1	1	0	0	0	0	0	0
11.	Slovakia	0	0	0		0	0	0	0	0	0
12.	Slovenia	0	0	0		0	0	0	0	0	1
13.	Serbia	6	6	1	2	6	3	18	64	39	
14.	Serbia and Montenegro										34
15.	Turkey	18	7	2	4	3	2	15	10	11	10
16.	Afghanistan	166	247	16	54	1	6	0	0	0	0
17.	Pakistan	13	31	0	1	0	0	0	0	0	0
18.	Palestine	1	2	3	7	0	0	0	0	3	0
19.	Kosovo	7	8	1	4	7	25	6			
20.	Israel	4	6	8	18	0	0	0	0	0	0
21.	Other	14	29	16	17	1	4	0	6	1	1
Total		232	348	75	144	48	100	105	399	320	258

Reply to the issues raised in paragraph 11 of the list of issues prior to reporting*Paragraph 11 (a)*

75. Illegal migrants are accommodated in the Foreign Nationals Reception Centre, where they are provided medical care. The Centre includes the dispensary with a medical team (general practitioner and nurse), which is available from 8 to 12 a.m. on work days. Outside of the dispensary working hours, the foreign nationals are provided medical attention in the Dugo Selo Healthcare Centre (9 km away from the Reception Centre).

76. In the Reception Centre, foreign nationals are provided three meals per day, in accordance with the religious practices, or in accordance with the doctor's recommendations referring to the foreign person's health condition. In addition, the Reception Centre provides daily physical exercise on the playground intended to be used especially by foreign nationals, as well as in the living room, which was designed as a winter garden, and is suitable for various leisure activities: watching TV, playing table-tennis, chess, cards, etc.

77. The Reception Centre has two public phone booths, which could be used by the foreign nationals to communicate freely. The foreign nationals in the Reception Centre can receive letters and other mail, and they are also able to practice their religions and contact their religious communities.

Paragraph 11 (b)

78. Pursuant to Article 125 of the Alien Act, a foreign national may be imposed movement restrictions by confinement to the Foreign Nationals Reception Centre, if: there is no possibility of immediate deportation, if they failed to leave the Republic of Croatia within the deadline designated in the decision on forced deportation from the Republic of Croatia, or for identification purposes.

79. Confinement to the Centre is ordered for the period of 6 months and may be prolonged for no more than 12 months, if a foreign national refused to give personal or other information and documents required for forced deportation, or they provided false information or in other ways prevented or caused delay of the forced deportation, or if there is justified reason to expect the delivery of travel and other documents required for forced deportation, which have been requested from the competent bodies of another country (Article 126 of the Alien Act).

80. Legal remedy against confinement to the Foreign National Reception Centre has been prescribed under Article 127 of the Alien Act, which stipulates that there is no possibility to file an appeal against the confinement decision, but it is possible to initiate administrative proceedings. The Administrative Court must decide on the appeal against the decision after the hearing and within 15 days following the day of the case file delivery. An appeal shall not postpone the enforcement of the decision.

81. No later than 10 days prior to expiry of a 3 month period from the day of confinement to the Foreign Nationals Reception Centre, the Centre must submit the case file on the confinement to the Reception Centre. The Administrative Court shall decide whether the foreign national should be released from the Centre, 10 days from the delivery of the case file.

82. The Foreign Nationals Reception Centre shall immediately upon issuing a decision on prolongation of confinement, submit to the Administrative Court the case file on the prolongation of confinement. The Administrative Court shall, after the hearing and 15 days

from the day of the case file delivery, decide whether to revoke or confirm the decision on the prolongation of confinement.

Articles 5 and 7

Reply to the issues raised in paragraph 12 of the list of issues prior to reporting

83. The Ministry of Justice has not received any requests for extradition by another State of an individual suspected of having committed an offence of torture.

Reply to the issues raised in paragraph 13 of the list of issues prior to reporting

Table 5

War crimes cases

Number of offences and ethnicity in 2012 judgements

County Court in Zagreb

<i>OKZRH* offence</i>	<i>Convictions</i>	<i>Ethnicity</i>		<i>Acquittals</i>	<i>Ethnicity</i>		<i>Dismissals</i>	<i>Ethnicity</i>			<i>Total</i>
		<i>Cro</i>	<i>Serb</i>		<i>Cro</i>	<i>Serb</i>		<i>Cro</i>	<i>Serb</i>	<i>Unknown</i>	
120/1	2	1	1	0	0	0	1	0	1	0	3
124	1	0	1	0	0	0	0	0	0	0	1
Unknown	0	0	0	1	1	0	0	0	0	0	1
Total	3	1	2	1	1	0	1	0	1	0	5

* OKZRH – Basic Criminal Code of the Republic of Croatia.

Table 6

War crimes cases

Number of offences and ethnicity in 2012 judgements

County Court in Split

<i>OKZRH offence</i>	<i>Convictions</i>	<i>Ethnicity</i>		<i>Acquittals</i>	<i>Ethnicity</i>		<i>Dismissals</i>	<i>Ethnicity</i>			<i>Total</i>
		<i>Cro</i>	<i>Serb</i>		<i>Cro</i>	<i>Serb</i>		<i>Cro</i>	<i>Serb</i>	<i>Unknown</i>	
120/1	2	1	1	0	0	0	1	0	1	0	3
122	0	0	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	1	0	1	0	1
Total	2	1	1	0	0	0	2	0	2	0	4

Table 7
War crimes cases
Number of offences and ethnicity in 2012 judgements
County Court in Rijeka

<i>OKZRH offence</i>	<i>Convictions</i>	<i>Ethnicity</i>		<i>Acquittals</i>	<i>Ethnicity</i>		<i>Dismissals</i>	<i>Ethnicity</i>			<i>Total</i>
		<i>Cro</i>	<i>Serb</i>		<i>Cro</i>	<i>Serb</i>		<i>Cro</i>	<i>Serb</i>	<i>Unknown</i>	
120/1	1	0	1	0	0	0	0	0	0	0	1
122	2	0	2	0	0	0	0	0	0	0	2
Unknown	0	0	0	0	0	0	0	0	0	0	0
Total	3	0	3	0	0	0	0	0	0	0	3

Table 8
War crimes cases
Number of offences and ethnicity in 2012 judgements
County Court in Osijek

<i>OKZRH offence</i>	<i>Convictions</i>	<i>Ethnicity</i>		<i>Acquittals</i>	<i>Ethnicity</i>		<i>Dismissals</i>	<i>Ethnicity</i>			<i>Total</i>
		<i>Cro</i>	<i>Serb</i>		<i>Cro</i>	<i>Serb</i>		<i>Cro</i>	<i>Serb</i>	<i>Unknown</i>	
120/1	7	1	6	0	0	0	2	0	1	1	9
121, 122	1	0	1	0	0	0	0	0	0	0	1
Unknown	0	0	0	1	1	0	0	0	0	0	1
Total	8	1	7	1	1	0	2	0	1	1	11

Table 9
War crimes cases
Types of judgements per accused persons in 2012

<i>N.</i>	<i>County court in</i>	<i>Convictions</i>	<i>Acquittals</i>	<i>Dismissals</i>	<i>Total</i>
1.	Osijek	8	1	2	11
2.	Rijeka	3	0	0	3
3.	Split	2	0	2	4
4.	Zagreb	3	1	1	5
Total		16	2	5	23

Table 10
War crimes cases
Situation on 31/12/2012

<i>N.</i>	<i>County court in</i>	<i>Received</i>							<i>Resolved</i>						
		<i>Total Unresolved 01/01/2012</i>	<i>Number of newly received cases 01/01 to 03/12/2012</i>	<i>Received by cession</i>	<i>Total received</i>	<i>Number of accused</i>	<i>Already tried</i>	<i>Ceded cases</i>	<i>Resolved 01/01 to 03/12/2012</i>	<i>Number of the accused</i>	<i>Number of final judgements</i>	<i>Tried in absentia</i>	<i>Total Unresolved 03/12/2013</i>	<i>Number of the accused</i>	<i>Domestic and international wanted notices (per accused persons)**</i>
1.	Osijek	33	5	24	29	95	0	0	9	11	0	1	53	231	35
2.	Rijeka	3	0	6	6	23	0	0	2	3	0	0	7	32	6
3.	Split	23	5	4	9	19	1	0	3	4	2	0	29	97	1
4.	Zagreb	32	5	0	5	90	0	0	5	5	1	1	32	216	16
Total		91	15	34	49	227	1	0	19	23	3	2	121	576	58

* Total number of the accused in all courts may be lower than the total sum of the accused per individual courts as the same accused person may be processed in more than one court.

** The total number of wanted notices may be higher than the total number of the accused persons as one accused person may be the subject of both a domestic and an international wanted notice.

Table 11
War crimes cases
Situation on 03/12/2012

N.	County court in	Total Unresolved 01/01/2012	Received					Resolved					Total Unresolved 03/12/2013	Scheduled hearing	Number of the accused Domestic and international wanted notices (per accused persons)**	Note	Investigation	Number of the accused
			Number of newly received cases 01/01 to 03/12/2012	Received by cession	Total received	Number of accused	Already tried	Ceded cases	Resolved 01/01 to 03/12/2012	Number of the accused	Number of final judgements	Tried in absentia						
1.	Osijek	26	3	23	26	92	0	0	8	9	0	1	44	3	227	244		
2.	Rijeka	3	0	6	6	23	0	0	2	3	0	0	7	1	32	5		
3.	Split	23	5	4	9	19	1	0	2	3	2	0	30	0	98	1		
4.	Zagreb	32	4	0	4	90	0	0	6	7	1	1	30	2	216	71		
	Total	84	12	33	45	224	1	0	18	22	3	2	111	6	573	321		0
5.	Bjelovar	0			0	0		0					0		0			0
6.	Dubrovnik	0			0	0		0					0		0	All cases were ceded to the County Court in Split	0	0
7.	Karlovac	4			0	8		0					4		8		3	4
8.	Pula-Pola	0			0	0		0					0		0		0	0
9.	Sisak	0	1		1	1		0					1		1		1	1
10.	Slavonski Brod	0			0	0		0					0		0		7	24
11.	Šibenik	0			0	0		0					0		0		5	62
12.	Varaždin	0			0	0		0					0		0		0	0
13.	Velika Gorica	0			0	0		0					0		0		0	0
14.	Vukovar	3	1		1	1		0	3	16			1		1		0	0
15.	Zadar	0			0	0		0					0		0	All cases were ceded to the County Court in Split	5	19
	Total	7	2	0	2	10	0	0	3	16	0	0	6	0	10		21	110
	Comprehensive total	91	14	33	47	234	1	0	21	38	3	2	117	6	583		21	110

* Total number of the accused in all courts may be lower than the total sum of the accused per individual courts as the same accused person may be processed in more than one court.

** The total number of wanted notices may be higher than the total number of the accused persons as one accused person may be the subject of both a domestic and an international wanted notice.

Reply to the issues raised in paragraph 14 of the list of issues prior to reporting**War crimes trials in absentia***Active review of war crimes cases*

84. To determine clear and more objective criteria for processing war crimes:
- In 2008, SPO determined the standards of procedure in such cases. With the standards, it also adopted the Instructions for assessment of justifiability in criminal cases in relation to the existing cases, and assessments of justifiability for initiating such proceedings in the future. What followed is the complete review of all war crimes cases by applying uniform standards in the preliminary proceeding and the hearing stages, which resulted in consolidation and focus of SPO activities;
 - Furthermore, Croatia implemented the Action Plan for review of in absentia cases, adopted due to shortcomings in previous war crimes trials. The end goal is to improve the standard of trials and adjust them to the European practices;
 - The 2009 amendments to the Criminal Procedure Act provide for the renewal of criminal proceedings, even in the absence of the perpetrator. In view of these amendments, and in combination with the said Instructions, by the end of 2010, SPO has submitted the petitions to renew the proceedings for 94 persons in absentia, of the total of 464 persons who were convicted in absentia. Thirty-four of those proceedings have been returned to the investigative stage and 44 to the main hearing stage. The decision of the courts is awaited in the remaining 16 cases.
85. The said actions resulted in significant decrease of final judgements made in absentia. Although the review of in absentia cases is considered complete, SPO will continue to submit petitions requesting the renewal of proceedings if there should be any basis for such renewal.

Current situation

86. The current situation is as follows:
- Overall renewal petitions: 119 (95 SPO petitions and 24 petitions by the accused persons).
 - In May 2012, CSPO Sisak dropped the case against the former Prime Minister of the Serbian Autonomous Region of Krajina (SPO Krajina). At the same time (May 2012), the judgement was confirmed for one accused person, sentencing this person to 4 years and 6 months in prison.
 - A case against one of the accused awaits the ruling of the Supreme Court.
 - In the remaining 7 cases, court hearings shall be scheduled by the end of the year or at the beginning of 2013.

Case reviews (SPO data)

87. In war crimes cases against known perpetrators, the State Prosecutor's Office continues to review the cases, but it has no new discoveries of facts or evidence necessary to request the renewal of the proceedings. In spite of all calls for the accused persons whose judgements were issued in absentia to come forward with the said judgments, there has been no answer by these convicted persons.

88. In reference to ensuring the unique application of prosecution standards in war crimes trials and eliminating differences in indictments and judgements for cases that are similar, it is necessary to stress that SPO applies uniform standards to all the accused, i.e. persons accused to have committed war crimes, whether they belong to Croatian armed forces or the other side. Those standards are known and based on legal provisions and the decision to initiate the proceeding is not a matter of an estimate but the information and the evidence that show cause for prosecuting someone or not.

89. The accuracy of the above statement is reflected in the data showing that in war crimes trials against the members of the Croatian Armed Forces, against 23 of them the proceeding was initiated by applying command responsibility and it included the highest ranking military and police officials, such as two generals and two police directors, one of whom was the advisor to the Minister of Interior, and others who were high ranking military commanders.

Participation of convicted persons in the defence of their homeland as a mitigating factor

90. In February 2012, the judge of the County Court in Zagreb suspended the former court practice of treating the participation in the homeland war as a mitigating factor for those who committed war crimes. The verdict for the Crime in the Karlovac settlement of Sajevac: a former Karlovac police officer was convicted to 9 ½ years in prison for killing 2 civilians of Serbian nationality.

Article 9

Reply to the issues raised in paragraph 15 of the list of issues prior to reporting

91. Pursuant to the Constitutional Law on Cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), the Ministry of the Interior, Department of War Crimes, and the Ministry of Justice, Directorate for EU and International Cooperation, cooperate with the ICTY in order to fulfil the requirements of the ICTY relating to the delivery of documents with regard to the war crimes committed during the Homeland War.

92. At this moment, there are no pending requests of the ICTY with regard to the delivery of documents relating to the Military-police Action "Storm".

Article 10

Reply to the issues raised in paragraph 16 of the list of issues prior to reporting

93. In 2012, Judicial Academy held several workshops that were, in a broader sense, also directed at raising awareness about compliance with the Articles of the said Convention.

- In March 2012, in cooperation with the High Administrative Court of the Republic of Croatia, the Judicial Academy, the Office of the United Nations High Commissioner for Refugees and the Centre for Peace Studies co-organized the seminar "Asylum Act – application in practice". Administrative court judges attended the seminar.
- In April 2012, the workshop "Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms: Prohibition of torture" was held in cooperation with the Faculty of Law, University of Zagreb and within the framework of the project "Judgements of the European Court of Human Rights in criminal cases against the Republic of Croatia". The workshop was attended by the representatives of SPO and the County Court in Zagreb.

- In April 2012, within the framework of the 2009 IPA project “Establishing a comprehensive system for anti-discrimination protection” of the Office for Human Rights and National Minority Rights of the Republic of Croatia, the Judicial Academy, the Ombudsman and the Ludwig Boltzmann Institute of Human Rights from Vienna worked together to organize the workshop “Implementing the Anti-discrimination Act – IPA 2009” “Establishing a comprehensive system for anti-discrimination protection”. The workshop was attended by the representatives of municipal courts.
- In June 2012, the topic “International standards for prohibiting discrimination” were discussed within the seminar titled “Criminal legislation news – 2012”. The seminar was attended by judges and state prosecutors.

94. From 2004 to 2012, the Judicial Academy has also organized a number of workshops related to the processing of war crimes, for judges and state prosecutors who specialize in the said issues.

95. In reference to the question about the steps taken to ensure that within the structures of the police there is a clear line of reporting regarding complaints of torture and ill-treatment, the said line of reporting was ensured by establishing clear procedures for handling citizens’ complaints (prescribed by the Ordinance on the method of work and procedure upon petitions and complaints, keeping the record of petitions and complaints and the work of the committee), anticipating the duty to make a report about the expressed or received complaint, check out the complaint and in light of the established facts, if any incriminating activities should be established, initiate disciplinary actions and report to the competent State Prosecutor’s Office that there is suspicion of a criminal offence being committed. Such information must be recorded in the information system of the Ministry of Interior (subsystem “Internal Control Activities”), and the implementation of the said procedures is monitored and controlled by the Internal Control Department. Officers of the Internal Control Department are included in the more complex controls.

96. The right to submit a complaint is legally regulated by Article 46 of the Constitution of the Republic of Croatia and Article 5 of the Police Act. Jailed persons, just like all other citizens, have the right to submit a complaint against any action of a police officer, including the actions of police officers during a criminal investigation. The complaints can be submitted to the Ministry of the Interior, police officers in units that conduct the criminal investigation, to the detention supervisor while being held at the police station detention facilities, and the right to submit complaints is additionally guaranteed and the exercising of such right made possible by calling a toll-free number 0800-00-90 or sending a toll-free fax to 0800-00-92, which are located at the Operative Communication Police Centre of the Ministry of the Interior. It is also possible to submit complaints to the institution of the Ombudsman.

97. In regards to criminal investigations of police officers, the letter of the General Police Directorate, number: 511-01-71-210-21/2011 dated 1 April 2011, orders all organizational units to report to the Office of the General Police Director and the Internal Control Department relating to all initiated criminal investigations of police officers. Bearing in mind the gravity of the criminal offence, these investigations shall include the officers of the General Police Directorate and Internal Control Department.

Article 11

Reply to the issues raised in paragraph 17 of the list of issues prior to reporting

98. In relation to the request to provide information on any new interrogation rules, instructions, methods and practices as well as arrangements for custody that may have been introduced since the consideration of the third periodic report, we hereby inform you that

the Police Duties and Powers Act was adopted on 30 June 2009, precisely specifying legal provisions regulating police duties and powers.

99. Article 14 of the said Act states that the police officer shall exercise police power in accordance with the Constitution and the law and shall be bound to respect dignity, reputation and honour of every person, as well as other fundamental human rights and freedoms. With special care the police officer shall treat children, minors, elderly and weak and disabled people and the victim of a criminal offence and a misdemeanour.

100. Article 36 regulates the collection of information from citizens and states that if there are grounds for suspicion that a criminal offence prosecuted ex officio or a misdemeanour has been committed, a police officer may collect information from the person for whom it is probable that he has knowledge about the criminal offence or misdemeanour. The police officer may collect information from citizens on police premises, at their working places or another suitable location and upon previously given consent also in the person's home. When collecting information from the victim of the criminal offence, the police officer shall treat him with special consideration. Article 37 states that a police officer shall collect information by order of the State Prosecutor or the court in accordance with a special act, while article 38 states that Collecting information from a child shall be carried out by a specially qualified police officer, as a rule in presence of a parent, a guardian, a foster parent, a person who has been entrusted with care and upbringing of the child or an expert from the centre for social welfare, preferably in the child's home. The parent, the guardian, the foster parent, the person entrusted with care and upbringing of the child or the expert from the centre for social welfare shall not be present during the collection of information from the child or a minor if there are grounds for suspicion that they have committed a criminal offence or a misdemeanour to detriment of the child or the minor.

101. The said area is also regulated by the valid Criminal Procedure Act where Article 6 states that in the proceeding that is regulated by the said law, discrimination based on race, ethnicity, skin colour, sex, language, religion, political or other beliefs, national or social background, financial standing, union membership, marital or family status, age, health condition, disability, genetic inheritance, birth identity, expression or sexual orientation shall be prohibited. It shall be prohibited to submit the accused person, a witness or any other person to medical intervention or give them such substances that would influence their own free will when giving a statement, nor shall it be permitted to use force, threats or any similar means, and statements obtained in such manner may not be used as evidence in trials. Article 10 of the Criminal Procedure Act states that illegal evidence is such that is obtained by violating the prohibition of torture, cruel or inhumane treatment that is prescribed by the Constitution, the law or international law. Interrogation of accused persons is regulated by Articles 272 to 282 of the Criminal Procedure Act.

Reply to the issues raised in paragraph 18 of the list of issues prior to reporting

102. Since 2005 until 2007 the Ministry of the Interior together with partners from the Kingdom of the Netherlands (IND) and the Federal Republic of Germany (BAMF) implemented the project entitled CARDS 2003 "Capacity Building in the Area of Illegal Migration".

103. The project consisted of the 3 components: twinning, works and equipment. The total value of the project amounted to 1.15 million €, out of which 400,000 € for twinning, 400,000 € for works and 350,000 € for equipment. The aforementioned project has made improvements in infrastructure, overall functionality, and general security in the Foreign National Reception Centre.

104. Apart from the increased security standards (constructing the new outside fence, introducing video surveillance, constructing the lamp post banners) and accommodation standards (acquiring equipment for kitchen, living-room, outside playground), improvements were made in relation to internal organisation and procedures in the Foreign Nationals Reception Centre (new house rules, as well as in relation to the standards of conducting interviews, etc.).

105. As regards the number of female staff at the Reception Centre, please note that there is at least one female police officer within the Centre security service working in each shift. With regard to the gender structure, half of the police inspectors working in the Centre are male, and the other half are female.

106. Police officers engaged in internal security tasks of the Reception Centre wear batons, in the appropriate manner, as the only means of force, so as to enable them to react in accordance with the Law on Police Tasks and Powers in the cases of obstructions of the house order or fights between the foreign nationals.

Reply to the issues raised in paragraph 19 of the list of issues prior to reporting

107. Underage foreign nationals shall be accommodated in the Reception Centre in accordance with Article 132 of the Alien Act, only if accompanied by parents or legal representatives, and only if the forced deportation thereof cannot be arranged in a more satisfying manner. The stay at the Centre for the underage foreign nationals may not be prolonged, i.e. their stay at the Centre may not exceed 180 days.

108. In 2011, the Ministry of the Interior appointed the project entitled IPA 2011 "Strengthening Capacity for Underage Illegal Migrants and Other Vulnerable Groups in the Foreign Nationals Reception Centre"

109. This project includes the construction of the special facility for accommodation of underage and other vulnerable groups of illegal migrants within the complex of the Foreign Nationals Reception Centre. The project has been supported by the European Union. The project documents have been completed, and the preparation of tender documents is under way. In addition to that, the Project Implementation Unit has been appointed.

110. Hereinafter we deliver the available statistical data referring to the number of underage persons accommodated in the Foreign Nationals Reception Centre in the period from 2001 to 2011.

Table 12

Number of underage persons accommodated in the foreign nationals reception centre in the period from 2001 to 2011

No.	Country	Age: up to 14 years		Age: 14-18 years	
		M	F	M	F
1	Afghanistan	15	5	8	0
2	Albania	7	2	681	2
3	Algeria	1	0	0	0
4	Armenia	0	0	1	1
5	Bangladesh	0	0	9	0
6	Bosnia-Herzegovina	2	4	7	0
7	Bulgaria	0	1	0	0
8	Burkina Faso	1	0	0	0

<i>No.</i>	<i>Country</i>	<i>Age: up to 14 years</i>		<i>Age: 14-18 years</i>	
		<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
9	Georgia	1	0	0	0
10	Iraq	1	5	1	0
11	Iran	8	7	4	1
12	Cameroon	0	0	3	1
13	China	0	0	2	2
14	Kosovo (from 2008)	15	7	9	0
15	Libya	3	0	0	0
16	Macedonia	5	2	1	2
17	Morocco	0	0	1	0
18	Moldova	0	0	4	3
19	Nigeria	1	1	1	0
20	OBD	0	0	1	0
21	Ivory Coast	0	0	3	0
22	Pakistan	0	0	2	0
23	Palestine	2	0	1	0
24	Romania	1	3	15	6
25	Russia	2	5	4	0
26	Serbia and Montenegro	29	34	115	5
27	Somalia	0	0	2	1
28	Serbia	0	2	3	0
29	Sri Lanka	0	0	2	0
30	Ukraine	1	1	0	0
31	Turkey	22	6	62	5
Total		117	85	942	29
Subtotal			202		971

Reply to the issues raised in paragraph 20 of the list of issues prior to reporting

111. The Foreign Nationals Reception Centre has separate bathrooms with toilet facilities for women and men. Rooms occupied by women and families are equipped with showers. In these rooms there is no video surveillance, as well as there is no video surveillance in dormitories and the dispensary, so as to prevent the violation of privacy of the foreign nationals.

112. Video-surveillance has been installed in the corridors and the joint premises (TV room, living-room, dining-room, and playground).

113. The foreign nationals are not escorted to the showers, so they take the shower by themselves in accordance with their own personal needs and hygiene habits. Exceptions are made in cases of foreign nationals with poor hygiene habits or without any hygiene habits, who are, in accordance with the Rules of Stay at the Reception Centre, sent to take showers by their social workers in order to prevent them from endangering their own health and the health of others.

Reply to the issues raised in paragraph 21 of the list of issues prior to reporting

114. According to the Act on the Protection of Persons with Mental Illness (hereinafter referred to as: Act), in the event of voluntary commitment of a person with mental illness to the psychiatric institution, a verbal consent is required, and such consent shall be recorded in the medical documentation in writing. For persons who are deprived of their legal capacity, the consent is given by the legal guardian of such person and the legal guardian reserves the right to withdraw the consent at any time.

115. In the event of involuntary commitment of person with mental illness to a psychiatric institution, even of persons who are deprived of their legal capacity, the competent county court shall arrange for an attorney to act as a proxy for that person in order to protect that person's rights, if the legal guardian of such person has not already chosen a proxy.

116. The court shall render and deliver a decision for involuntary commitment for the period that may not be longer than 30 days, or it shall render and deliver a decision for immediate discharge of involuntarily committed person. The court shall render such decision no later than 8 days of receiving the notification and the documents related to involuntary commitment. The decision for involuntary commitment shall be elaborated and, therefore, shall include the reasons justifying involuntary commitment that are based on the prior psychiatric evaluation for the necessity of involuntary commitment, which shall be issued by the expert after having personally examined the person with mental illness. Before rendering the decision, the judge shall visit the said person within 72 hours of receiving notice of involuntary commitment, and if possible conduct an interview with that person. The judge may also request the information from the competent Social Services Centre and other institutions that may have the necessary information.

117. The decision for involuntary commitment shall be delivered to the involuntarily committed person, his or her legal guardian, and a close relative that this person shares a household with, a proxy, a competent Social Services Centre and the psychiatric institution to which the person has been committed. All of these recipients may appeal the decision within 3 days of receiving it.

118. Seeing as the court decision for involuntary commitment is elaborated, as well as any decision for the extension of such commitment which is preceded by the same procedure as the original decision (psychiatric evaluation, hearing), and is delivered to a wide range of recipients, among which the attorney – proxy who is obliged to care for and protect the rights and interests of the person with mental illness, as well as this person's legal guardian and the competent Social Services Centre which is also obliged to protect the rights and interests of the person who has been deprived of their legal capacity, efficient tools for challenging the legality of involuntary commitment to the psychiatric institution have been provided.

119. The persons for whom the court has ordered involuntary commitment in a criminal trial shall also be subject to the involuntary commitment procedure that is conducted in accordance with the provisions of this Act. Involuntary commitment starts with the finality of the decision for involuntary commitment in criminal trial, i.e. the decision for execution before its finality. The first instance court that handled the criminal proceeding in which the involuntary commitment was determined for a mentally incompetent person shall provide the competent court for the involuntary commitment proceedings with the documentation that is exhaustively listed in Article 45 of the Act. The court shall appoint a proxy for the mentally incompetent person.

120. Involuntary commitment of minors for whom involuntary commitment was determined by the court in a criminal trial proceeding shall also be conducted in accordance with the provisions of this Act.

Articles 12 and 13

Reply to the issues raised in paragraph 22 of the list of issues prior to reporting

121. The below tables, referring to the period from 2009 until July 2012, presents the number of investigations (criminal investigations) which resulted in raising criminal charges, and which were conducted on the basis of the citizen reports and resulted in making records of the following offences: Violation of the equality of citizens under Article 106 of the Criminal Code, Extortion of statement under Article 126 of the Criminal Code, Abuse during service or public authority, under Article 127 of the Criminal Code, Coercion under Article 128 of the Criminal Code, War crimes against civilian population under Article 158 of the Criminal Code, Racial and other discrimination under Article 174 of the Criminal Code, and Torture and other cruel or degrading treatment under Article 176 of the Criminal Code. Along with the aforementioned data, the tables present the number of natural persons charged with these offences, that is, the number of persons injured by these offences.

Table 13

Investigations pursuant to article 176 of the Criminal Code and related articles that have resulted in criminal charges

Year	2009			2010			2011			2012 (7 months)			Total		
	Criminal offences	Reported persons	Injured persons	Criminal offences	Reported persons	Injured persons	Criminal offences	Reported persons	Injured persons	Criminal offences	Reported persons	Injured persons	Criminal offences	Reported persons	Injured persons
Violation of the equality of citizens, Article 106													0	0	0
Extortion of statements by coercion, Article 126	1		1	2	1	2	2	1	2				5	2	5
Maltreatment in the execution of duty or public authority, Article 127	4	2	4	7	3	7	4	3	4	2	3	2	17	11	17
Coercion, Article 128													0	0	0
War crimes against the civilian population, Article 158	8	14	124	7	11	32	17	25	238	1	10	9	33	60	403
Racial and other discrimination, Article 174	6	7		11	9	4	11	13	11	5	3		33	32	15
Torture and other cruel, inhuman or degrading treatment, Article 176								14					0	14	0

122. With regard to the inquiry on criminal offences committed in 2006 and 2007, the criminal offence qualification is given by police officers in agreement with the competent State Attorney's Office, and on the basis of determined circumstances. When conducting the qualification of the criminal offence, the existing evidence is rated and the criminal offence is qualified in a way that would increase the possibility of success in the court proceedings and deliver the guilty verdict against the accused.

123. In accordance with the inquiry, we would like to emphasise initiating the criminal proceedings against the offender, and in cases of criminal offences committed by an official, initiating also the disciplinary proceedings. Considering that these are the criminal offences requiring initiating the procedures ex officio, the prosecutor in these cases is the State Attorney's Office and not the injured person. The disciplinary procedure, which is an internal procedure conducted within the institution/Ministry, which is the offender's

employer, decides on the type of the disciplinary sanction for the offender, including the termination of the employment contract in case of the sentencing verdict.

124. After the criminal charge was filed by the police, the further steps related to the indictment and the trial process fall under jurisdiction of the State Attorney's Office and the Judiciary. Therefore, we are not in a position to give comments on the work of the aforementioned institutions.

125. Pursuant to the Criminal Proceedings Act entered into force in September 2011, the investigation in the criminal cases is conducted by the State Attorney's Office, and not the Police Department. This process ensures the higher level of independency in cases of criminal investigations involving suspects who are police officers.

Reply to the issues raised in paragraph 23 of the list of issues prior to reporting

126. Family violence with female victims makes up the biggest share in the total number of family violence cases, which are in the Republic of Croatia sanctioned as a separate offence of "Domestic violence", as referred to in Article 215 of the Criminal Code, i.e. as a misdemeanour under provisions of Article 4 of the Law on the Protection against domestic violence.

127. Family violence is sanctioned as a criminal offence in cases when: a family member brings another family member into a degrading position by the use of violence, abuse or another particularly disrespectful behaviour. The prescribed prison sentence is that of 6 months to 5 years. The features of the criminal offence have been fulfilled when the victim has been brought into a degrading position, in cases of long-term violence and violence of great intensity causing grave consequences.

128. In the Republic of Croatia, family violence has been punishable as a misdemeanour under Article 18 of the Family Law enacted in 1999, until 30 July 2003, when the special Law on Protection from Family Violence entered into force. Article 4 of this Law stipulates the types of behaviour characterising the misdemeanour offence of domestic violence. In order to improve the victim status, the amended version of the Law on Protection from Family Violence (OG 137/09 and 60/10) entered into force on 18 November 2009.

129. In comparison to the earlier law, the circle of persons considered as family members has been extended to include not only marital and common law partners, relatives in a straight line without limits and blood relatives in a side-line up to the third removal, in-laws up to the second degree, persons living in a joint marital or common-law community including their children, persons who have children together or share adoptive parents or adopted children, guardians and wards, but also children of former marital or common-law partners who are not their own children, as well as to foster parents and persons using accommodation in a foster home. Furthermore, the Law comprises a provision stating that the Law also applies to persons who, according to special regulations, live in a same-sex union.

130. As referred to in Article 4 of the Law on the Protection against domestic violence, violence is defined as follows: Family violence is any kind of physical, mental, sexual or economic violence, and especially:

- Physical violence, that is, the use of physical force regardless of causing bodily injury or not;
- Physical punishment and other ways of degrading treatment of children for educational purposes;
- Mental violence, that is, the use of mental force causing the sensations of fear, threat, anxiety or violation of dignity, verbal abuse, verbal assaults, insults, calling

names or other cruel verbal abuse, spying or causing disturbance by use of any means of communication or by use of electronic and printed media or in other way, or through communicating to the third persons, illegal isolation or restrictions to movement, that is, spying and causing disturbances;

- Sexual abuse, that is, sexual disturbance;
- Economic violence assuming the damage or destruction of personal or joint property or preventing or making impossible the use of personal or joint property or an attempt to do so, and deprivation of rights or denying the disposal of personal income or property acquired by personal engagement or inheritance, prevention of employment or work, forced economic dependence, denying access to funds necessary for keeping the joint household or taking care of children or other dependences in the joint household.

131. By enacting the Law on the Prevention of Domestic Violence, the Republic of Croatia has turned family violence into a matter of interest and responsibility of the state, whose institutions are responsible for the protection of family violence victims and for sanctioning of violent persons and taking measures of prevention, protection and victim support.

132. In further implementation of the aforementioned legal provisions, the Government of the Republic of Croatia has enacted the Protocol in the Event of Domestic Violence. Pursuant to the aforementioned Protocol, the police is bound to act as follows:

- Urgently and without delay send at least two police officers (preferably of different gender) to intervene at the location;
- Take immediate measures and activities aiming to momentarily provide protection and necessary medical and other type of assistance to persons affected by violence, and to prevent the perpetrator from further violent behaviour;
- Enable the victim to refer every piece of information relevant to determine the violence committed, to the police officer, without interruptions or fear, and without the presence of the offender;
- Inform the offender of the measures that will be taken against him, with the purpose of immediate obstruction of violence and providing assistance to the offender in changing his behaviour;
- Confiscate any weapon legally possessed by the offender and take measures to find and confiscate weapons that the offender might possess illegally;
- Apprehend the offender to the police premises and carry out the misdemeanour proceedings/criminal investigation and bring the offender before the misdemeanour judge, i.e. investigation judge, with an application form, in accordance with the valid legal regulations;
- Together with the proposal for keeping the offender in custody until pronouncing the sentence, depending on the identified circumstances and conditions fulfilled, the police is obliged to request the pronouncing of adequate protection measures, i.e. precautionary measures;
- Police officers who have brought the offender to the misdemeanour court, that is, the suspect to the investigation court, with the proposal for keeping the suspect in custody, that is, in detention, are obliged to find out the decision of the misdemeanour judge, that is, the investigation judge, and in case that the misdemeanour judge ordered no custody and that the investigation judge ordered no detention, they are obliged to immediately notify the victim thereof;

- In case that the victim of violence is a child or underage person, or in case they witnessed violence (due to reasonable suspicion of the criminal offence of Neglect and Child Abuse) or in case there are reasons to suspect that the criminal offence of Domestic Violence), police officers specialised in juvenile delinquency shall immediately involve and take over the proceedings by leading and coordinating the team work within the police system aiming to provide protection against domestic violence;
- In the course of proceedings, the police officers are obliged to inform the victim of violence on their legal rights, in the appropriate and clear manner, with a special emphasis on protection measures and conditions of pronouncing and applying those measures, and about the measures and activities to be further taken by the police against the offender, bearing special relevance to the protection of the victim's safety (e.g. on apprehending the offender to the police premises, ordering and duration of custody, escorting to the misdemeanour or investigation judge with a proposal for custody, that is, detention, on release of the offender immediately after investigation conducted by the misdemeanour or investigation judge, on importance of self-protective behaviour and cooperation of the victim so as to contribute to the victim's safety, on the address book of institutions and organisations providing assistance, support and protection to the victims of domestic violence, on the possibilities of taking the victim to an adequate shelter for the victims of family violence or a Home for children and adult victims of domestic violence);
- In prevention and resolving the problems of domestic violence, the police cooperates with other governmental and non-governmental organisations on the basis of interdepartmental and multidisciplinary cooperation.

133. The obligation of the police to treat the victims of criminal offences and misdemeanours with special consideration has been especially stipulated under Article 14 of the Law on Police Tasks and Powers.

134. The Law on Protection from Family Violence anticipated a series of protection measures acting as mechanisms of protection for the victims of domestic violence, reaction to violence committed, but also the most effective measures for prevention of the new violent behaviour. The police are in charge of the 3 protection measures: restraining order against the offender preventing them from coming near the victim of violence, prevention of harassment or spying on the person exposed to violence, and removal from apartment, house or another housing facility. During implementation of the aforementioned protection measures, the police comply with the provisions of the Ordinance on the implementation of protection measures placed under police jurisdiction pursuant to the Law on the Protection against domestic violence. The aforementioned Ordinance defines the manner of processing, including any measures and activities that must be taken by the police in order to protect the victim and prevent the offender from repeating the violence.

135. In consideration of the well-defined legal and by-legal framework: Law on the Protection against domestic violence, Protocol in the Event of Domestic Violence, National Strategy for Protection against domestic violence, Ordinance on the implementation of protection measures placed under police jurisdiction pursuant to the Law on the Protection against domestic violence, the Ministry of the Interior has directed its activities towards educating the entire operational system in order to increase the level of professionalism of all of the police officers involved in the cases of domestic violence, which is a direct contribution to the status of female victims of violence. The Higher Police School has introduced into the basic police education the programmes relating to domestic violence: criminal offences against marriage, family and youth, family violence – misdemeanour law, family violence (types, causes and consequences, abuser types, police activities), strategies

of resolving domestic violence, domestic violence-integrated exercises, and tactics for acting in the event of domestic violence.

136. The Higher Police School programmes study the family violence issues from legal, psychological, sociological and ethical aspects in several different courses (criminal-material law, criminal-procedural law, offence law, criminology, criminology – special part, youth delinquency and crime affecting children and underage persons, criminal investigation methods, methods of detection, investigation and finding evidence of criminal offence and sexual crime, forensic and criminal psychology, social pedagogy, human rights and police ethics).

137. In the period from 2009 until early 2012, the Police Academy in Zagreb provided Basic Courses for police officers in police stations assigned to family violence cases, which provided a special training for police officers in almost all of the police stations in the Republic of Croatia. Moreover, based on the Plan and Programme of Expert Education for police officers, the Police Administration staff also receive training in the area of domestic violence. Such training increases the level of expertise and professionalism in relation to applying regulations and laws governing the police procedures in the events of domestic violence, as well as taking adequate protection measures for victims of domestic violence.

138. The Police Academy includes the Publishing Department issuing the magazines such as *Police and Safety*, *Choice*, and *Krimarke*, which are dealing with expert and scientific topics including those of domestic violence.

139. For the purpose of efficient implementation of the concrete provisions of the National Strategy for Protection against domestic violence, in relation to the education of experts working in the area of protection against domestic violence, in the period from 2009 to 2011, the Society for Psychological Assistance (SPA) has within the “MATRA” programme of the Dutch Ministry of Foreign Affairs, and in cooperation with the Ministry of the Interior, Ministry of Health and Social Welfare and the Ministry of Justice, implemented a three-year project of mitigating family violence in Croatia. The project included the organisation of seminars entitled “Capacity Building for Harmonised Reaction to Family Violence in the Community”, in which police officers, judges and social workers exchanged experiences on the manner of cooperation aiming to mitigate domestic violence.

140. In addition, police officers take part in seminars, round tables and other events organised by the state bodies and civil society organisations in order to discuss the topic of domestic violence. Taking part in such seminars helped to establish and develop cooperation between the police and the non-governmental organisations dealing with the issues of violence and promoting gender equality.

141. The Ministry of the Interior initiated a meeting of ministers on 29 November 2010, in which the Agreement was signed between the Ministry of the Interior, Ministry of Justice, Ministry of Family, Veterans and Intergenerational Solidarity, Ministry of Health and Social Welfare, Ministry of Science, Education and Sports and the Ministry of Administration. The Agreement regulated the cooperation between the competent ministries, which within their scope of activities deal with the issues of family violence and violence against women. On the basis of the Agreement, and aiming to establish better cooperation and more effective protection of victims, the National team for prevention and mitigation of family violence and violence against women has been formed along with interdepartmental teams at the county levels. Their task is to conduct a coordinated team work of monitoring and supervising the work of all competent bodies involved in cases of family violence and violence against women, aiming to improve their mutual cooperation and finally, to prevent and suppress family violence and ensure high-quality protection of victims. During 2011 and 2012, the National team undertook a series of activities including the organisation of joint trainings for county teams designed to enable them to efficiently

resolve the actual problems occurring in the field by applying the principles of interdepartmental cooperation.

142. The aforementioned Agreement is one of the measures from the “Package of measures for improvement of proceedings in the area of protection against family violence and violence against women”, reached by the Ministry of the Interior. Along with the implementation of the Agreement, the Standard Operative Procedures for police officers in cases of family violence were drafted in order to increase the quality and unify the procedure in family violence cases. The Reminder on procedures upon family violence calls has been issued in 7000 plasticised copies delivered to police officers engaged in direct interventions in family violence cases, along with the standardised Statement of Acknowledgement Form relating to victim rights, designed to inform the victims of family violence on the rights ensured by the State.

143. The Ministry of the Interior keeps statistical records of misdemeanours and criminal offences of domestic violence, as referred to in Article 4 of the Law on the Protection Against Domestic Violence, with special attention given to keeping records of so-called family murders, as shown in the tables as follows:

Table 14

Trends referring to the number of reported offenders of the misdemeanour of family violence and the number of female victims within the total number of victims in the Republic of Croatia, in the period from 01.07.1999 to 31.12.2002 (the misdemeanour offence of family violence was regulated by the Article 118 of the Family Law)

<i>Year</i>	<i>01.07.1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
Number of reported offenders	353	3410	5004	6600
Total number of victims	624	5325	7159	9182
Number of female victims	452	3761	4850	6217

Table 15

Trends referring to the number of reported offenders of the misdemeanour of family violence as referred to in Article 4 of the Law on Protection from Family Violence and the number of female victims in the total number of victims in the Republic of Croatia, in the period from 01.01.2003 to 31.12.2011

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Number of reported offenders	9151	11669	14246	15277	17391	16169	16496	16564	17884
Total number of victims	12260	14649	17991	20983	22158	20566	22140	20531	20247
Number of female victims	8209	9585	11606	13438	14409	13321	14278	13135	13127

Figure I

Number of offenders reported for committing the misdemeanour of domestic violence

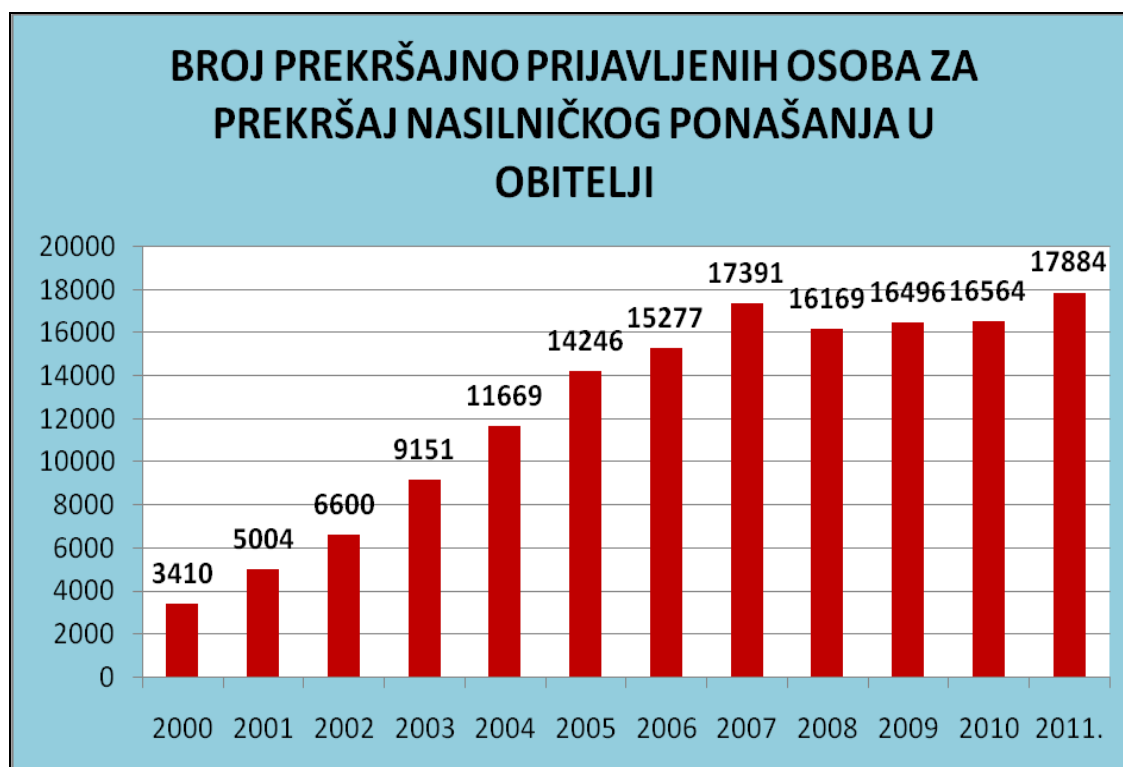


Table 16

Current situation and trends in the number of reported criminal offences of family violence as referred to in Article 215 of the Criminal Code in the Republic of Croatia in the period from 01.01.2001 to 31.12.2011

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Number of reported offenders	148	229	427	215	657	675	612	564	482	370	691
Total number of victims	514	722	1308	1606	1994	2112	1914	1713	1485	1159	943
Number of female victims	408	573	997	1229	1503	1593	1482	1329	1161	886	705

Figure II
Number of offenders reported for committing the criminal offence of domestic violence

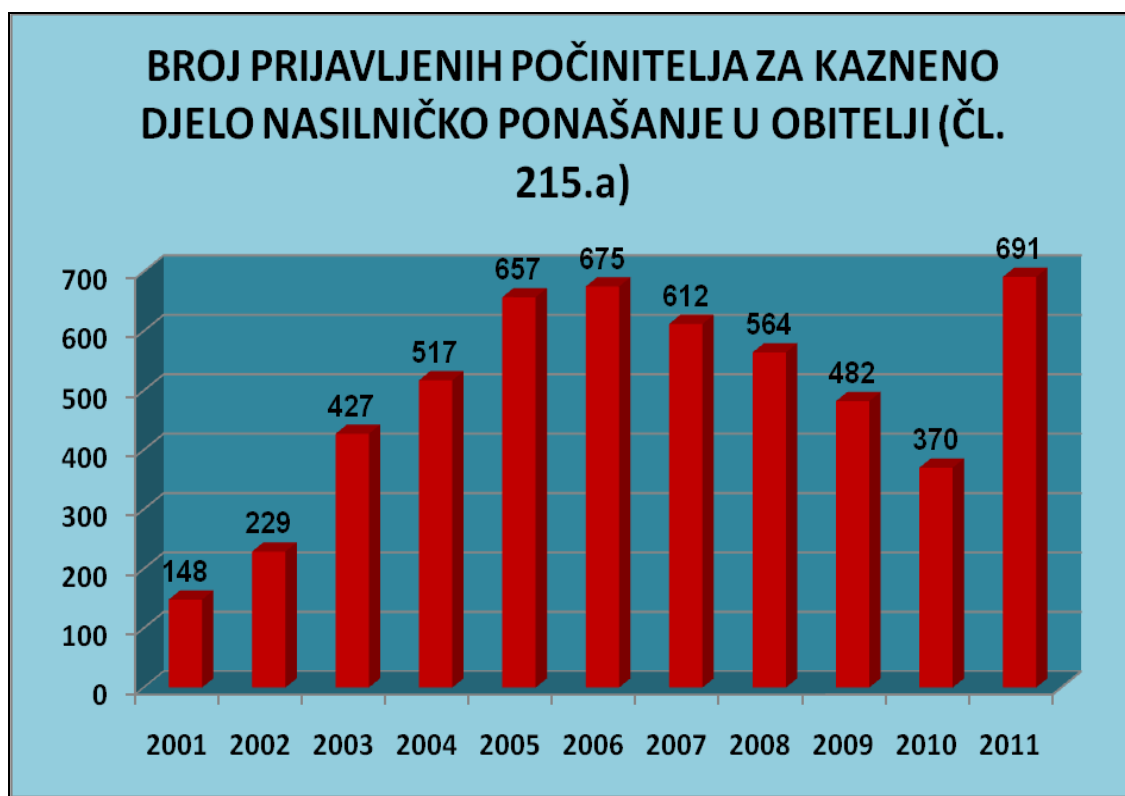
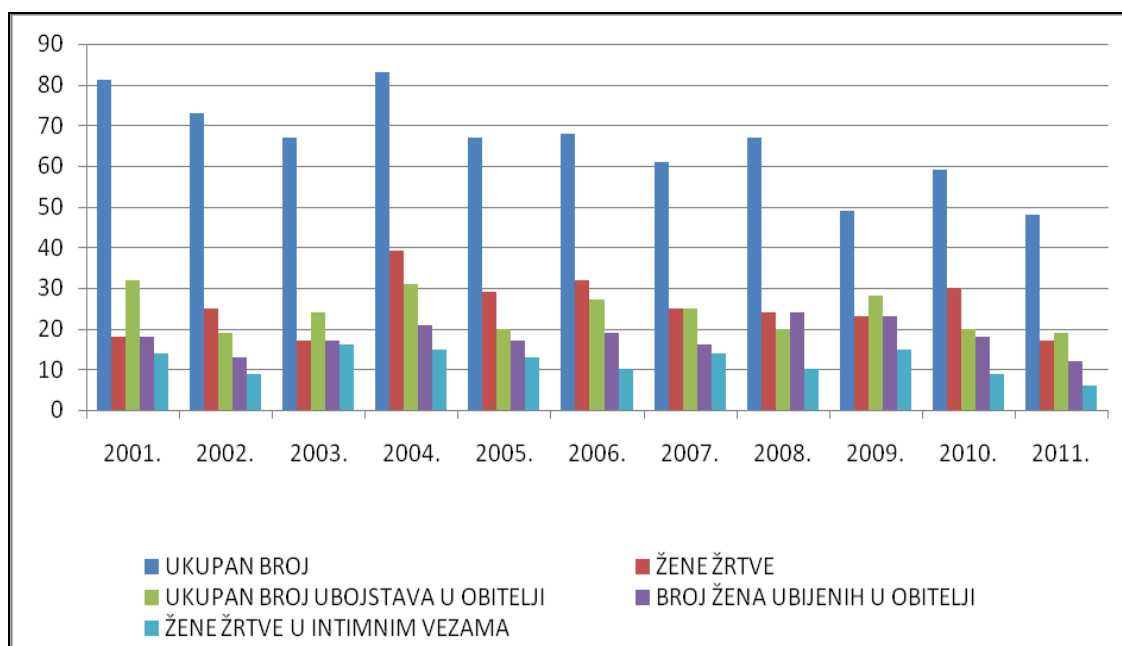


Table 17
Criminal offences of murder committed in the period from 01.01.2001 to 31.12.2011

Year	Total number of murders	Total number of murdered women	Number of family murders	Number of women murdered in the family	Number of women murdered in intimate relationships ¹
2001	81	18	32	18	14
2002	73	25	19	13	9
2003	67	17	24	17	16
2004	83	39	31	21	15
2005	67	29	20	17	13
2006	68	32	27	19	10
2007	61	25	25	16	14
2008	67	24	20	24	10
2009	49	23	28	23	15
2010	59	30	20	18	9
2011	48	17	19	12	6

¹ Including murders of spouses.

Figure III

Criminal offences of murders committed in the period from 01.01.2001 to 31.12.2011

144. Recorded cases of women murdered by their partners indicated the need for better networking among all of the services competent for providing assistance and protection of domestic violence victims. For this purpose, some of the aforementioned trainings were initiated.

145. There is an important problem of victims returning to their abusers due to economic dependency. The Republic of Croatia has good regulations for implementing the measures of the first stage, which include taking immediate care of the victim, removing the offender from the family and bringing him to the competent judge by force of an urgent procedure in order to receive an adequate misdemeanour or criminal sanction. However, it is necessary to make additional efforts to achieve an economic independency of female victims of domestic violence, as well as to pay additional attention to implementation and supervision over implementation of protective measures aiming to change the behaviour of the offender.

146. Through monitoring the current situation and trends in offences resulting in domestic violence, we have recognised the need for scientific identification of risk factors leading to grave consequences of domestic violence, such as grievous bodily injury or even murder. In relation to this, the Police Directorate, in cooperation with the Higher Police School conducts a scientific research entitled "Causes of grave consequences of domestic violence"; so as to be able to, following the analysis of the received results, create the adequate instruments for assessment of risk from grave consequences in the actual cases in which the police officers intervene. These instruments will be of significant help to police officers in making decisions on taking measures and conduct activities.

Reply to the issues raised in paragraph 24 of the list of issues prior to reporting

147. Since the first moments of aggression against the Republic of Croatia, the Ministry of the Interior has, in accordance with its legally binding obligations and competences, started collecting, processing and documenting the information and evidence on crimes

committed with regard to armed rebellion and aggression, and especially on events characterised as war crimes.

148. In order to intensify the activities aiming to detect the criminal offences of war crimes, as well as to fulfil the requirements from Chapter 23 – “Judiciary and Fundamental Rights”, on 11.12.2008, MIO and the Police Directorate enacted an Action Plan as part of the Action Plan made by the State Attorney’s Office of the Republic of Croatia.

149. With regard to taking further steps, the State Attorney’s Office of the Republic of Croatia and the Police Directorate agreed on the 127 cases of war crimes, in which the offenders were not found – 8 cases at the national level and 119 cases at the regional level.

150. For the purpose of conducting additional criminal investigations in the agreed cases, in December 2010, the Police Directorate drafted and enacted the Strategy and Plan of research and processing of war crimes committed in the Homeland War in the Republic of Croatia 1991-1995, delivered to the Ministry of Justice (MoJ) and to the State Attorney’s Office (SAORoC).

151. For the purpose of fulfilling the tasks from the Strategy of the Ministry of Justice and the Strategy and Plan of the Ministry of the Interior, by the Criminal Police Directorate and the competent Police Administrations, on 28.02.2011 the Head of the Police Directorate enacted an Implementation Plan for police officers employed by the Police Directorate to be used in implementation of the Strategy of research and processing of war crimes committed in the period from 1991-1995.

152. Having in mind the importance of this process and the continuation of reporting to the European Commission on the implemented activities and activities planned in the oncoming period, the Ministry of the Interior is legally bound to fully implement the Strategy and Implementation Plan of the MoI, enacted in February 2011, that is, to finish the criminal investigation in the cases of war crimes on the national and regional level.

153. Pursuant to changes and amendments of the Law on implementing the statute of the International Criminal Tribunal and Prosecution for criminal offences against International War and Humanitarian Law, the State Attorney’s Office of the Republic of Croatia has established four specialised State Attorney’s Offices.

154. For the purpose of raising the quality of research relating to war crimes, the Ministry of the Interior, the Police Directorate, has adjusted the earlier model to fit the model of competence of the County State Attorney’s Offices in the cases of war crimes.

155. In its earlier work in detection and processing of criminal offences against humanity and international law (values protected by the international law) in the period from 17 August 1990 to 30 June 2012, the Ministry of the Interior, in cooperation with other bodies and services of the competent judiciary institutions in the Republic of Croatia, filed criminal charges for a total of 1780 criminal offences, thus raising charges against a total of 9086 perpetrators of these criminal offences.

156. The Ministry of the Interior conducts criminal investigation of war crimes committed at the expense of and by any person taking part in the Homeland War, regardless of their ethnicity, that is, regardless of the side they belonged to during the war.

157. The research related to war crimes included various types of expert specialist training in Croatia and abroad, such as attending various expert conferences, seminars, courses, workshops, etc., organised by different local and international organisations.

158. The criminal investigation of war crimes committed during the Homeland War included the investigations of the criminal offence of rape, committed against women and men, as a form of committing the war crimes.

159. In accordance with the tasks from the operation “FENIKS”, Police Administrations are continuously and intensively collecting and processing information on the persons who were detained or went missing during the Homeland War.

160. At the moment, in the Republic of Croatia there is an on-going search for 1749 persons who went missing during the Homeland War.

161. Passing of time and “harder” access to information on the possible locations, result in ever decreasing amounts of information on the possible locations.

162. In reference to the question regarding ill-treatment which occurred during conflict, we would like to stress that the police officers of the Ministry of the Interior of the Republic of Croatia are conducting criminal investigations related to criminal offences of war crimes committed in the Homeland War in the Republic of Croatia (1991-1995), and these include the investigation of criminal offences of sexual violence against women and men, as one of the forms and methods of committing criminal offences: “War crimes against civilians” and “War crimes against prisoners of war”.

163. In reference to the part of the question related to missing persons, we stress that in accordance with the tasks of the operative action “FENIKS”, the police directorates have been continuously and intensively collecting and processing information related to the fate of persons who were captured or have gone missing in the Homeland War. The Republic of Croatia is currently looking for 1731 persons that have gone missing in the Homeland War.

Reply to the issues raised in paragraph 25 of the list of issues prior to reporting

164. In reference to the question whether the statute of limitations is being applied to acts of torture and other ill-treatment, including crimes committed during the conflict, we hereby inform you that no crime of torture or ill-treatment with the attributes of a criminal offence is subject to the statute of limitations.

165. We would like to mention that the document CAT/C/CR/32/3 in para. 9 (l) contains a recommendation relating to the protection of members of ethnic and other minorities and the punishment and prevention of violence against minorities.

166. In regards to the above, we hereby inform you that the obligations of MoI, pursuant to the Protocol on Procedures in Hate Crime Cases, which includes victims who are members of national minorities, and which Protocol was drafted by the Office for Human Rights of the Republic of Croatia and adopted by the Government of the Republic of Croatia, are specified in Articles 5 to 7, stating:

- Ministry of the Interior shall undertake measures to protect the victims of hate crimes, to suppress hate crimes and prevent the spreading of hate towards persons due to their race, skin colour, sex, sexual orientation, language, religion, political or other convictions, national or social background, financial status, birth, education level, social position, age, health status and other qualities;
- Ministry of the Interior, General Police Directorate and police directorates shall be responsible for collecting information, conducting criminal investigations and reporting persons who have committed criminal offences of hate crime or hate inspired misdemeanours;
- Ministry of the Interior shall act in accordance with the positive legal regulations and internal instructions and shall especially collect information about groups, members of groups and individuals whose actions show tendency to commit criminal offences or misdemeanours that could be characterized as hate crimes, in order to prevent and stop hate crimes.

167. Upon receiving a tip about a hate crime or a request to provide assistance to a person that is exposed to any shape or form of hate crime, the police officer shall act in the following manner:

- He shall, immediately and without delay, direct police officers to the potential crime scene to intervene, i.e. to check out the report or the request. Based on the situation at the scene, the police officer shall immediately undertake measures and actions to provide immediate protection and necessary medical or other assistance to the person who has been subject to a hate crime, and shall prevent the perpetrator from continuing with the hate crime;
- He shall collect data and information necessary to clarify and prove misdemeanour or a criminal offence committed for hate reasons, processed ex officio, with the special accent on establishing:
 - That the injured person belongs to the group that was the motive of the hate crime;
 - The motive for committing the hate crime and the affiliation of the perpetrator with a group;
 - Consequence;
 - The method for establishing a hate motivated event;
 - Qualification of the event;
- In establishing the above said information, the procedure shall be based on the protection of privacy and personal information of those who participated in the event;
- In order to process a specific case in the best possible manner, the police officer shall establish cooperation with other factors that might be of help in specific hate crime cases, such as civil society organizations, religious communities and experts in the said field;
- Mark hate crime cases separately;
- Input data pertaining to the criminal offence or misdemeanour, the perpetrator, the injured person and the motive in the existing Record of Hate Crimes;
- Keep track of the cases, from the moment in which he has been informed of the event to the end of the proceeding (track record), especially in infringement proceedings where the Ministry of the Interior acts as the authorized prosecutor.

168. In relation to more efficient prevention of hate crimes, Ministry of the Interior has introduced all organizational units in detail to the legal regulations pertaining to hate crimes. All organizational units were ordered to systematically monitor the issue and to undertake all possible measures to prevent the events that point to hate crimes.

169. In regards to the track record, it has been stressed that the said term means monitoring the case from the moment of having found out about the event until the proceeding has ended, whether it is a court or an infringement judgement, which represents a more significant involvement of police officers in this issue.

170. For more efficient monitoring of hate crimes and the track record, the method of control in the information system of the Ministry of the Interior has been adjusted, making it possible to review the status of hate crimes, starting with the total number of criminal offences and misdemeanours to making a search according to the motive and other parameters. This system was not created just to record and monitor events, but it was intended as a kind of control over the implementation of police procedures by higher

organizational units in the line of work, as the higher organizational unit in the line of work should always be prepared to act in the event it becomes evident the implementation of police procedures is not evolving as it should.

171. Good practice was also noted in the manner in which police officers are being introduced to the monitoring system. Other than from submitted announcements to all organizational units, the said introduction was also conducted by direct education in the field.

172. The announcements stressed the necessity to pay special attention to hate crimes, considering that such criminal offences and other punishable actions (misdemeanours) endanger fundamental human freedoms and that it is especially important for the “track record” to monitor the status of cases from the moment of having found out about the event to when the proceeding has ended.

173. Regarding education in the field, experts in this field have held work meetings in four of the largest police directorates where they educated a high number of police officers from all police directorates, after which these police officers held further education trainings in all organizational units that work with the said issues, whether they face these issues directly or in their regular line of work.

174. In reference to the update of the events, a system was set up by which information is added each time new information and important facts for the proceeding itself are acquired (e.g. dismissed criminal charges, bill of indictment submitted by the State Prosecutor’s Office, judgement in a criminal or misdemeanour proceeding, etc.), which, in this case, satisfies the requested track record.

175. In relation to the work in practice, the police has set up an efficient system based on timely reporting to the line of work in all cases suspected to have the characteristics of hate crimes, i.e. upon finding out about the event with the said characteristics the specialized line of work at the level of police directorate is informed, and it coordinates the work of police stations in the given case from the very beginning, and if the case is a more complicated one it takes over the said case directly. The cases which are not directly handled by the specialized organizational units are constantly monitored and the said lines of work are available to the employees of police stations during the entire criminal investigation, whether for advice or direct participation in individual activities.

176. In order to more precisely and effectively monitor misdemeanours related to hate crimes, a system was set up for cases in which the police files a bill of indictment for the committed misdemeanour, and the file is labelled “URGENT – HATE CRIME”.

177. In relation to the cooperation with the State Prosecutor’s Office, other than the provisions of the Protocol regarding the coordination of data, in practice, the cooperation is subject to the provisions of the Criminal Procedure Act. In consulting with the competent State Prosecutor’s Offices special attention is also paid to the coordination of cases which are suspected to have the characteristics of criminal offences related to hate crimes.

178. Article 160 of the Criminal Code of the Republic of Croatia (war crimes against the prisoners of war) also regulates torture. There is no statute of limitations for criminal offences of war crimes.

179. Article 1 of the General Amnesty Act grants general amnesty from criminal prosecution and proceedings against perpetrators of criminal acts committed during aggression, armed rebellion or armed conflicts, or related to aggression, armed rebellion or armed conflicts in the Republic of Croatia. Article 3 of this same Act prescribes that the amnesty for criminal acts excludes perpetrators of the most serious violations of humanitarian law having the characteristics of war crimes, specifically the criminal act of genocide under Article 119, war crimes against the civilian population under Article 120,

war crimes against the wounded and sick under Article 121, war crimes against prisoners of war under Article 122, organising groups and instigating the committing of genocide and war crimes under Article 123, unlawful killing and wounding of an enemy under Article 124, illegal seizure of possessions belonging to those killed and wounded on the battlefield under Article 125, use of prohibited combat means under Article 126 violation of parliamentarians under Article 127, cruel treatment of the wounded, sick, and prisoners of war under Article 128, unjustified delay of the repatriation of prisoners of war under Article 129, destruction of cultural and historical monuments under Article 130, instigation of war of aggression under Article 131, abuse of international symbols under Article 132, racial and other discrimination under Article 133, establishing slavery and the transport of enslaved persons under Article 134, international terrorism under Article 135, endangerment of persons under international protection under Article 136, taking of hostages under Article 137 of the Basic Criminal Code of the Republic of Croatia (Official Gazette, No. 31/93 – revised text, 35/93, 108/95, 16/96, and 28/96), as well as the criminal act of terrorism regulated by provisions of international law.

180. The Amnesty also excludes the perpetrators of other criminal acts stipulated in the Basic Criminal Code of the Republic of Croatia (Official Gazette, No. 31/93 – revised text 35/93., 108/95., 16/96., and 28/96.) and the Criminal Law of the Republic of Croatia (Official Gazette, No. 32/93. - revised text, 38/93., 28/96. And 30/96) which were not committed during aggression, armed rebellion, or armed conflicts or are not related to aggression, armed rebellion, or armed conflicts in the Republic of Croatia.

181. Furthermore, the Criminal Code (“Official Gazette” 125/11 and 144/12), which entered into effect on 1 January 2013 prescribes that there is no statute of limitations for criminal prosecution against the criminal offence of genocide (Article 88), crime of aggression (Article 89), crimes against the humanity (Article 90), war crimes (Article 91) and other acts that are not subject to the statute of limitations according to the Constitution of the Republic of Croatia or international law. Also, the Act on the Exemption from the Statute of Limitations of Crimes of War Profiteering and Crimes Committed in the Process of Ownership Transformation and Privatisation (“Official Gazette” 57/11) elaborates in more detail the constitutional provision that abolishes the application of the statute of limitations for the criminal offences of war profiteering and crimes relates to ownership transformation and the privatisation process committed during the Homeland War and peaceful reintegration, state of war and immediate danger, independence and territorial integrity of the Republic of Croatia, as there is no statute of limitations pursuant to international law, meaning the statute of limitations does not apply to genocide, war crimes, crimes against humanity and crimes of aggression.

Information related to the application of general amnesty regulations

182. In the Republic of Croatia, amnesty from criminal prosecution and criminal proceedings was regulated by the following Acts.

183. Act on Amnesty from Criminal Prosecution and Proceedings in Respect of Criminal Offences Committed during the Armed Conflicts and the War against the Republic of Croatia (“Official Gazette” n. 58/92) dated 25th September 1992 and the Act on Amendments to the Act on Amnesty from Criminal Prosecution and Proceedings in Respect of Criminal Offences Committed during the Armed Conflicts and the War against the Republic of Croatia (“Official Gazette” n. 39/95) dated 9 June 1995.

184. Many criminal offences were committed against the Republic of Croatia in war conflicts that were provoked by aggression against the Republic of Croatia. In order to normalize the situation, decrease tension and create trust among the people of the Republic of Croatia, in accordance with principles and provisions of the Constitution of the Republic of Croatia related to the fundamental rights and freedoms of citizens and the regulations of

the international humanitarian law, the said Act was adopted. This Act prescribed that general amnesty refers to criminal acts committed from 17 August 1990 to 25 September 1992 in the manner that it shall stop criminal prosecution or the already started criminal proceedings for criminal offences committed in that period. The Act was aimed at creating prerequisites for permanent peace on the territory of the Republic of Croatia, to stimulate the return of exiled and displaced persons and establish legal system and the functioning governing institutions on the entire territory of the Republic of Croatia.

185. Act on Amendments to the Act on Amnesty from Criminal Prosecution and Proceedings in Respect of Criminal Offences Committed during the Armed Conflicts and the War against the Republic of Croatia from 9 June 1995 extended the amnesty period from 17 August 1990 to 10 May 1995. At that actual moment, the extension was supposed to reflect on the strengthening of prerequisites for peace and the establishment of the constitutional and legal order in the freed areas of the Republic of Croatia.

186. Amnesty Act Applicable to the Perpetrators of Criminal Acts Committed in the Temporarily Occupied Areas of Vukovar-Srijem and Osijek-Baranja Counties ("Official Gazette" n. 43/96), dated 31 May 1996, and was applied in the territory of Croatian Danube Region. With the fundamental agreement for the peaceful reintegration of Eastern Slavonia, Baranja and Western Srijem region dated 12 November 1995, the Republic of Croatia committed to peaceful reintegration of these regions in its constitutional and legal order, with the help of the transitional administration of the United Nations, pursuant to resolution 1037 (1996) of the Security Council. This Act was adopted to speed up the process of demilitarization of the said territory and the return of exiled persons and to make the peaceful reintegration process of these territories under complete sovereignty easier. This Act granted amnesty from criminal prosecution and proceedings for criminal offences committed in the period from 17 August 1990 to 1 June 1996.

187. General Amnesty Act ("Official Gazette" n. 80/96) entered into effect on 5 October 1996, which invalidated the Acts specified in paras. 183-186.

188. Pursuant to this Act, general amnesty regarded criminal offences committed from 17 August 1990, as the start of the armed rebellion in the Republic of Croatia, to 23 August 1996. What separated this Act from the previous acts that granted general amnesty is that this Act granted general amnesty not only from criminal prosecution and criminal proceedings, but it included the persons who were already imprisoned and were serving their sentences or were in detention or were to serve their final sentence.

189. The highest number of general amnesties applied by the courts ex officio pursuant to the Act regarded the criminal offence of armed rebellion, organizing armed rebellion, and it included other criminal offences such as failure to respond to the military draft and avoidance of manoeuvres, serving in the enemy army forces, arbitrarily leaving service in time of combat, etc.

190. According to the information that the martial courts, county courts and county SPOs submitted to the Ministry of Justice, in the period when all three General Amnesty Acts were valid and applied, from 26 September 1992 to the end of December 2005 general amnesty was granted to 21,641 persons.

191. Furthermore, exercising the powers vested in him by the Constitution, from 1991 to May 1996, the President of the Republic of Croatia issued 6 Decisions granting pardon and exemption from criminal prosecution.

192. In conclusion, pursuant to all General Amnesty Acts and Decisions granting pardon by the President of the Republic of Croatia, amnesty was granted to 22,326 persons.

Reply to the issues raised in paragraph 26 of the list of issues prior to reporting

193. Articles 124, 125 and 126 of the Aliens Act (“Official Gazette” number: 130/11) prescribe that an alien’s freedom of movement may be restricted by placement in the Reception Centre for Foreigners.

194. The freedom of movement may be restricted for no longer than 18 months, and the placement shall be decided by the Decision of the police directorate or a police station.

195. An alien may lodge an appeal against the Decision on placement to the Administrative Court, within the 30 days of receiving the said Decision.

196. After holding a hearing, the Administrative Court shall rule on the appeal within 15 days of receiving the case file.

197. Furthermore, the Reception Centre for Foreigners shall submit to the Administrative Court the case file related to the placement at least 10 days prior to the expiration of 3 months in the Reception Centre, and the Administrative Court shall issue a Decision on the necessity of further placement or release of the alien person from the centre within 10 days of receiving the case file.

198. In any case, an alien person must be released from the Reception Centre 18 months after being placed in the Centre.

199. With reference to the question related to ensuring that persons in detention may exercise their right to submit petitions and complaints, this right is legally regulated by Article 46 of the Constitution of the Republic of Croatia and Article 5 of the Police Act stating that persons in detention, like all other citizens, have the right to submit petitions and complaints and have them answered within a legally prescribed time period, and the possible violation of that right presents a criminal offence “Violation of the Right to Submit Complaints and Petitions”, described in Article 112 of the Criminal Code. In regards to the aforesaid, the processing of petitions is systematically monitored by this Office, which directly participates in controls considering the evaluations of the characteristics of complaint allegations, and it is not necessary to undertake additional steps in this regard.

200. In regards to the undertaken activities related to the recommendations of the Ombudsman for formal organization and guarantee of transparency regarding the processing of complaints by the Internal Control Department, the Ordinance on the method of work and procedure upon petitions and complaints, keeping the record of petitions and complaints and the work of the committee was adopted on 22 May 2012 (Official Gazette 58/2012). At the suggestion of the civil society organizations, the members of the Committee for Processing of Complaints were nominated among the parliamentary Committee for Human Rights and the Rights of National Minorities, and the Committee shall start working on 20 December 2012. It shall consider the objections of citizens regarding the answers to their complaints, which shall establish civil control over the processing of citizens’ complaints.

201. Furthermore, citizens are able to submit complaints 24 hours a day, using the toll-free number 0800-00-90 or a toll-free fax number 0800-00-92, located at the Operative Communication Police Centre of the Ministry of the Interior. The website of the Ministry of the Interior provides the citizens with the information on the work of the Internal Control Department and it provides them with instructions on how to submit complaints and petitions, as well as giving them the option to submit complaints and petitions via the institution of the Ombudsman.

202. The letter of the General Police Directorate number 511-01-51/6-50575/12 dated 19 October 2012 introduced all police directorates to the preliminary observations of the European Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment and it ordered measures and actions directed at correcting the noticed shortcomings, also ordering additional education of police officers related to direct treatment of persons who are deprived of freedom.

Reply to the issues raised in paragraph 27 of the list of issues prior to reporting

203. In reference to the request to provide an update on the basic witness protection system we report that the Republic of Croatia adopted a Witness Protection Act in October 2003, providing for protection and other support for witnesses and persons close to witnesses outside (before and after) of the criminal proceedings, in cases where a person's life, health or considerable assets might be in danger due to his or her testimony in a criminal proceeding.

204. At the beginning of 2004, the Criminal Police Directorate established the Witness Protection Office that implements and organizes the witness protection program, implements and organizes urgent protection measures and performs all other tasks related to protection of endangered persons, prescribed by the Witness Protection Act. In its work, the Witness Protection Office implements physical and technical measures for protection of persons, relocation, measures of identity and property concealment and the change of identity.

205. The budget of the Ministry of Interior includes a special item each year, allocating financial means to the witness protection program, constantly available to the Witness Protection Office. The use of these funds is organized in the manner which enables the efficient implementation of the witness protection program and at the same time prevents anyone from discovering the identity of those who are placed in the witness protection program.

206. Witness Protection Act was adopted in full compliance with all guidelines and recommendations of the European Commission, and the Witness Protection Office was established in compliance with all EUROPOL instructions. EUROPOL evaluated it to be a successful model for small countries that implement the witness protection program.

207. Finally, we would like to stress that the Criminal Police Directorate, in its everyday work, takes into account the protection of human rights and the prohibition of all forms of torture.

Article 14

Reply to the issues raised in paragraph 28 of the list of issues prior to reporting

208. The requested information about the number of requests, pleas and final court judgements and the redress paid from the State Budget to the persons who realized their right to redress for damages suffered due to acts of violence (pursuant to provisions of the Act on Responsibility for Damage Caused by Terrorist Acts and Public Demonstrations and the Act on Responsibility of the Republic of Croatia for the Damage Caused by Members of the Croatian Armed Forces and Police During the Homeland War – OG 117/03) is handled by the State Prosecutor's Office. SPO is in charge of making decisions in the peaceful proceedings and representing the Republic of Croatia as a party in the court proceedings.

Reply to the issues raised in paragraph 29 of the list of issues prior to reporting

209. The civilian victims of war who have to cover the cost of proceedings upon the rejection of their claims may request that this claim be written-off in accordance with the provisions of the Government Regulation adopted on 5 July 2012 pursuant to Article 68, paragraph 2 of the Budget Act (OG 87/08). The decision regarding the request for a full or

partial write-off shall be rendered by the Ministry of Finance pursuant to the provisions of the Act regulating the annual execution of the state budget of Croatia. (Pursuant to Art. 41, paragraph 2 of the Act on Execution of the State Budget of the Republic of Croatia for 2012, Minister of Finance may fully or partially write-off a claim not exceeding HRK 50,000.00).

Reply to the issues raised in paragraph 30 of the list of issues prior to reporting

210. In explaining the provisions of the Act on Financial Compensation of Damages to the Violent Crime Victims it should be stressed that the Republic of Croatia adopted the said Act on 4 July 2008 and it enters into effect on 1 July 2013. Having signed the Accession Treaty, among other things Croatia undertook to accept the *acquis communautaire* in the segment pertaining to the protection of violent crime victims. The said Act has been entirely adjusted to the Council Directive number 2004/80/EC dated 29 April 2004, adopting the highest legal protection standards for victims of violent crimes committed on the territory of the Republic of Croatia.

211. Furthermore, it should be accented that the Act on Financial Compensation of Damages to the Violent Crime Victims shall enter into effect on 1 July 2013 because on this day Croatia will become a full Member State of the EU. Only with the accession of Croatia to the EU shall the rights and obligations of Croatian citizens become equal to those of other EU citizens, stemming from the provisions of the said Act. Its prior application would put the citizens of the Republic of Croatia at a disadvantage, considering that the victims of violent crimes would not be able to seek damages for crimes occurred on the territory of other Member States of the EU.

212. At the same time, in case of damages suffered on the territory of the Republic of Croatia, citizens of other Member States of EU would be able to seek damages pursuant to provisions of the Act on Financial Compensation of Damages to the Violent Crime Victims. Taking into account the principle of equality for all before the law and the principle of reciprocity made it necessary to postpone the application of the said Act until such time when Croatia accedes to the EU.

213. Pursuant to the provisions of the Act on Financial Compensation of Damages to the Violent Crime Victims, direct and indirect victims may exercise their right to compensation of damages. Direct victim is a person who suffered heavy bodily harm or serious health damages as a consequence of a violent crime and such person may therefore receive a compensation of damages for the medical treatment costs and loss of profit, in which case a census of HRK 35,000.00 was prescribed. Indirect victim is a blood relative of the direct victim, a spouse or common law partner, adopted child, adoptive parent, step mother or father or a person who the victim lived with in a same-sex union, who has the right to seek financial damages in the event that the direct victim should die as a consequence of a violent crime. Such person may seek financial damages for loss of legal allowance that do not exceed HRK 70,000.00, and the funeral costs up to maximum amount of HRK 5,000.00.

214. In both of these events, financial compensation shall be requested in a special administrative proceeding that may be initiated by filling out a form and submitting relevant documentation. A Committee shall decide on the merits of the petition within 60 days of receiving a complete petition, ensuring speedy realization of victim's right to compensation of damages.

215. In reference to the so-called cross-border cases, the Act on Financial Compensation of Damages to the Violent Crime Victims is acquainted with only two scenarios. Domestic cross-border case is the case in which the criminal offence was committed on the territory of the Republic of Croatia and the right to compensation determined by the competent authority of the Republic of Croatia, i.e. the Committee. In such case the petition shall be

submitted to the competent authority of another Member State where the victim (direct or indirect) is a resident.

216. Foreign cross-border case is a case in which the criminal offence is committed in one of the Member States of the EU and the petition for compensation is decided by the competent authority of that state. In this case the petition is submitted by a person who is a resident of the Republic of Croatia.

Reply to the issues raised in paragraph 31 of the list of issues prior to reporting

217. Other than the compensation of financial damages from the state fund, under the conditions and in the manner that is determined by the above said Act, victims of criminal offences have the right to seek compensation for all other forms of suffered material and immaterial damages (pursuant to the general provisions of the Civil Obligations Act OG 35/05) from the perpetrator of the criminal offence.

218. The victim or the injured party may submit his or her legal petition in the criminal proceeding, pursuant to the provisions of Title XI (Article 153 to Article 158) of the Criminal Procedure Act (OG 152/08,76/09), and it may exercise this right in a civil proceeding.

Article 15

Reply to the issues raised in paragraph 32 of the list of issues prior to reporting

219. In regards to the question related to statements obtained under torture, the Internal Control Department is not in possession of any information related to dismissal of such statements in a criminal or any other trial. However, such statements, if given the status of evidence, shall become illegally obtained evidence and shall not have any influence on the judgment. The perpetrator of such offence shall be subject to criminal investigation and the competent State Prosecutor's Office shall be informed thereof, followed by a disciplinary hearing and temporary suspension.

220. In 2012, Internal Control Department received two complaints that pointed to the violation of the provisions of Article 126 of the Criminal Code (evidence extortion), one of which was found to lack merit, while the other one was impossible to confirm or deny, and all information gathered in the criminal investigation was submitted to the competent State Prosecutor's Offices for a decision based on merits.

221. Thirteen complaints were also received pointing to the violation of provisions of Art 127 of the Criminal Code (maltreatment in the execution of duty or public authority), 11 of which were found to lack merit, while 2 were impossible to confirm or deny, and all information gathered in the criminal investigation was submitted to the competent State Prosecutor's Offices for a decision based on merits.

222. According to Article 90 of the Misdemeanour Act stipulates court decisions cannot be based on the evidence acquired in illegal manner (illegally acquired evidence).

223. Illegally acquired evidence is the evidence as follows:

- Acquired through violation of the following rights guaranteed by the Constitution, law or international law:
 - Right of defence;
 - Right to dignity;
 - Right to good reputation and honour; and
 - Integrity of personal and family life, as well as the evidence;

- Acquired through violation of provisions of the misdemeanour proceedings, which are especially stipulated by the Misdemeanour Law, and other evidence derived therefrom.

Article 16

Reply to the issues raised in paragraph 33 of the list of issues prior to reporting

224. The concept of hate crime was for the first time separately defined in the Croatian legislation in the changes and amendments to the Criminal Code that entered into force on 1 October 2006, when Article 89 of the Criminal Code was amended by paragraph 36 reading: "Hate crime is any criminal offence under this Code, committed out of hate towards a person due to their race, colour of skin, sex, sexual orientation, language, religion, political or other belief, national or social background, property, birth, education, social position, age, health status or other features".

225. For the purposes of high-quality implementation of legislation regulating hate crime, a series of trainings were held in the MoI and organised by the Police Academy, in accordance with the Training Programme for police officers, aimed at suppression of hate crimes, which was developed and approved by the OSCE/ODIHR (OSCE Office for Democratic Institutions and Human Rights, seated in Warsaw), while the instructions introduced by the Police Directorate provide an accurate account of proceedings and collecting information on hate crimes.

226. It is also important to mention that the Office for Human Rights of the Republic of Croatia was defined as a central location for collecting information on hate crimes.

227. Based on the analytical monitoring of the situation, it is important to emphasise that in the Republic of Croatia there was no records of organised violence towards the certain groups, but mostly individual and unorganised incidents sharing no common features that could indicate planning, organisation and implementation conducted by certain groups or individuals.

228. In the period from 01.01.2009 to 30.06.2012, a total of 133 criminal offences were recorded, where the criminal investigation, or the circumstances, indicated hate as motivation. Out of 133 recorded criminal offences, 120 or 90.22% were resolved. With regard to the motive of committing the offences in the aforementioned period, 52 were motivated by ethnicity: 32 by hate towards the Serbs, 9 by hate towards the Roma persons, 6 by hate towards the Croats, 2 by anti-Semitism and 1 each by hate towards the Bosniaks, Montenegrins and Albanians.

229. In relation to criminal offences motivated by hate due to sexual orientation, the total of 51 offences was recorded in the aforementioned period.

Reply to the issues raised in paragraph 34 of the list of issues prior to reporting

230. The Republic of Croatia takes all the available measures and actions in accordance with the existing legal regulations in order to suppress all types of assaults and intimidation of journalists. Criminal offences against journalists, and especially those against their physical integrity and personal safety, are treated very seriously and professionally. Apart from the fact that the assaults against journalists represent the assaults against the freedom of speech and freedom of information, such cases are often characterised as grave criminal offences of high media profile, which requires the additional engagement of the police and all competent institutions in order to rapidly and efficiently resolve and prevent this type of events.

231. Apart from the standard procedures taken by the police in prevention and resolving of this type of criminal offences, in certain cases, depending on the security assessment, the

police applies special measures that also include personal protection of the journalists and their families. Numerous cases of assaults and intimidations of journalists have been resolved successfully and resulted in filing criminal or misdemeanour charges against known or unknown perpetrators, while the police, in cooperation with other competent institutions, still takes all available measures and actions in order to find perpetrators of the crimes of assaults and intimidations of journalists, which have not been resolved so far.

232. It is necessary to point out that a few years ago, several particularly grave crimes committed against journalists who were investigating and reporting on the organised crime issues, were resolved successfully. In some of these cases, the assaults ended in causing great bodily harm or death, including the fact that some of the cases mentioned have already resulted in final court rulings.

Other issues

Reply to the issues raised in paragraph 35 of the list of issues prior to reporting

233. Since 1995, there were no criminal offences of terrorism or terrorism-related criminal offences recorded in the Republic of Croatia. Furthermore, there are no records of the existing terrorist groups, their cells or supporters, and there are no formal nor informal groups involved in the acts of violent political activism, that is, in extremism.

234. At the moment there are no indicators showing any immediate threats against the Republic of Croatia imposed by international terrorism, but the thorough control of all information pointing towards the activities connected to the international terrorism is still in place, and it is conducted in cooperation with other relevant institutions and agencies. Special attention is also given to the border control of passengers and luggage, having in mind the position of the Republic of Croatia as a transit country for the flow of passengers travelling from east to west and the other way around.

235. Within the framework of its criminal legislation, the Republic of Croatia made sure to introduce the provisions regulating the issues of terrorism into the legal standards regulating the issues of sanctioning the terrorist behaviour, in accordance with the international conventions (United Nations and Council of Europe) and widely accepted principles of the international criminal law.

236. Legal and legislative foundations for anti-terrorist activities, as well as the basis for the suppression of all kinds of crime, arise from the Criminal Code, Criminal Proceedings Act, Law on Prevention of Money Laundering and the Financing of Terrorism, Police Act and Law on the Office for the Suppression of Corruption and Organised Crime.

237. The National Strategy for the Prevention and Suppression of Terrorism, enacted by the Government of the Republic of Croatia on 27 November 2008, sets forth the general framework of activities of the Republic of Croatia in the fight against terrorism, providing guidelines for the improvement of the existing and the development of the new measures, mechanisms and instruments of prevention and suppression of terrorism.

238. The Department for Terrorism has been established within the headquarters of the Criminal Police Administration, and it is in charge of monitoring the current situation and trends of terrorism and terrorist activities, along with the criminal investigation of the offences of terrorism and other safety-related events in connection with terrorism, in the entire state territory. In addition, adequate organisational units have been structured within police administrations, depending on the size of the administration, which all share their common task. Every police officer must have high education, that is, university degree and certain specialist knowledge, acquired through additional education. The Police Directorate has established a Special Police Force Command, whose anti-terrorist units are specially

trained to be deployed in the situations of crisis such as hostage crises, aircraft hijacking, etc., that is, they were trained to handle direct resistance.

239. The Ministry of the Interior pays special attention to the education and training of police officers. Education comprises regular seminars and courses, organised by the Ministry or in cooperation with the Police Academy, by using our own know-how and resources, but also by including external experts and scientists. We wish to point out the course entitled “Criminal Processing of Offences Committed by Explosive Devices”, which is held every year, and is intended for police officers engaged in the tasks of the suppression of terrorism. Apart from that, the staff receives training through courses and seminars organised by other countries, so that we could mention several courses organised by the USA on the ILEA (International Law Enforcement Academy) in Budapest, the series of courses on the topic of the suppression of the weapons of massive destruction, as well as the courses at the George C. Marshall Centre for security studies in Garmisch-Partenkirchen, Germany.

240. In addition to the aforementioned, we wish to emphasise very good international cooperation visible through the bilateral agreements signed by the Croatian MoI, as well as through the duties arising from the membership in Interpol and Europol.

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

Reply to the issues raised in paragraph 36 of the list of issues prior to reporting

241. The progress in the certain priority areas concerning the human rights has been realized in the period since the last periodic report, but it is necessary to do more and to invest more resources in order to achieve an appropriate level. In connection with huge changes that have taken place in the areas of realization of the human rights, above all it should be emphasized for example the adoption of the Alliance Act, the Asylum Law, the Act on Prevention of Discrimination, the Act on Free Legal Aid, the Act on Gender Equality, the Act on Amendments to the Ombudsman Act, the Act on National Preventive Mechanism for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and Changes of Croatian Constitution (Official Gazette of the Republic of Croatia No. 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10). Also, the provisions concerning the issues related to organic acts were harmonized whereby the human rights were protected by special legal regime.

242. Successive amendments to acts have made improvements in apparent trends in convergence and adoption of the European standards.

243. The progress has been made in the area of raising public sensibility concerning the various problems faced by ethnic minorities, housing care of returnees within and outside the areas of special state concern, sanctioning of hate crimes, crimes against children, persons with disabilities and other vulnerable groups, the protection of asylum seekers, the asylum seekers and aliens under subsidiary protection and integration of content related to human rights in the Croatian educational system.

244. At first, the second instance body – Asylum Commission – in the second instance of the asylum seeking procedure was transferred from the Ministry of the Interior to the Office for Human Rights, and later on, by the novel of Asylum Act, from 31st of March 2012, was placed under the jurisdiction of administrative courts and the Asylum Commission was abolished.

245. Overcrowding of penitentiaries and prisons, and difficulties in fulfilling the Croatian and international standards of accommodation are furthermore resulting in frequent complaints of prisoners for indemnification of damage before the national and the European

Court of Human Rights in Strasbourg. The Croatian Constitutional Court's Decision 202 directed to the Croatian Government that within a reasonable time, not exceeding five years, to adjust Zagreb Prison capacity to the accommodation needs of persons deprived of their liberty.

Reply to the issues raised in paragraph 37 of the list of issues prior to reporting

246. Rationalization policy of professional bodies and organizations in the field of human rights led to fusion of the Office of Human Rights and the Office for National Minorities in one institution, i.e.: Office of Human Rights and Rights of National Minorities.

247. Following the recommendations of the Vienna Declaration of the United Nations, the Government of Republic of Croatia has adopted the National Program for the Protection and Promotion of Human Rights for the period 2008-2011, while a National Program for the Protection and Promotion of human rights for the period 2013-2016 is in the final stages of adopting. An integral part of the strategic framework for the protection and promotion of human rights is composed of other national policies, programs and strategies in which are defined objectives and regulatory measures for the improvement of human rights in the Republic of Croatia. The objectives and measures of the National program are aligned with other strategic and implementing documents on the protection and promotion of human rights, among which also the areas that are substantially related to Convention (CAT) and associated protocols.

248. Identified priorities areas are following, in part, the structure of the previous National Program, taking into account the real possibilities of implementation of certain objectives and measures as well as the necessity of elimination all possible defects and difficulties in the implementation of certain measures. In addition, measures and objectives in this National Program have been taking into consideration recommendations of the Convention authorities (bodies). In addition to the measures that are resulting from clear trends concerning the adoption of higher standards, specific and general measures have been taken as a result of circumstances and the actions taken by the European Court of Human Rights (*Oršuš v. Croatia*).

249. In accordance with EU legislation and international conventions, but also due to the changes concerning the position of the Ombudsman, his purview (the extent of range of function) has been extended in order to perform a function of a central authority responsible for the elimination of discrimination and of the National preventive mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

250. The Office for Human Rights and National Minorities has elaborated the National Strategy and Action Plan for Roma population 2013-2020. At the same time, Croatia has been elected the chair country during this year, regarding the political initiative: Decade of Roma Inclusion 2005 to 2015.

251. Concerning other national plans the following Programs can be mentioned: the National Program of the Fight against Trafficking in Human Beings for the period of 2005-2008 – together with relevant associated annual operational plans and the National Program of the Fight against Trafficking in Human Beings for the period 2012-2015.

Reply to the issues raised in paragraph 38 of the list of issues prior to reporting

252. Within the National Plan to combat discrimination 2008-2013 were developed measures which also gave certain results in the area of Convention regarding the protection of persons deprived of liberty.

253. In spite of the limited capacities, in the prison system the particularly important priorities were: special programs for inmates for the purpose of adaptation of prison

accommodation (measure 1.4.1.3.), protection for elderly persons in the prison system, ART programs (measure 1.2.3.). Within the regular funds some prisons were upgraded (Zagreb) and in Šibenik a prison and jail was built.

254. In order to achieve accommodation standards, the construction and upgrading of capacities is planned in the future, for which purpose are used loans from international monetary institutions.

255. The prison system is still characterized by extreme overcrowding in the closed type penal institutions, i.e. serving a prison sentence in closed conditions. In order to establish standards prescribed by national laws and the European Prison Rules further upgrading of facilities is necessary because the prison system lacks about 2,000 accommodations for inmates. In the penitentiary in Glina construction of a new facility for accommodation of 420 inmates was completed in order to improve the conditions of imprisonment. Also, the forthcoming upgrade of Zagreb Prison is planned in order to accommodate 376 prisoners as well as the building of the Penitentiary and Prison in Šibenik intended for accommodation of 1,270 prisoners.

256. On the other hand, great efforts are being made in education of inmates and the different types and methods of education are part of an individual program of serving a prison sentence, so there are schools in some prisons (for example, in 2010 a total of 5,903 prisoners passed training cycle with different profiles and levels of education).

257. Certainly with the working arrangement of prisoners effects of re-socialization were achieved so through measure 3.4. of the National Plan to Combat Discrimination for 2009 monthly average of 33.88% of the prisoners of the total number were employed.

258. During 2010 within the resocialization project of drug addicts (measure 1.2.3.), which count 16 % of prison population, 37 prisoners completed their additional training and retraining.

259. Prison System Directorate is dealing with prisoner rehabilitation of perpetrators of crimes against sexual freedom and sexual morality through specific programs, so significant resources are invested in such diversified programs (in 2008, overall 65,360.52 kuna was spent and in 2009, overall 59,913.81 kuna was spent).

260. People with disabilities are also particularly vulnerable in prison conditions, so since 2008 premises for prisoners with disabilities and the elderly and infirm persons were gradually being adjusted (Penitentiary in Lipovica-Popovača, Penitentiary in Valtura and Penitentiary in Lepoglava). There are still 14 prisons left with prominent problems due to the lack of financial resources. The new building adjusted to the needs of prisoners with disabilities and the elderly and infirm (measure 1.4.3.1.), whose construction began in 2009 for the needs of Penitentiary in Glina, is now in function.

261. All measures and activities aimed at preventing abuse and neglect in correctional institutions and juvenile prison are conducted in the same manner as in jails or prisons, i.e. through the implementation of an individual program of serving a juvenile prison sentence, or correctional measure of referral to a reformatory, which includes the implementation of aforementioned special programs. For these special prison programs annual average of 60,000.00 kuna was spent.

262. Next year the National preventive mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Office of the Ombudsman) will submit a first report on the state of Croatian prisons and evaluate the achieved standard of human rights in Croatian prisons.