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Report of the Working Group on the Universal Periodic Review*

Croatia

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document is being issued without formal editing.



1. **The Republic of Croatia is deeply committed to the Universal Periodic Review** and welcomes recommendations as a result of the interactive debate with interested countries, organised on 10 November 2020 in Geneva and in virtual format. In accordance with the established rules, Croatia is pleased to provide its responses.
2. Croatia has carefully **reviewed the 224 recommendations** in close cooperation with all relevant bodies.
3. Croatia **accepted 194 recommendations**.
4. The other **30 recommendations were noted**. Due to the language of those recommendations concerning the police treatment of migrants, Croatia is of the view that this sensitive issue has to be additionally explained. In this sense, Croatia decided to note all the recommendations within the cluster *Migrants, refugees, asylum seekers*.
5. **Croatia has structured this Addendum in accordance with the clusters** that correspond to the main themes of expressed interest during the debate. Such approach also facilitated internal consultation process of all relevant bodies that have, due to their shared responsibility, participated in the Third Cycle of the Universal Periodic Review for Croatia.

Ratification and reporting process

- 137.1** Accepted, in the course of implementation.
- 137.2** Accepted, in the course of implementation. We are considering the possibility of its ratification.
- 137.3** Accepted, in the course of implementation.
- 137.4** Accepted, in the course of implementation.
- 137.5** Accepted, in the course of implementation.
- 137.6** Noted. Croatia is still of the view that the legal protection of the migrants could be adequately provided at the national level, taking into account that the main principles and highest standards of human rights have to be part of the domestic framework. For the time being, the ratification of this Convention is not among our priorities¹.
- 137.7** Noted (See 137.6).
- 137.8** Noted (See 137.6).
- 137.9** Noted (See 137.6). In Croatia, domestic workers are fully protected by labour legislation and enjoy the same rights as any other worker without any discrimination. They are entitled to paid contributions, rest breaks, annual leave and salary.
- 137.10** Noted (See 137.9).
- 137.224** Noted. Croatia is not a party to the Convention, however in its legislation the main principles and highest standards of human rights in this area are part of the domestic framework.
- 137.11** Accepted, in the course of implementation.
- 137.12** Accepted, already implemented. Croatia extended in 2003 its Standing invitation to all thematic special procedures and it is open to support and receive the visit, including the Special Rapporteur on Minorities issues.
- 137.13** Accepted, in the course of implementation.
- 137.14** Accepted. Reports under the ICERD and the CRC have already been submitted. Report to the ICESCR is under preparation.
- 137.15** Accepted, in the course of implementation.
- 137.16** Noted. The Treaty on the Prohibition of Nuclear Weapons is not under the competence of the UN Human Right Council.

Legislative and institutional framework

- 137.17 Accepted, in the course of implementation.
- 137.18 Accepted, in the course of implementation.
- 137.19 Accepted, in the course of implementation.
- 137.20 Accepted.
- 137.21 Accepted.
- 137.22 Accepted.
- 137.23 Accepted.
- 137.24 Accepted.
- 137.25 Accepted, in the course of implementation.
- 137.26 Accepted, in the course of implementation.
- 137.27 Accepted.
- 137.28 Accepted, in the course of implementation.
- 137.29 Accepted, in the course of implementation.
- 137.30. Accepted, in the course of implementation.
- 137.31 Accepted, in the course of implementation.
- 137.32 Accepted.
- 137.33 Accepted.
- 137.34 Noted. A single electoral code is not appropriate because it could not bring regulate uniform procedures and bodies for conducting elections and it could not represent a unique framework for completely different types of political elections.²
- 137.35 Accepted, in the course of implementation.
- 137.125 Accepted, in the course of implementation.
- 137.126 Accepted, in the course of implementation.
- 137.127 Accepted, in the course of implementation.
- 137.160 Noted. The hospital is obliged to ensure that the procedure of abortion is performed at the request of the patient. If the specialist doctor of medicine expresses a conscientious objection, he is obliged to refer the patient to a doctor of the same profession in that medical institution. Given the importance of this issue, the Ministry of Health monitors and approaches this subject with particular care and attention.
- 137.111 Accepted, already implemented.
- 137.128 Accepted, in the course of implementation.
- 137.67 Accepted, in the course of implementation³.
- 137.66 Accepted⁴.
- 137.68 Accepted⁵.

Climate change

- 137.69 Accepted.
- 137.70 Accepted.
- 137.71 Accepted.

Anti-discrimination, hate crime and hate speech

- 137.60 Accepted⁶.
- 137.62 Accepted.
- 137.57 Accepted, in the course of implementation.
- 137.39 Accepted.
- 137.40 Accepted, in the course of implementation.
- 137.42 Accepted.
- 137.43 Accepted, in the course of implementation.
- 137.44 Accepted, in the course of implementation.
- 137.61 Accepted, in the course of implementation.
- 137.58 Accepted, in the course of implementation.
- 137.56 Accepted, in the course of implementation.
- 137.59 Accepted, in the course of implementation.
- 137.64 Accepted, in the course of implementation.
- 137.54 Accepted, in the course of implementation.
- 137.53 Accepted, in the course of implementation.
- 137.63 Accepted, in the course of implementation.
- 137.45 Accepted.
- 137.55 Accepted, in the course of implementation.
- 137.105 Accepted, in the course of implementation.

LGBTQI

- 137.41 Accepted, in the course of implementation.
- 137.46 Accepted, in the course of implementation.
- 137.47 Accepted.
- 137.48 Accepted, in the course of implementation.
- 137.49 Accepted, in the course of implementation.
- 137.50 Accepted, in the course of implementation.
- 137.51 Accepted, in the course of implementation.
- 137.52 Accepted, in the course of implementation.
- 137.65 Accepted, in the course of implementation.
- 137.112 Noted. With regard to the existing or future legislation, consideration shall be given to the harmonization of the entire legislation with the internationally recognized commitments, i.e. European regulations, especially with the European Convention on Human Rights and the case-law of the European Court of Human Rights.
- 137.113 Noted (See 137.112).

Trafficking in persons

- 137.73 Accepted, in the course of implementation.
- 137.72 Accepted, in the course of implementation.

- 137.74 Accepted, in the course of implementation.
 137.75 Accepted, in the course of implementation.
 137.76 Accepted, in the course of implementation.

Journalists and media freedom

- 137.95 Accepted, in the course of implementation.
 137.101 Accepted, in the course of implementation.
 137.107 Accepted, in the course of implementation.
 137.97 Accepted, in the course of implementation.
 137.103 Accepted, in the course of implementation.
 137.110 Accepted, in the course of implementation.
 137.100 Accepted, in the course of implementation.
 137.96 Accepted, in the course of implementation.
 137.98 Accepted, in the course of implementation.
 137.104 Accepted, in the course of implementation.
 137.106 Accepted, in the course of implementation.
 137.102 Accepted, in the course of implementation. The general protection of the journalists from intimidation is provided⁷. The Criminal Code (further in text CC) prescribes in Article 127 criminal offence Violation of the Freedom of Thought and Expression⁸.
 137.109 Accepted, in the course of implementation (See137.102). Legislation on defamation was revised by the Act on Amendments to the Criminal Code (2019)⁹.
 137.108 Noted. Defamation is a criminal offence regulated by the CC. On the other hand, Civil Code regulates the possibility and conditions upon which damages can be awarded to the party who claims them on grounds resulting from defamation. The prerequisites Civil Code provides are generally applicable to all damages claims.

Administration of justice

- 137.93 Accepted, in the course of implementation.
 137.99 Accepted, in the course of implementation.
 137.94 Accepted, in the course of implementation.
 137.86 Accepted.
 137.87 Accepted, in the course of implementation.
 137.80 Accepted, in the course of implementation.
 137.81 Accepted, in the course of implementation.
 137.82 Accepted, in the course of implementation.
 137.83 Accepted, in the course of implementation.
 137.84 Accepted, in the course of implementation.
 137.85 Accepted, in the course of implementation.

Women

- 137.161 Accepted, in the course of implementation.
- 137.162 Accepted, in the course of implementation.
- 137.163 Accepted, in the course of implementation.
- 137.164 Accepted, in the course of implementation.
- 137.165 Accepted, in the course of implementation.
- 137.166 Noted. The right to a guaranteed minimum benefit or other social benefits can be exercised by all users who meet the prescribed legal requirements, regardless of the gender.
- 137.167 Accepted, in the course of implementation¹⁰.
- 137.170 Accepted, in the course of implementation.
- 137.149 Accepted, in the course of implementation.

Discrimination at work

- 137.114 Accepted, in the course of implementation.
- 137.115 Accepted, in the course of implementation.
- 137.116 Accepted, in the course of implementation.
- 137.117 Accepted, in the course of implementation.
- 137.118 Accepted, in the course of implementation.
- 137.119 Accepted, in the course of implementation.
- 137.120 Accepted, in the course of implementation.
- 137.121 Accepted, in the course of implementation.
- 137.122 Accepted, in the course of implementation.
- 137.123 Accepted, in the course of implementation.
- 137.168 Accepted, in the course of implementation.
- 137.135 Accepted, in the course of implementation.

Domestic and gender-based violence

- 137.137 Accepted, in the course of implementation.
- 137.138 Accepted, in the course of implementation¹¹.
- 137.139 Accepted, in the course of implementation (See 137.138).
- 137.140 Accepted, in the course of implementation (See 137.138).
- 137.141 Accepted, in the course of implementation.
- 137.142 Accepted, in the course of implementation.
- 137.143 Accepted, in the course of implementation¹².
- 137.144 Accepted, in the course of implementation.
- 137.145 Accepted, in the course of implementation (See 137.60).
- 137.146 Accepted, in the course of implementation (See 137.143).
- 137.147 Accepted, in the course of implementation (See 137.143).
- 137.148 Accepted, in the course of implementation.

- 137.150 Accepted, in the course of implementation.
- 137.152 Accepted, in the course of implementation¹³.
- 137.154 Accepted, in the course of implementation¹⁴.
- 137.156 Accepted, in the course of implementation.
- 137.157 Accepted, in the course of implementation.
- 137.158 Accepted, in the course of implementation.
- 137.159 Accepted, in the course of implementation.
- 137.136 Accepted, in the course of implementation.
- 137.169 Accepted, in the course of implementation.
- 137.37 Accepted, in the course of implementation.
- 137.151 Accepted, in the course of implementation.
- 137.153 Accepted.

Children

- 137.171 Accepted, in the course of implementation.
- 137.172 Accepted, in the course of implementation.
- 137.173 Accepted, in the course of implementation.
- 137.174 Accepted, in the course of implementation.
- 137.176 Accepted, already implemented.
- 137.177 Accepted, already implemented.
- 137.178 Accepted, already implemented.
- 137.132 Accepted, in the course of implementation.
- 137.131 Accepted, in the course of implementation.
- 137.175 Accepted, in the course of implementation.
- 137.133 Accepted, in the course of implementation¹⁵.
- 137.36 Accepted.
- 137.129 Accepted, in the course of implementation.
- 137.130 Accepted, in the course of implementation.

Persons with disabilities

- 137.202 Accepted.
- 137.205 Accepted, in the course of implementation.
- 137.207 Accepted, in the course of implementation¹⁶.
- 137.155 Accepted, in the course of implementation.
- 137.206 Accepted, in the course of implementation.
- 137.134 Accepted, in the course of implementation.
- 137.200 Accepted.
- 137.204 Accepted, in the course of implementation.
- 137.203 Accepted, in the course of implementation.

137.201 Accepted, in the course of implementation.

National minorities

137.38 Accepted, in the course of implementation.

137.199 Accepted, in the course of implementation.

137.183 Accepted, in the course of implementation.

137.184 Accepted, in the course of implementation.

137.185 Noted. Croatia has incorporated and implemented the most relevant UN and the Council of Europe legal instruments and mechanisms that guarantee the protection of minority rights. Also, Croatia implemented a number of relevant OSCE documents and numerous recommendations of international institutions and experts to achieve true integration of minorities and a high level of protection of minority rights.

137.192 Accepted, in the course of implementation.

137.197 Accepted, in the course of implementation.

137.198 Accepted, in the course of implementation.

137.193 Accepted, in the course of implementation.

137.179 Accepted, in the course of implementation.

137.181 Accepted.

137.187 Accepted, in the course of implementation.

137.180 Accepted, in the course of implementation.

137.182 Accepted.

137.189 Accepted, in the course of implementation¹⁷.

137.195 Accepted, in the course of implementation.

137.190 Accepted, in the course of implementation.

137.191 Accepted, in the course of implementation.

137.188 Accepted, in the course of implementation.

137.194 Accepted, already implemented.

137.196 Accepted, in the course of implementation.

137.186 Accepted.

Migrants, refugees, asylum seekers

137.208 Noted. There are thousands of migrants on the border between the Republic of Croatia and Republic of Serbia and Bosnia and Herzegovina who are repeatedly attempting to enter Croatia illegally, across the external border of the EU. The Croatian police is preventing them in line with Art. 13, para. 2 of the Schengen Borders Code¹⁸.

137.209 Noted. When dealing with migrants, police officers respect their fundamental rights and dignity and allow them access to the international protection system, in accordance with the general human rights documents, EU legislative framework and national legislation¹⁹.

137.210 Noted. The Ministry of the Interior grants access to its premises and data to institutions and organisations that are carrying out independent monitoring of actions taken by police officers with regard to migrants, in accordance with national legislation and agreements concluded with those organisations. The Ombudsman is entitled to all

information that are necessary to her to perform her tasks, in the scope and in the manner as prescribed by the legislation governing her field of competence²⁰.

137.211 Noted. An internal monitoring system is in place across several levels of the Ministry of the Interior for tracking the lawfulness of police officer activities, starting from police stations and police administrations all the way to the Minister's Office. All complaints made against the police officer activities go through several phases of verifications, regardless of whether they have been reported by citizens or whether irregularities were noted by senior officers in police administrations or police stations²¹.

137.212 Noted (See 137.211).

137.213 Noted (See 137.209).

137.214 Noted. Croatia is the only EU Member State with an independent monitoring of actions taken by police officers towards migrants, so-called border monitoring mechanism. It was established in 2008 in cooperation with UNHCR and the Croatian Law Centre – NGO for the protection of human rights²².

137.215 Noted (See 137.211).

137.216 Noted (See 137.209).

137.217 Noted (See 137.214).

137.218 Noted. Various police officer training courses were held on the treatment of migrants during 2019 and 2020 in cooperation with several NGOs²³. There are no legal restrictions or limitations in relation to the right to claim and seek asylum at border crossing points²⁴.

137.219 Noted. The Ministry of the Interior has established active cooperation with a number of NGOs and it also carries out joint projects with them with regard to protecting the rights of migrants²⁵.

137.220 Noted (See 137.209).

137.221 Noted (See 137.208).

137.222 Noted (See 137.211).

137.223 Noted. In 2018, the Government adopted the new Protocol for the Treatment of Unaccompanied Minors with procedures for the treatment of minor migrants and international protection applicants²⁶.

Issues pertaining to the Homeland War

137.77 Accepted, in the course of implementation.

137.78 Accepted, in the course of implementation.

137.88 Accepted, in the course of implementation.

137.89 Accepted, in the course of implementation.

137.90 Accepted, in the course of implementation.

137.91 Accepted, in the course of implementation.

137.92 Accepted.

137.79 Accepted, already implemented.

137.124 Accepted, in the course of implementation.

Notes

¹ The new Aliens Act entered into force on 1 January 2021. It is aligned with a total of 21 directives, recommendations, decisions and resolutions, thus transposing into the Croatian legislation both Council Rec. of 27 September 1996 on combating the illegal employment of third-country nationals (OJ C 304, 14. 10. 1996.) and Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261, 6. 8. 2004.).

The Aliens Act prescribes that temporary stay on humanitarian grounds will be granted to third-country nationals if they have accepted, as victims of trafficking in persons to be part of the assistance and protection programme, if they are a minor who has been abandoned or is a victim of organised crime or is otherwise left without parental protection, guardianship or is left unaccompanied, and if they cooperate with the competent authorities and it is indispensable that they participate in criminal proceedings brought against the employer who illegally employed them.

An employer must not employ a third-country national staying in Croatia illegally nor benefit from his/her work. The following categories of third-country nationals may work in Croatia without a stay and work permit or a work registration certificate: those who have been granted temporary stay for the purpose of family reunification with a Croatian national, a third-country national who has long-term residence, permanent stay, or who has been granted asylum or subsidiary protection in line with the legislation governing international protection, those who have been granted temporary stay for the purpose of life partnership with a Croatian national, a third-country national on long-term residence, permanent stay, or who has been granted asylum or subsidiary protection in line with the legislation governing international protection, or those who have been granted asylum or subsidiary protection, or who are applicants for international protection in line with the legislation governing international protection.

² Electoral rules differ according to the type of elections and are regulated by various special laws – the Act on the Election of the President of the Republic of Croatia, the Act on Elections of the Representatives to the Croatian Parliament, the Act on Elections of Members from the Republic of Croatia to the European Parliament, the Act on Local Elections, the Act on the Right of Citizens of Other Member States of the European Union in elections for representative bodies of local and regional self-government units. The diversity of elections is the result of fundamentally different political and social goals for which they are conducted and significantly different powers and competencies of those elected in such elections (state officials, members of representative bodies of local and regional self-government units, members of the European Parliament).

³ The new anti-corruption strategy aims is to build strong and functional anti-corruption mechanisms in the public and private sectors. This will be achieved by meeting the specific objectives and by coordinated implementation of policies in five priorities: strengthening the institutional and legislative framework for the fight against corruption, strengthening transparency of the work of public administration bodies, strengthening the integrity of the conflict of interest management system, strengthening the anti-corruption potentials of the public procurement system and raising public awareness of the damage of corruption.

⁴ The Anti-corruption Strategy 2021-2030, is currently being drafted. In formulating the specific objectives of the Strategy, the identified areas of corruption risk from international assessment documents, including the fifth round of the GRECO evaluation report on Croatia, were also taken into account.

⁵ Efforts are underway to develop a national strategy in the area of business and human rights and corporate social responsibility, following the UN Guiding Principles on Business and Human Rights.

⁶ The Criminal Code (further in text: CC) prescribes “Hate crime” in Article 87 paragraph 21, as follows: “A hate crime shall mean a criminal offence committed on account of a person's race, colour, religion, national or ethnic origin, language, disability, gender, sexual orientation or gender identity”. Unless a more severe punishment is explicitly prescribed, such conduct shall be taken as an aggravating circumstance. The CC prescribes certain criminal offences where the motive “out of hatred” is integral part of the legal description of the criminal offence (such as, for example Aggravated Murder, Bodily Injury, Serious Bodily Injury...) and a more severe punishment is explicitly prescribed by the CC. For all other criminal offences, the legal description of which does not explicitly contain the motive “out of hatred” alongside with a more severe punishment, the fact that it was committed out of hatred shall be taken as an aggravating circumstance when determining the sentence. By Act on Amendments to the Criminal Code (2019) a number of criminal offences containing the motive “out of hatred” had their prescribed sentences made stricter (for example Bodily Injury, Serious Bodily Injury). More strict sentences were also prescribed for criminal offences Domestic Violence (Article 179a), Rape (Article 153), Sexual Harassment (Article 156), Lewd Acts (Article 155), Serious Criminal Offences against Sexual Freedom (Article 154). Also, the

- concept of the criminal offence Rape was changed in a way that any non-consensual sexual intercourse or sexual act equated with it shall be considered a criminal offense of Rape, even when there is no use of force or threat to the life and body of the raped or other person.
- ⁷ It is provided by prescribing a range of criminal offences, such as: Stalking (Article 140), Bodily Injury (Article 117), Serious Bodily Injury (Article 118) and Particularly Serious Bodily Injury (Article 119). Additional protection of the journalistic profession is provided through the criminal offence Threat (Article 139), by which the legislator prescribed as a qualifying circumstance the fact that the threat was committed against a journalist in connection with his work and for which, in that case, the prosecution shall be initiated ex officio, and a prison sentence from six months to five years is prescribed.
- ⁸ Whoever denies or limits the freedom of speech or public expression, the freedom of the press or other media of communication or the free establishment of mass media institutions, shall be punished by imprisonment not exceeding one year. The same sentence shall be imposed on whoever orders or practices censorship or unlawfully denies a journalist the freedom to report or limits this freedom. The same punishment shall be inflicted on whoever unlawfully prevents the publication, sale or distribution of books, magazines, newspapers or other printed matter, or the production and broadcasting of radio and television programmes, news agency programmes or the release of other media content.
- ⁹ By this Act the criminal offence Serious defamation, which was prescribed by Article 148 of the CC was omitted from the CC, leaving the injured person with the possibility to claim damages in civil lawsuit. This change in the CC was made due to statistical data showing that only a small number of criminal proceedings were initiated for the above mentioned criminal offence, and they mostly ended in acquittals. Consequently, at this moment there are only two criminal offences against honour and reputation prescribed by the CC: Insult (Article 147) and Slander (Article 149), both punishable solely by fine. Criminal proceedings for these criminal offences are initiated by a private lawsuit. Also, Article 148a prescribes the exclusion of illegality for criminal offence of Insult if the perpetrator performed its characteristics in public information or in journalistic work, and he did so in the public interest or for other justified reasons.
- ¹⁰ In order to improve the environment and financial conditions for families, the legislation regulating maternity and parental benefits has been improved. The last amendments to the Maternity and Parental Benefits Act increased the maximum amount of salary compensation paid during the use of parental leave for employed and self-employed parents from 120% of the monthly budget base (the current limit of HRK 3,991) to 170% of the budget base (HRK 5,654). This represents a significant step forward, since the maximum amount of salary compensation was extended for the second time in the previous mandate of the Government. Also, a new draft of Maternity and Paternity Act, will be prepared especially bearing in mind the obligation of alignment with the *acqui* – implementation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.
- ¹¹ Thus, the Act on Amendments to the Criminal Code (2019 introduced more strict punishments for criminal offences Bodily Injury (Article 117), Serious Bodily Injury (Article 118) and Particularly Serious Bodily Injury (Article 119) when committed out of hatred (including based on gender or gender identity) and also for criminal offence Domestic Violence (Article 179a).
- ¹² Criminal offence Domestic Violence, described in the Article 179a of the CC is prosecuted ex officio. According to the Criminal Procedure Act (further in text: CPA) unless otherwise provided by law, the State Attorney shall initiate criminal proceedings if there are reasonable grounds for believing that a particular person committed a criminal offence prosecuted ex officio and there are no statutory obstacles to the prosecution of the said person. Proceedings shall be conducted without procrastination. In the case of proceedings in which the defendant has been temporarily deprived of liberty, the court and state bodies shall proceed with particular urgency. According to the CPA, the victim has, among other: the right to access services providing support to victims of criminal offences, the right to efficient psychological and other professional assistance and support of the body, authority or institution providing assistance to victims of criminal offences as provided for by law, the right to protection from intimidation and retaliation and the right to protection of the dignity of the victim when testifying. Before questioning the victim, the body conducting the questioning shall carry out, in cooperation with the bodies, organisations or institutions providing assistance and support to victims of criminal offences, an individual assessment of the victim. The individual assessment shall include establishing whether there is a need to take special protection measures in respect of the victim and if yes, which ones (special method of questioning the victim, use of communication technology so as to avoid visual contact between the victim and the perpetrator and other measures provided for by law). Where the victim of a criminal offence is a child, it shall be presumed that special protection measures need to be taken and it shall be established which ones. The individual assessment of a victim shall take into account the personal characteristics of the

victim, the type or nature of the criminal offences and the circumstances of the criminal offence. In this context particular attention shall be paid to victims who have suffered considerable harm due to the severity of the criminal offence, victims of a criminal offence committed with a bias related to their personal characteristics and victims whose relationship to the perpetrator makes them particularly vulnerable. In the same terms, victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence and exploitation, hate crime and victims with disabilities shall be duly included in the individual assessment. The victim of an intentional crime of violence is entitled under a special act to compensation from the state budget. If the victim has won a civil claim, the amount awarded shall be taken into account when determining the amount of compensation. If the victim has already been awarded state compensation, the court shall act likewise when determining the amount to be awarded on the basis of the civil claim made. According to the Law on Protection against Domestic Violence, the victim of the domestic violence has, among others, the right to access services providing support to victims of domestic violence, the right to efficient psychological and other professional assistance and support of the body, authority or institution providing assistance to victims of domestic violence, the right to protection from intimidation and retaliation and the right the right to protection of the dignity of the victim when testifying.

- 13 Croatia continues its efforts regarding legislative activities with the aim of improving protection of victims of domestic violence. The Law on Amendments to the Law on Protection against Domestic Violence (entered into force on 1 January 2020) has imposed higher fines and imprisonment sentences for all forms of domestic violence, with higher fines and imprisonment punishments for the perpetrator who repeats domestic violence or commits it in the presence of a child or person with a disability or of elderly age. Furthermore, physical violence was redefined in such a way that it was prescribed as the application of physical force resulting in no physical injury in judicial medical terms.
- 14 The CPA prescribes that the procedure must be carried out without any delay, and in proceedings in which the defendant is temporarily deprived of liberty, the court and state authorities will act in particular expeditiously.
- 15 Croatia promotes the integration of students with disabilities into the mainstream education system. In achieving above mentioned goal for the students with disabilities different activities are under the implementation: access to early identification and early intervention activities, providing appropriate curriculum, assistive technology, teaching assistants or professional communication mediator, co-financing the costs of transport, foods and didactic equipment, removing construction barriers including professional support during education as well as medical support for the students with serious level of disabilities.
- 16 National Plan for Equalization of Opportunities for Persons with Disabilities 2021-2027 will cover the topic of pandemic and other crisis situations.
- 17 Employment in the civil service is regulated in such a way as to ensure equal employment opportunities for all candidates, regardless of their nationality. At the same time, members of national minorities are provided with an advantage in employment under equal conditions. Also, as the ban on new employment in state bodies has been in force in the last few years, employment is possible only in exceptional and situations prescribed in advance. As a result, employment through regular admission to the civil service has become more difficult, which is reflected in the reduced possibility of new employment of persons belonging to national minorities in order to achieve their equal representation in these bodies/institutions.
- 18 The majority of them do not intend to stay in Croatia for a long period of time, and their only aim is to reach the desired Member State of the EU where they can lodge their application for international protection. Migrants are willing to use any means necessary to reach their goal, even if it means endangering their own lives and the lives of their family members, counting on the Croatian police to save them once they are in such danger. On the other hand, if they are prevented in their illegal entry attempt, they are capable of accusing the police of abuse and of preventing them from accessing the international protection system.
Very often the activists of NGOs note the statements of migrants, present them to the media as facts, and the media publish them with sensationalist headlines, however NGOs reports omit mentioning real events that are documented in detail and published in a number of national and/or international media by independent journalists and can therefore be considered reliable.
- 19 The approach of the Republic of Croatia and the Ministry of the Interior to allowing access to international protection is clearly illustrated by the number of submitted applications for international protection, the number of applicants who were granted international protection, as well as the number of refugees who should, according to the plan and the epidemiological situation, be resettled, and the number of Syrian refugees from Turkey who have already been resettled to Croatia within the framework of the resettlement scheme (250).

Croatia's experiences show that most applicants for international protection do not want to stay in Croatia and they regard it only as a country of transit - over 70% of applications are suspended due to the fact that applicants leave Croatia during the asylum procedure.

Having in mind the responsibility of the country of first entry of migrants (in accordance with the valid Dublin III Regulation), in a large number of cases migrants themselves refuse to apply for international protection in Croatia and to be fingerprinted for the Eurodac system. This way, Croatia becomes responsible for applicants for international protection, which is not in the interest of a large number of applicants. Statistics show that most applicants for international protection are not persons in need but merely economic migrants who misuse asylum system to reach the EU for different reasons. Croatia has also registered cases of individuals who were granted international protection but after some time went to other EU Member States.

The figures provided below show a significant increase in the number of applications for international protection made from 2016 to 2020 (increased migratory pressure), compared to the previous period: 2014 – 454 and 2015 – 210. The figures are: 2016 – 2,234; 2017 – 1,887; 2018 – 1,068; 2019 – 1,986; 2020 – 1,932. Please note, that out of 1,655 applications lodged in 2020, there were only 325 applicants for international protection in accommodation capacities in Croatia, which makes up only 19% of the total applications lodged.

The Dublin transfer to the Republic of Croatia from other EU Member States, as well as the number of applicants returned to Croatia from other EU MS within the framework of readmission, must be also taken into consideration. In accordance with the Dublin Regulation, Croatia received 6,567 requests for reception and readmission of asylum seekers from 2016 to 2018, out of which 1,074 were carried out. In 2019, Croatia received 1,702 requests (525 were carried out), and in 2020, there were 3,151 requests for reception and readmission of asylum seekers and 1,855 were carried out.

²⁰ However, it is important to mention that pursuant to the National Preventive Mechanism Act unannounced visits are allowed only if foreigners whose freedom of movement has been restricted are present in a police station.

Furthermore, the Ministry has explained to the Ombudsman that the access to the Information System of the Ministry needs personal authorisation. According to the Instruction on the allocation of usernames and passwords of the IT Department of the Ministry, police officers must not share their password and username with other persons and they must not provide other persons, who do not have such authorisation, with access to the Information System. Non-compliance with this instruction represents a serious breach of official duty, pursuant to the Police Act. Pursuant to Art. 24 of the Ombudsman's Act, and in relation to Art. 5, item 5 of the NPM Act, the employees of the Ombudsman are allowed during field visits, to requests printouts from the Information System and this data will be delivered to them in writing, as soon as possible.

²¹ Since the beginning of the migrant crisis, complaints come from humanitarian organisations, certain institutions in Croatia and NGOs, on the basis of statements made by migrants most often located in the Republic of Serbia and Bosnia and Herzegovina who have already attempted to enter the Republic of Croatia illegally on several occasions, but were discouraged from doing so by the Croatian police. The accusations are made with no information which could be used to identify the supposed victims, and, in most cases, the locations and times of the alleged incidents are not even approximately stated. In spite of such vague information, the competent departments of the Ministry have checked every accusation to determine the lawfulness of police actions. However, due to this lack of information, it is oftentimes very difficult, if not impossible, to verify these accusations. The Ministry practices a zero tolerance policy for unlawful use of means of coercion, as well as a zero tolerance policy for non-processing of any criminal offence or misdemeanor committed by police officers. The Ministry has called, on several occasions, for any persons who might have any knowledge regarding potential illegal actions taken by police officers against migrants to communicate such information, so that it could be verified and so that all facts could be established.

Also, migrants who were discouraged by police officers from entering the Republic of Croatia or who were subject to other prescribed procedures of return to the country from which they illegally entered the Republic of Croatia often accuse police officers of violence, expecting that such unfounded accusations will help them in a new attempt to enter Croatia and in continuing their journey to the countries of destination.

During 2018 and 2019, the general police director issued two clear warnings to all police administrations and police stations stating that excessive use of force and unlawful confiscations of migrant property by police officers will not be tolerated and that, in every potential case where means of coercion are used, a full prescribed procedure will be carried out to assess the legality of their use. Also, whenever there is a complaint about illegal confiscation of property, the relevant procedure will be carried out to identify and process potential perpetrators. Also, several meetings were held with heads of police administrations and police stations where they were instructed to treat migrants with utmost consideration and with respect to human dignity, particularly children, women and the elderly

- and other vulnerable groups. They were also instructed on prohibition from disproportionate, inadequate and illegal use of force. The said instruction was enclosed to all letters of communication from the central level with police administrations regarding migration.
- ²² Their observers gain direct insight into the actions taken by police towards migrants. The project is entirely financed by UNHCR funds and was implemented from 2008 to 2014, as well as in 2018 and 2019. Likewise, Croatia is currently the only EU Member State that is working even now, in cooperation with the European Commission, Frontex, and the EU Agency for Fundamental Rights (FRA), on the draft of the future independent monitoring mechanism of police treatment of migrants on the external EU border, in line with the Pact on Migration and Asylum which is still being negotiated on the EU level. According to the current text, the Ombudsman would also participate in the monitoring.
- ²³ The following topics were covered in training organised by the Red Cross: IHL, Tracing service and restoring family links, Urgent first aid procedures, Understanding cultural differences, Vulnerable groups of migrants, Prevention of occupational stress and burnout, and Cultures and social situations in the countries of origin. The following topics were covered in training organised by IOM: Migration-related health risks, provision of aid in non-urban environments, Use of automated external defibrillators, CPR and use of automated external defibrillators, and Dealing with vulnerable groups. The following topics were covered in training organised by the Croatian Law Centre: Human rights of migrants, Access to the asylum system, Protecting vulnerable groups of migrants and asylum seekers, Police officer responsibility, and Treatment of applicants for international protection. Training organised by FRA was held on the topic of “Training on the Schengen Borders Code (Reg. (EU) No. 2016/399), fundamental rights and access to international protection”.
- ²⁴ This is also confirmed by the number of expressed intentions, which has been relatively constant over the past few years (2016 – 2,234; 2017 – 1,887; 2018 – 1,068; 2019 – 1,986; 2020 – 1,932 applications made). Also, during this period of COVID, the number of expressed intentions did not fall despite travel restrictions.
- ²⁵ Accordingly, training courses have been organised in cooperation with UNHCR, Croatian Red Cross, Croatian Law Centre, and the IOM and were held for police officers on the external border on the following topics: accessing the system of international protection and protecting the human rights of migrants, first aid and health protection, basics in humanitarian law, etc.
- Croatia is one of the few EU Member States that has transposed the provision on assisting irregular migrants for humanitarian reasons into its national legislation (Art. 53 of the Aliens Act) from the Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorized entry, transit and residence (OJ L 328, 5. 12. 2002.). However, the said provision does not provide for assisting in illegal border crossings, except in cases of saving lives and preventing injuries, which is unacceptable to certain NGOs.
- Activists from certain NGOs are present in the areas of neighbouring countries along the Croatian border (on the most endangered parts of the border), where they advise migrants on how to cross the border illegally and who to contact after their illegal entry into Croatia (including cell phone numbers). All of these actions are considered as assisting in the illegal crossing of the state border, in line with the Aliens Act and cannot be considered as assistance within the meaning of the Art. 53 of the Aliens Act.
- In that sense, several court proceedings are being conducted.
- ²⁶ Police officers in police administrations and police stations also cover the issue of treatment of unaccompanied minors in training which is organised regularly by the Ministry of the Interior. Likewise, this issue is one of the subjects in the basic course for border police. In 2019, four training courses were organised by UNHCR and held for police officers and staff of social welfare centers regarding the Protocol.
- Protection of vulnerable persons is prescribed by the Aliens Act, pursuant to which the best interest of the minor and the needs of other vulnerable persons must be taken into account when applying the measures for ensuring return, as well as family life and health condition of a third-country national who is subject to such measures.
- Likewise, pursuant to the Aliens Act, vulnerable persons have the right to free legal aid in the return procedure, in the form of free legal representation for submission of law-suits and representation before the Administrative Court.