

**Written contribution to the 3rd Review of Croatia under the
Universal Periodic Review (UPR) on the situation of human
rights of the UN Human Rights Council**

**Ombudsman's Report in cooperation with the Ombudsman for
Children, the Ombudswoman for Gender Equality and the
Ombudsman for Persons with Disabilities**

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The Ombudsman¹ as the NHRI status A prepared this report in cooperation with the Ombudsman for Children², the Ombudswoman for Gender Equality³ and the Ombudsman for Persons with Disabilities⁴. It is based on complaints the Ombudsmen worked on, field work, research and data gathered from different stakeholders: public authorities, CSOs, trade unions, employers, universities and many others.

I. INTERNATIONAL INSTRUMENTS AND REPORTING PROCESS

1. In 2018, the Croatian Parliament ratified Istanbul Convention⁵, which ORC and OGE recommended. The ratification was accompanied by a heated public discussion in the course of which the citizens' initiative "Croatia against the Istanbul Convention" organised demonstrations and initiated a referendum to cancel the ratification, however, they failed to collect the required number of signatures. Finally, it was ratified with an interpretative declaration to eliminate ambiguities and controversy.
2. The Government is still lagging in reporting to the UN treaty bodies. A working group was established within the MLPS⁶ for drawing up a periodic report on the implementation of the ICESCR in 2016, but the Government has not adopted it still despite being due in 2006. Likewise, the Government should have submitted a report to the CERD in 2011, but hasn't done it yet.

II. LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

3. Funds for ORC have increased since the last UPR cycle and its mandate is extended in 2019 as the Act on the Protection of Persons who Report Irregularities (whistle-blowers) entered into force.
4. In 2017, a new Act on the Ombudsman for Children was adopted ensuring the appointment to be based on a public call by the Croatian Parliament. Unfortunately, the clause stipulating that the OC and his/her deputy be dismissed before the expiry of their term of office should the annual work report be rejected by the Parliament, remained in force, undermining its independence.
5. CSO engaged in protecting human rights and combating discrimination emphasise that advocating the human rights of vulnerable social groups, such as refugees and asylum seekers, members of national minorities or victims of domestic or gender-based violence, is often discredited and described as contrary to social values, national interests and religious belief of the majority. In 2016, the funds for CSO's from the gaming revenues were significantly reduced, and in spite of a gradual increase over the years, it hasn't reached the level from 2015 yet.

¹ ORC

² OC

³ OGE

⁴ OPWD

⁵ Council of Europe Convention on preventing and combating violence against women and domestic violence

⁶ Ministry of Labour and Pension System

6. Regarding free legal aid⁷, the procedure of awarding grants to primary legal aid providers still presents a challenge due to prolonged grant payment. Budget resources are still modest and it is important to increase them and to secure the long-term programme-based financing of primary legal aid providers.
7. During the reporting period, a number of legal and policy documents aimed at protection of human rights were adopted⁸.
8. However, the National Programme for the Protection and Promotion of Human Rights and the National Strategy for Fostering an Enabling Environment for the Development of Civil Society, which expired in 2016, as well as the National Gender Equality Policy, which expired in 2015, have not been adopted yet.

III. DISCRIMINATION

9. The ADA⁹ entered into force ten years ago and the number of complaints to ORC is increasing continually. Most of them refer to discrimination on the grounds of race, ethnicity or skin colour and nationality, mostly affecting Roma, Serbs and migrants. This is followed by complaints on the grounds of age, gender and religion. Discrimination is most common in the area of labour and employment, followed by access to goods and services, public information and the media.
10. Roma still face significant social exclusion, prejudices and obstacles to their education, employment, housing and health protection. Some 69% of Roma children aged three to six do not attend kindergarten or preschool. Only 26% of Roma girls aged 15 to 18 attend secondary school. Out of the total number of unemployed Roma, those aged 15 to 19 account for 40.8%. Only 25% of Roma households are integrated with the majority population, while others live in separated settlements with much poorer housing conditions and no availability of utility and infrastructural services. Better and more efficient cooperation and coordination in solving Roma-specific problems should be established.
11. Serbs who returned to their pre-war places of residence experience discrimination, often on the grounds of their nationality, age and economic status as they are mostly elderly people on low incomes who live in undeveloped rural areas. Basic services such as water and electricity are often unavailable to them. In addition, Serbs are increasingly exposed

⁷ FLA

⁸ The Penal Code and the Act on the Protection against Domestic Violence were amended, while the provisions of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime were included in the Criminal Procedure Act. The Same-Sex Life Partnership Act and the Regulations on the Manner of Gathering Medical Documentation and Determining Conditions and Prerequisites for Gender Reassignment and/or Life in a Different Gender Identity, entered into force. The Government adopted the National Plan to Combat Discrimination 2017-2022 and its Action Plan, the National Strategy for the Protection against Domestic Violence 2017-2022, the National Strategy for Equalization of Opportunities for Persons with Disabilities 2017-2020 and the National Strategy for the Development of the System of Support to Victims and Witnesses 2016-2020 and its Action Plan.

⁹ Anti-discrimination Act

to the negative sentiments of the majority population. A survey on educational choices and interethnic attitudes of children and their parents revealed that children's attitudes reflect those of their close environment and that they are still burdened by war. Messages coming from the Croatian and Serbian community are often quite opposing and conflicting, exclusive and highly emotional, and children do not get an opportunity to question, process and collate such messages.

12. Applicants for international protection, irregular migrants and persons to whom international protection has been granted are often visibly different from the majority, sometimes resulting in reservations, repulsion or even fear. Politicians and the media play an important role in it. It is, therefore, of utmost importance that particular attention is given to prevention of the dissemination of ungrounded information about migrants.
13. Labour and employment have been most common in complaints about discrimination ever since the application of the ADA started. Those employed in the private sector emphasise it more often on the grounds of age and union membership, while those employed in the state sector emphasise political beliefs. The fear of victimisation is felt when seeking court protection and making complaints to the ORC or reporting to the Inspectorate.
14. Discrimination on the grounds of gender is still present in all segments of social life. Most complaints to the OGE relate to labour and employment, social security and social welfare, pension and health insurance and the exercise of rights deriving from employment, continuing the trend of the previous years. Complaints related to discrimination on the grounds of gender affect mostly women (over 70%).
15. Discrimination on the grounds of disability is still present to such extent that PWDs¹⁰ often accept it as the normal state of affairs. The lack of easily accessible entrances to public premises, the inability to independently use the amenities that institutions offer, as there are not enough interpreters of the sign language, or accessibility elements for the blind, the refusal to admit children with disabilities to kindergartens/regular schools, no dental care in case of special requirements because of the disability – all these provide examples where persons with disabilities find themselves in a disadvantageous position.
16. Levels of discrimination in society are much higher than the number of complaints might suggest. In 2016¹¹, almost one fifth of respondents claimed to have experienced discrimination once or several times in the last five years, but more than 2/3 did not report it as they believed nothing would change, they feared things would get worse, they didn't know whom to turn to or believed that proceedings might be too complicated, lengthy and expensive.
17. In the first years of the Act's application, CSOs more often used the possibility of collective protection, but during the last few years such practice didn't continue. As collective

¹⁰ Persons with disabilities

¹¹ Survey series on attitudes and perception of inequality and discrimination accessible at <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#1556196996229-4d906cac-cf96>

protection against discrimination requires sufficient capacities, CSOs should be strengthened.

IV. HATE CRIME, HATE SPEECH AND DEFAMATION

18. Although the legal framework enables protection, legal standards that would clarify whether a motive for committing a crime is hate exclusively, or just prejudice, are still insufficient. Therefore, hate crimes still go unrecognised and unpunished and certain instances of hate speech and hate crimes are treated as misdemeanours instead of criminal offences. Nevertheless, it is encouraging that the OHRRNM¹² conducts seminars for judges, state attorneys, police officers and CSOs about provisions of the Criminal Code on hate crimes and hate speech and initiated the revision of a Protocol for Procedure in Cases of Hate Crimes, which should facilitate the manner of determining all circumstances and discriminatory motives.
19. Articles and statements stirring up hatred in part of the media or that some, including politicians express openly, contribute to their acceptance. At the same time, concept of hate speech is not clear enough, so that impassioned speech or criticism are perceived as hate speech and freedom of expression is sometimes deliberately misinterpreted to disseminate hate speech.
20. Frequent attempts to deny the nature of the Independent State of Croatia (NDH) and the scope of crimes of the *Ustaša* regime during WW2, as well as the display of symbols and expressions sympathising with it are rising. Worrying is the inconsistency of actions by state authorities, including the police, state prosecutors and courts of first instance.
21. Criminal Code failed to decriminalize/mitigate the legal definition of defamation as criminal offence. Under pressure of legal actions for defamation, some journalists might have started practising self-censorship. A possibility of civil or criminal proceedings against media professionals and uneven judicial practice, deepen legal uncertainty.

V. PRISON/TORTURE

22. Although the overcrowding in the prison system is decreasing and the total occupancy by the end of 2018 was 83%, spatial standards for the accommodation of persons deprived of their liberty have not been met yet as the occupancy rate in high security units in 10 out of 14 prisons was 100% or more; the highest rate in Osijek prison (161%). Furthermore, women sentenced to a prison exceeding six months are still serving it in Požega Penitentiary only, which may have a negative impact on the respect for their rights in relation to contacts with their family members. Regulations stipulating that prison sentences of less than one year might be served in a correctional centre have not been passed yet.

¹² Governmental Office for Human Rights and Rights of National Minorities

23. Amendments to the Criminal Procedure Act from 2017, which strengthened legal remedies for pre-trial detainees is a step forward. However, despite recommendations by the ORC, changes of provisions regulating pre-trial detention were partial, so that pre-trial detainees are still in a disadvantageous position than persons serving their prison sentence. The adoption of a new Act on Serving a Prison Sentence was foreseen by Government in 2015, 2016 and 2017, and representatives of the ORC were included in the working group. However, it has not met since 2017, and despite frequent inquiries, no information about the stage of its preparation is available.
24. Although the Juvenile Courts Act from 2011 stipulates the establishment of closed facilities, this was not done, so that minors held in pre-trial detention are placed in prisons with no diagnostic department or no work and trainings secured. The Ministry of Justice adopted a decision on special pre-trial detention units in prisons for minors, but in practice, this refers to rooms where only juveniles are placed but otherwise are equal to others. There are no additional forms of support and psychosocial treatment of minors in pre-trial detention.
25. In spite of certain positive steps in relation to combating impunity, torture, inhuman and degrading treatment in the prison system, such as disciplinary proceedings against officials and conducting of efficient investigations into possible illegal actions, this has not become standard practice yet.
26. The Act on the Protection of Persons with Mental Disorders allows that a person be placed in a psychiatric institution without their consent, should such person jeopardise own or someone else's life or health. The Committee for the Protection of Persons with Mental Disorders received 81 complaints from 2014 to 2019 and found the violation of rights in 52 cases, issuing warnings and giving recommendations to institutions. Despite the recommendation under CRPD, restraint measures are allowed, and the treatment of is governed by hospital guidelines and protocols. However, the placement in social welfare institutions based on guardian's consent is not regulated sufficiently.

VI. GENDER EQUALITY AND DOMESTIC VIOLENCE

27. The position of LGBT persons has been improved. Although public appearances of sexual and gender minorities and gay prides are exposed to less incidents, discriminatory treatment has not ceased significantly. In 2018, the OGE recorded an increase in the number of complaints concerning sexual orientation by 150% as compared to 2017. At the same time, in 2018, a slight drop in the number of complaints concerning discrimination on the grounds of gender identity and expression was recorded.
28. There is a lack of systematic training and campaigns aimed at raising public awareness about equal inclusion of LGBT persons in society. At the children's carnival in Kašteli in 2018, with the support of local and church authorities and some CSOs, LGBTIQ picture-books, intended to break down prejudices and stereotypes about same-sex partners, were publicly burned. Despite the fact that the OGE reported it and the OC publicly condemned

it, nobody was held responsible for the incident as the State Attorney's Office found that no crime or misdemeanour has been committed.

29. Although legal gender reassignment in ID documents has been possible since 2014 and the procedure to change diplomas and certificates in accordance with gender reassignment or the chosen identity has been regulated since 2018, all procedures relating to gender transition are still relatively slow. Equally so, the process of transition has not been satisfactorily regulated by ensuring efficient and prescribed actions of competent authorities.
30. Negative demographic trends impact the affirmation of gender equality as a constitutional principle. Issues that need to be addressed are low female employment activity rates and a high risk of economic dependence on other family members or exposure to poverty. More effective measures should be introduced to encourage the inclusion of women in the labour market and to reduce the disproportion between the share of men and women employed part-time. Pay gap is a significant problem and it is necessary to continue with measures aimed at promoting parental leave for fathers and to improving public services for employed parents.
31. A positive step forward is the reintroduction of domestic violence into the Criminal Code as an autonomous offence, together with all other offences, where violence inflicted on the closely related person remained aggravated form. Statistics show that, for the most part, women are still victims of domestic violence, both of misdemeanours and criminal offences. Multiannual trend of decrease of around 10% in the number of reported cases of domestic violence prosecuted as misdemeanour has been recorded, as well as a continuous increase in number of criminal offences relating to violent behaviour toward family members. The drop in reported cases of domestic violence classified as misdemeanours in combination with a very low number of unconditionally sentenced perpetrators and a continual growth in the number of more brutal criminal offences of domestic violence against women between closely related persons, indicate the inefficiency of the system. There is still no clear judicial distinction between misdemeanours and criminal offences related to domestic violence. It is not seldom that serious violence is prosecuted as a misdemeanour and less serious one as criminal offence, which results in an uneven case-law. There are no effective prevention and resocialisation measures for perpetrators, sentences are mostly fines or probation; most often, perpetrators come back home to the victim immediately after their violent acts. On the other hand, many isolated verbal incidents are tried in court. Such practice discourages victims to report violence and sends a message to perpetrators that the tolerance threshold for violence against women and domestic violence is high.
32. The normative framework for the protection against domestic violence has not been harmonised with the Istanbul Convention. It does not offer protection for all victims of gender-related violence, especially if they are present or former partners, who have been, for a shorter period, in an intimate, love relationship or in some other form of a present

or former partnership, or who have occasionally been in a relationship but do not have a common child or have never shared the same place of residence. Still, violence lacks both the gender and sexual determinant and there are no provisions regulating the forms of violence against woman based on the fact that it disproportionately affects them. Not all acts of physical violence have been criminalised and the protection against domestic violence has not been specially prescribed in case when gender and sexual minorities join the family.

33. A better implementation of 2017 - 2022 National Strategy for the Protection against Domestic Violence requires more funds on the national and local levels. A special challenge in the forthcoming period will be to secure housing for victims of domestic violence, financial aid for shelters and counselling centres and employment of victims of domestic violence.
34. An investigation conducted by the OPWD in 2015 into the accessibility of 16 shelters/counselling centres for victims of violence showed that 3 shelters partly meet accessibility standards, 8 does not and only 1 is fully accessible. Besides their physical inaccessibility, there is no support to PWDs with specific impairments in relation to health care provision and alternative forms of care after leaving the shelter.
35. Women after childbirth do not receive an adequate level of health care in public hospitals. Hence, a campaign was launched (#BreakTheSilence) sharing testimonies of negative experiences in maternity hospitals. The ORC and the OGE requested the Ministry of Health to take specific measures aimed at improving health services for women during/after childbirth.
36. Despite the ruling by the Constitutional Court that by February 2019, a new Act on Health Measures to Exercise the Right to Freely Decide about Childbearing should be adopted, this has not happened. Considerable impediments to the access to this health service are still present, because many health workers invoke the right to conscientious objection in the case of abortions at request. Therefore, this service is completely unavailable in certain hospitals. Social movements advocating the limitation or the abolishment of right of women to freely decide about childbearing are very active, sometimes on the premises of health or educational institutions.

VII. CHILDREN

38. The monitoring of the implementation of measures from 2014-2020 National Strategy for Children's Rights has not been appropriate because collated implementation indicators on the national level and the evaluation of impacts and achievements are missing, while the latest published report from 2018 refers to 2016.
39. The right to protection against violence is one of the most infringed children's rights. There is no single child protection programme and policy, so that despite protocols for dealing with particular cases of violence, actions taken by responsible persons often

present mere satisfying of the prescribed form. There are no effective mechanisms to prevent violence, no quality assistance and support to the child victim while appropriate punishment of the perpetrator is lacking. The parental manipulation of children in the divorce proceedings and the termination of the family structure have not been recognized as form of domestic violence, although they have a number of adverse effects on children.

40. Outside the penal system, intervention programs or measures focusing on perpetrators of sexual offences to deter them from relapse, have not been sufficiently developed. Voluntary preventive measures should be provided in the course of investigation and trial, but also after the sentence has been served, within health and social welfare system. Measures to safeguard children are seldom pronounced. The obligation of judicial institutions to impose precautionary measures is related to the existence of legal bases for determining pre-trial detention, and a criminal offences against children and minors is not among them. Hence, an effective protection of children, victims of criminal offences of sexual abuse and exploitation, has not been provided.
41. The effectiveness of justice in the proceedings that are to decide on children's rights is concerningly low. Due to lengthy court proceedings, ineffective enforcements, diverging case-law, excessively slow decisions on complex family law issues and addressing issues of children with behaviour disturbances, children do not get adequate protection. Additional investments in the technical equipment of court premises, personnel and in continuous quality training of experts who are in a contact with children, are therefore crucial.
42. The effective implementation of the process for deinstitutionalization of children's homes should be ensured by amending regulations to enable strengthening of teams of expert workers at social welfare centres who work with biological families, at preventing the separation of children from their families, and by strengthening statuses and rights, i.e. through establishing a quality network of foster families.
43. The educational policy formally promotes inclusive education, however its implementation is accompanied by difficulties: the lack of competence of educators to deal with the inclusion of children with disabilities, the failure to make reasonable adjustments in educational inclusion, the failure to comply with appropriate school schemes, the insufficient spatial accessibility and equipment in schools and the unavailability of teaching assistants and helpers in kindergartens for children with disabilities. Therefore, certain number of children with disabilities are not included in the mainstream education but in special institutions. Also, despite a statutory requirement to include children with disabilities in kindergartens, due to difficulties in its implementation many still remain outside the pre-school education system.
44. Early intervention programs for children with disabilities and neurodevelopment risks are lacking. Due to the shortage of services in the community and the lack of systematic coordination in current services, it may happen that a child is being held in a institution,

although there are no reasonable grounds for it. The Social Welfare Act is questionable when it comes to systematic addressing of the early intervention and rehabilitation of children with disabilities as the status of parents' caregivers is conditional upon the child's length of stay within the institution. In addition, it is necessary to change the Maternity and Paternal Benefits Act in order to facilitate the reconciliation between work and family life.

45. Education of children applicants for international protection, is implemented adequately wherever reception centres are in place, while in other parts of the RC problems remain. In spite of improvements, problems still persist in the system of guardianship; there is a shortage of specialized accommodation capacities, interpreters and no health care, the proceedings for the family reunification are impeded.
46. Measures aimed at increasing the percentage of Roma children in the education system are being implemented, however, insufficiently. For a quality integration, it is necessary to introduce a mandatory two-year preschool program for all Roma children, to provide the transport to kindergartens and schools and include them in extra-curricular activities, as well as to arrange for them courses in the Croatian language and provide extended stay in school for junior class pupils.
47. Religious, historical and cultural contents relating to different national minorities are insufficiently represented in the curriculum. Publishing textbooks in the language and script of minorities is problematic, as these are printed with delay and children do not have them at the beginning of the school year. A part of textbooks as well as diplomas and other professional pedagogic documentation are not translated at all. When it comes to the education of children of the Serb national minority, discrimination and bullying are on the increase.
48. Although the program of interdisciplinary topic of Civic Education is implemented in all schools, it is insufficient. Especially worrying is that within the regular programs at teachers colleges, the human/children rights-related topics are still insufficiently represented.
49. It is necessary to intensify activities to fight poverty and social exclusion of children.
50. The geographical coverage of health services for children is uneven. There is a lack of health workers and adequate support to children with mental health issues.
51. In spite of the increased risk awareness, some forms of trafficking have not been sufficiently recognized and individual cases are not being tackled adequately. Begging, where children are used to trigger empathy, and the marriages of minors are still practiced at informal level, particularly in some communities.

VIII. PERSONS WITH DISABILITIES

52. Despite positive changes in the normative framework, there is still a significant gap in the implementation of the UNCRPD in most areas of life. Besides employment, no significant progress was made and no public campaign for the change of paradigm from the

medical model to the social and human rights model of disability was implemented. It is essential to harmonize terminologically all the regulations referring to PWD's and to align them with UNCRPD. Personal disability allowance should allow for the position of persons with the most severe disability to be equalized with that of persons without disabilities, and the only eligible criterion for its realization should be the requirements originating from a disability.

53. Due to a severe shortage of particular services for children and PWDs, they are developed and rendered by the associations of PWDs, so that they are the only providers in particular areas. Most of services are provided through projects and through NGOs, but not systematically, so that many of them face the problems of sustainability and risks of closing down. Therefore, it is essential to secure their sustainable funding.
54. The legislative framework in the field of accessibility should be improved. Many public institutions are inaccessible because they are situated in old buildings for which the obligation to provide access is binding only during reconstruction or substantial renovation. An issue of access to the living place has not been addressed as there is no possibility to finance privately-owned houses with public funds. Within 2014-2020 EU funds, an opportunity was missed to plan activities for financing the installation of lifts.
55. More than 10,000 PWDs still live in institutions, without the right to privacy and a personal choice. The process of deinstitutionalization of persons with intellectual and psycho-social difficulties is particularly slow. At the same time, the network of service providers for an autonomous life in the community and the prevention of institutionalization is not being sufficiently developed. The housing program, adjusted transportation, specialized health care, personal assistance and support for work and employment are also insufficient. Instead of accommodation in the community, there are still long waiting lists for institutions which presents an infringement of the right of PWDs to an autonomous life in the community.
56. During 2018, the processes of deinstitutionalization was brought to a significant standstill. The number of persons in the long-term accommodation from 2016 to 2018 in homes where the OPWD collected data, remains almost unchanged. The effects of the Plan for Deinstitutionalization and the Transformation of Social Welfare Homes (2011-2016/18) are not satisfactory as the number of persons in institutions did not significantly decrease, nor were different non-institutional services spread widely enough. Also, EU funds are used insufficiently in the process of deinstitutionalization.
57. According to the data on persons accommodated out of their family from 2014 to 2017, there is a visible trend in decreasing the number of persons placed in social welfare institutions; however, the number of persons in foster families and family homes increased. Such form of care is unacceptable for an adult PWDs and also contrary to the recommendations of the CRPD.
58. The lack of outpatient treatment system, scarce services in the community and the lack of rehabilitation, result in multiple hospitalizations of persons with psychosocial disability,

their stigmatization, the loss of capability for work and separation from the community and in frequent deprivation of legal capacity. The legislation amendments regarding the depriving of legal capacity did not aim at the introduction of the assisted decision-making system, contrary to CRPD.

59. The access to health services is impeded due to inaccessible health care centres, the lack of physical therapy service providers and health care at the patient's home, adjusted transportation, medical staff and medical equipment, particularly in rural and mountain areas and on the islands. The availability of health care to PWDs is getting poorer, particularly of rehabilitation procedures aimed at the prevention of a more severe disability. The lack of specialists for certain types of disability is another problem. The austerity measures led to the lowering of the accomplished standard in the supply of orthopaedic and other appliances. Although early intervention was introduced into the Social Welfare Act, an integrated system of early intervention services has not been developed.
60. PWDs with mental impairments are exposed to the risks of the excessive deprivation of legal capacity and institutionalization, mostly because of the lack of adequate support in the community, services, assistance and mobile teams.
61. As much as 66% of PWDs completed elementary school only or less, some 25% completed secondary school, 6% have vocational education, whereas only 3% have higher education. Secondary education is the weakest link in the education of PWDs as vocational education is neither aligned with the labour market, nor has introduced contemporary technologies into practical training. In the system of higher education, the support and other forms of reasonable adjustment are not defined. The principle of universal design has not been prescribed by law, and the awareness about it is very low.
62. Due to unfavourable educational structure and deficient educational programmes, the impact of measures taken to increase the employment of PWDs by strengthening the existing employment quota system and its expansion to private sector is doubtful. The insufficient attention is paid to the introduction of flexible work methods and the provision of support and adjustment in the open labour market. The concept of workplace assistant has not been arranged systematically. Although the provisions of the Act on Vocational Rehabilitation and Employment of PWD stipulate a new model of professional rehabilitation, service provision will still encounter impediments, if the system of health and pension insurance does not provide support for its implementation.

IX. NATIONAL MINORITIES

63. Although the normative corpus of the national minority's rights in RC is well-developed, full implementation is lacking, and since EU accession, the requests to abolish or limit particular minority rights have been recorded, often accompanied by allegations that minorities have been privileged and that the implementation of minority legislation would

discriminate the majority population. In this way, an anti-minority sentiment is instigated and stereotypes perpetuated in the society, particularly towards Roma and Serbs.

64. Members of national minorities are still underrepresented among the public administration and judiciary employees, with further decrease in the recent years. The difficulties are still present regarding official use of the Serbian language and the Cyrillic alphabet.
65. There is a high degree of the implementation of guaranteed rights to education in the language and script of national minorities. However, in municipalities where Serbs are the majority, the problem of registering schools as institutions teaching in the Serbian language persists, although this has already been done in three schools in the Check, Hungarian and Italian languages.

X. REFUGEES, RETURNEES

66. The last collective centre closed down in 2018. Also, even though the benchmarks from the Action plan for the accelerated implementation of the housing solutions for returnees and former holders of tenancy rights in and outside the areas of special state concern are fulfilled, additional funds and housing units for beneficiaries are not available.

XI. MIGRANTS AND ASYLUM SEEKERS

67. RC is decreasing the number of migrants' entries and applicants for international protection through more stringent control of its state border and capacity building of the border police. Such approach resulted in an increased number of migrants' complaints, as well as reports by international and NGOs, about the police treatment that is not in line with the international and national normative framework. Especially worrying are complaints and reports referring to the police treatment of migrants caught in the irregular crossing of the state border or after it, which are very similar and with allegations about their requests for international protection being disregarded. They also refer to violent treatment, police misappropriating their money and other valuables and pushing them back across the green border, without implementing the legally prescribed procedure. Such allegations call for effective investigations, however MOI¹³ failed to address them in substance and there is no information as to whether the State's Attorney Office investigated them.
68. An investigation into such allegations has been impeded by the fact that since July 2018 the Ombudswoman, i.e. the NPM, has been denied a direct insight into the data of the Ministry of Interior regarding treatment of irregular migrants, contrary to the OPCAT, the Act on the National Preventive Mechanism, the Ombudsman Act and the Data Privacy Act, on which the SPT, CPT and CAT have been informed.

¹³ Ministry of Internal

69. When it comes to integration of persons under international protection, the Ministry of Science and Education should intensify implementation of the Croatian language, culture and history courses. It is necessary to continuously increase opportunities for the employment of migrants, and to continue with the elaboration of strategies for their integration at the local level, which should also include measures concerning work and employment, because without being able to provide for living on their own, with the lapse of the two-year period of free accommodation, most of them will become social welfare beneficiaries.

XII POVERTY

70. Although at risk from poverty or social exclusion rate dropped, it is worrying that the risk of poverty rate constantly runs at app. 20 %, while for older than 65 (28.6%) is on the increase. Especially vulnerable, with at poverty risk rate of 47.8%, are those older than 65 in single households, most often women. Social services are mostly unavailable to them, as well as the support to their family members.
71. Almost 52% of all pensions paid according to general regulations is below the poverty threshold and many pensioners cannot provide for a decent life. At the same time, there are significant differences between these pensioners and those receiving their (much higher) pensions according to special regulations, which is enhancing the feeling of inequality and injustice.

List of Abbreviations:

- ORC - Ombudswoman of the Republic of Croatia
- OC - Ombudswoman for Children
- OGE - Ombudswoman for Gender Equality
- OPWD - Ombudswoman for Persons with Disabilities
- MLPS - Ministry of Labour and Pension System
- CSO - Civil society organizations
- FLA - Free Legal Aid
- ADA - Anti-discrimination Act
- SWC - Social Welfare Centres
- CES - Centre for Employment Service
- LRGU - Local and Regional Government Units
- OHRNM - Office for Human Rights and Rights of National Minorities
- PWD - Persons with Disabilities
- CRPD – United Nations Convention on the Rights of Persons with Disabilities