

Franet National contribution to the Fundamental Rights Report 2020

Croatia

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Franet country study: policy and legal highlights 2019

Issues in the fundamental rights institutional landscape	No important development in 2019.
EU Charter of Fundamental Rights	Majority of relevant stakeholders largely unfamiliar with the Charter , its role and its added value to the fundamental rights protection in Croatia. Judgements that evoke the Charter in their reasoning are rare and those cases mostly include only a reference to the Charter.
Equality and non-discrimination	Foster Care Act: On 1 January 2019, newly adopted Foster Care Act came in force, which does not recognize same-sex partnerships (formal and informal) as foster care families.
Racism, xenophobia & Roma integration	<p>Rules of Procedure in hate crime cases: During 2019, new Rules of Procedure in hate crime cases were being drafted in order to establish efficient track-record, but have not yet been put in public consultation procedure or have been adopted by the Government.</p> <p>Action Plan for Implementation of the National Roma Inclusion Strategy 2013 – 2020, for the period of 2019 to 2020 was adopted on 29 August 2019 by the Government of the RoC decision. Action plan covers two-year period of the implementation of the National Roma Inclusion Strategy in areas such as for example education, employment and inclusion in economic life, health care, social care, spatial planning, housing and environmental protection, as well as combating discrimination.</p>
Asylum & migration	No important development in 2019.
Data protection and digital society	Data Protection: In October 2019, Croatia adopted the Act on Confirmation of the Protocol amending the Convention on the protection of individuals with regard to automatic processing of personal data . In charge for its implementation is the Croatian Personal Data Protection Agency.
Rights of the child	<p>Legislative changes in 2019 included amendments to the Law on Judicial Cooperation in Criminal Matters with EU Member States transposing the Directive 2016/800; amendments to the Law on Police Duties and Powers stipulating police powers towards minors; and Amendments to the Law on Juvenile Courts introducing new procedural guarantees for juveniles suspected or accused in criminal proceedings in order to strengthen their procedural position.</p> <p>No policies or other measure or initiatives regarding the procedural safeguards for children who are suspects in criminal proceedings or child internet safety were taken in 2019.</p>
Access to justice, including victims of crime	<p>Support to victims of crime: Action Plan for the Implementation of National Strategy for the development of support system for victims and witnesses in the Republic of Croatia was adopted on Government's session held on 3 January 2019. The Action Plan details the activities of providing adequate support to the victim or witness and assisting them from the moment of the commission of the crime, during judicial proceedings and after the procedure.</p> <p>Violence against women: new Protocol on procedure in cases of domestic violence was adopted on Government's session held in June 2019.</p>
Convention on the Rights of Persons with Disability	<p>Legislative and administrative developments: Entering into force of the Act on the Accessibility of Websites and Software Solutions for Mobile Devices of Public Sector Bodies.</p> <p>Ombudsperson for Persons with Disabilities opened regional office in the city of Split.</p>

Chapter 1. Equality and non-discrimination

1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

On 7 December 2018, the Croatian Parliament adopted the new Foster Care Act¹, in force from 1 January 2019. To harmonize the implementation of the Same-Sex Partnership Act² and the Gender Equality Act³, the Ombudsperson for Gender Equality gave her comments and recommendations: the definition of foster care family provided in the Foster Care Act does not include same-sex partners or informal same-sex partners, which represents direct discrimination on grounds of sexual orientation, gender identity and expression (SOGIE), as defined in Article 7, paragraph 1 of the Gender Equality Act. Furthermore, particular types of foster care envisaged in the Act grant foster parents certain employment rights, since foster care is defined as a social service. The exclusion of same-sex partners and informal same-sex partnerships therefore represents discrimination in the area of employment, as defined in the Gender Equality Act. The amendments proposed by the Ombudsperson for Gender Equality have not been included in the draft Foster Care Act.

There have been no legal developments relevant to combating discrimination based on religion or belief, but the Ombudsperson's Office reacted on the insufficiently precise provision of Article 3 of the Act on Holidays, Memorial Days and Non-Working Days⁴, recommending the Ministry of Labour and Pension System to amend the Act so as to clearly prescribe the rights of members of religious communities and take into account the need to commemorate anniversaries relevant to particular religious traditions. The Ministry of Labour and Pension System does not plan legislative activities in 2019 regarding the Act on Holidays, Memorial Days and Non-Working Days in the Republic of Croatia, but will take this recommendation into consideration for the future amendments to the Act.

There have been no legal or policy developments on combating disability discrimination.

As regards policy developments in combating discrimination based on age, a National Youth Strategy⁵ should be adopted and the implementation of the measures should begin by the end of 2019. The National Youth Strategy will address the period from 2019 to 2025 and refer to ten areas: employment and entrepreneurship, education and lifelong learning, active youth participation, social inclusion, health and sports, youth in rural areas, youth and sustainable community development, culture, youth work and youth in European and global settings.

The amendments to the Act on Housing Loan Subsidisation,⁶ in force since 10 July 2019, guarantee a continuation of subsidy measures for citizens up to 45 years of age, in line with the regional development index for the city or municipality they live in. This is a third consecutive year that the Ministry of Construction and Physical Planning is implementing this measure⁷.

¹ Croatia, Foster Care Act (*Zakon o udomiteljstvu*) (2018), Official Gazette (*Narodne novine*) Nos. 79/2007, 90/2011, 78/2012, 115/2018, available at: narodne-novine.nn.hr/clanci/sluzbeni/2018_12_115_2240.html

² Croatia, Same-Sex Partnership Act (*Zakon o životnom partnerstvu osoba istog spola*) (2014), Official Gazette (*Narodne novine*) No. 92/2014, available at: narodne-novine.nn.hr/clanci/sluzbeni/2014_07_92_1836.html

³ Croatia, Gender Equality Act (*Zakon o ravnopravnosti spolova*), Official Gazette (*Narodne novine*) Nos 116/2003, 82/2008, 138/2012, 69/2017, available at: narodne-novine.nn.hr/clanci/sluzbeni/2008_07_82_2663.html

⁴ Croatia, Act on Holidays, Memorial Days and Non-Working Days in the Republic of Croatia (*Zakon o blagdanima, spomendanima i neradnim danima u Republici Hrvatskoj*) (1991), Official Gazette (*Narodne novine*) Nos 14/1991, 33/1996, 96/2001, 13/2002, 136/2002, 112/2005, 59/2006, 55/2008, 74/2011, 130/2011, available at: narodne-novine.nn.hr/clanci/sluzbeni/2002_11_136_2194.html

⁵ Croatia, Ministry for demography, family, youth and social policy (*Ministarstvo za demografiju, obitelj, mlade i socijalnu politiku*) (2019), National Youth Strategy (*Nacionalni program za mlade*), press release, available at: www.mdmsp.gov.hr/istaknute-teme/mladi-i-volonterstvo/mladi-9015/nacionalni-program-za-mlade-9024/nacionalni-program-za-mlade-novo/10280

⁶ Croatia, Act on Housing Loan Subsidisation (*Zakon o subvencioniranju stambenih kredita*) (2017), Official Gazette (*Narodne novine*) No 65/2017, 76/2017, 61/2018, 66/2019, available at: narodne-novine.nn.hr/clanci/sluzbeni/2017_07_65_1493.html

⁷ Croatia, Ministry of Construction and Physical Planning (*Ministarstvo graditeljstva i prostornog uređenja*) (2019), press release, available at: www.mgipu.gov.hr/news/subsidisation-of-housing-loans-for-young-people/10371

In 2019, the third cycle of the ‘Make a wish - Employment Program for Women’ (*Zaželi – program zapošljavanja žena*)⁸ secured funds for the employment of more than 200 women disadvantaged in the labour market due to age (50+), secondary or lower education, disability, past addiction, homelessness, or being victim of domestic violence or human-trafficking.

In May 2019, a working group was formed to monitor the implementation of the National Plan for Combating Discrimination for the period 2017-2022⁹ and the Action Plan for the Implementation of the National Plan for Combating Discrimination for the period of 2017-2019¹⁰. A draft of the first implementation report should be available by the end of 2019.

2. Research findings, studies or surveys on either experiences of discrimination or rights awareness

The Zagreb Pride Association published the preliminary results of field research on the experience of discrimination, hate crime and violence against LGBTIQ persons. This is the second field survey conducted in the period from April to August 2019 on the sample of 767 persons living in Croatia and abroad.

The main objectives of the study were to examine participants' experiences of violence, discrimination and hate crime based on sexual orientation, gender identity and / or gender expression, and gender characteristics. The results show that as of 2013, up to 64% of those surveyed have experienced some form of violence based on sexual orientation, gender identity, gender expression and / or sexual characteristics. Responses to questions about experienced discrimination also indicate that over 60% of those surveyed experienced some form of discrimination, whether at school or at work, or in contact with institutions such as the police, the judiciary and health care. Complete results will be published in 2020¹¹.

⁸ Croatia, Ministry of Labour and Pension System (*Ministarstvo rada i mirovinskoga sustava*) (2019), press release, available at: www.esf.hr/objavljena-trideseta-odluka-o-financiranju-zazeli-program-zaposljavanja-zena/ and www.esf.hr/zazelizg/

⁹ Croatia, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*) (2017), National Plan for Combating Discrimination for the period of 2017-2022 (*Nacionalni plan za suzbijanje diskriminacije za razdoblje od 2017. do 2022. godine*), available at: ljudskaprava.gov.hr/UserDocsImages//dokumenti//Nacionalni%20plan%20za%20borbu%20protiv%20diskriminacije%20za%20razdoblje%20od%202017.%20do%202022..pdf

¹⁰ Croatia, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*) (2017), Action Plan for the implementation of the National Plan for Combating Discrimination for the period of 2017-2019 (*Akcijski plan za provedbu Nacionalnog plana za borbu protiv diskriminacije 2017.–2019.*), available at: ljudskaprava.gov.hr/UserDocsImages//dokumenti//Akcijski%20plan%20za%20provedbu%20Nacionalnog%20plana%20za%20borbu%20protiv%20diskriminacije%20za%20razdoblje%20od%202017.%20do%202019.%20godine.pdf

¹¹ Croatia, Zagreb Pride Association (*Udruženje Zagreb Pride*) (2019), Preliminary results of Zagreb Pride's field research: Coming out in Croatia still marked by fear of violence and discrimination (*Preliminarni rezultati terenskog istraživanja Zagreb Pridea: Izlazak iz tišine u Hrvatskoj i dalje obilježen strahom od nasilja i diskriminacije*), available at: www.zagreb-pride.net/hr/preliminarni-rezultati-terenskog-istrazivanja-zagreb-pridea-izlazak-iz-tisine-u-hrvatskoj-i-dalje-obiljezen-strahom-od-nasilja-i-diskriminacije/

Chapter 2. Racism, xenophobia and related intolerance

1. Legal, policy developments and measures relating to the application of the Racial Equality Directive

No important developments in 2019.

2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia

In 2019, a working group was established to develop new Rules of Procedure in hate crime cases¹², coordinated by the Office for Human Rights and Rights of National Minorities. The working group is composed of representatives of the Ministry of Interior, the State Attorney's Office and the Ministry of Judiciary. Even though draft Rules of Procedure were supposed to be published for public consultation during summer and adopted in autumn 2019, there is still no information on the result.

Following the recommendation of the European Commission against Racism and Intolerance (ECRI) to enhance training of law enforcement officials and the judiciary on hate crimes¹³, the Office for Human Rights and Rights of National Minorities, in cooperation with the Judicial Academy and the Centre for Peace Studies, developed and implemented a series of five workshops in 2019 for a total of 118 participants - judges, police officers, state attorneys, attorneys and CSOs, as follows:

- Split, 4 February 2019 - 22 participants (4 judges, 2 attorneys, 6 state attorneys, 6 police officers, 3 CSOs and one other),
- Osijek, 5 April 2019 - 28 participants (6 judges, 4 attorneys, 7 state attorneys, 7 police officers, 3 CSOs and 2 other),
- Varaždin, 17 May 2019 - 22 participants (4 judges, 3 attorneys, 5 state attorneys, 5 police officers, 2 CSOs and 3 other),
- Rijeka, 7 June 2019 - 24 participants (8 judges, one attorney, 5 state attorneys, 5 police officers, one CSO and 4 other) and
- Zagreb, 12 June 2019 - 24 participants (8 judges, one attorney, 5 state attorneys, 6 police officers, 2 CSOs and 3 other).

The Croatian Government's Office for Human Rights and Rights of National Minorities participated in the work of the High level group on combating racism, xenophobia and other forms of intolerance and its subgroup on combating hate speech on the Internet in 2019. The Centre for Peace Studies will participate at the fifth monitoring cycle in November and December 2019.

According to the 2019 legislative activities plan adopted at the Government's 136th session¹⁴, a draft of the Law on the prevention of inappropriate behaviour on social networks should be available in the third quarter of 2019, but there is yet no information on the process.

The Ombudspersons' Office conducted a survey on online hate speech among youth (18 to 30 years of age, Internet users), on a nationally representative sample by gender and region, with the sample size of 501

¹² Croatia, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*) (2011), Rules of Procedure in hate crime cases (Protokol o postupanju u slučaju zločina iz mržnje), available at: www.pravamanjina.gov.hr/UserDocsImages/arihiva/protokoli/Protokol%20o%20postupanju%20u%20slu%C4%8Daju%20zlo%C4%8Dina%20iz%20mr%C5%BEnje.pdf

¹³ Council of Europe, European Commission against Racism and Intolerance (ECRI) (2018), ECRI Report on Croatia (fifth monitoring cycle), Strasbourg, Council of Europe, 15 May 2018, available at: www.rm.coe.int/fifth-report-on-croatia/16808b57be

¹⁴ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), available at: www.vlada.gov.hr/UserDocsImages//2016/Sjednice/2019/136%20sjednica%20VRH//136%20-%202.pdf

respondents. The results were presented at a roundtable "Hate Speech on the Internet and Youth" held at the Faculty of Political Science, University in Zagreb on 9 December, to mark the International Human Rights Day. The goal of the survey was to gain insight into the activities and practices of youth on the Internet, their perceptions of the presence of hate speech on the Internet, as well as to see the level of exposure of youth to hate speech and expressions of intolerance. The results show that in the last five years, almost every second young person experienced personal harassment or insults on the Internet, and 96% of young people in the last three months witnessed offensive comments on social media platforms based on national or ethnic origin, gender, religious affiliation, skin colour, sexual orientation, physical appearance or financial status¹⁵.

¹⁵ Croatia, Office of the Ombudsperson (*Ured pučke pravobraniteljice*) (2019), Presentation of the survey results „Hate Speech on the Internet and Youth“ (*Predstavljeni rezultati istraživanja „Govor mržnje na Internetu i mladi“*), available at: www.ombudsman.hr/hr/predstavljeni-rezultati-istrazivanja-govor-mrznje-na-internetu-i-mladi/

Chapter 3. Roma integration

1. Measures and developments addressing Roma/Travellers segregation

As regards the field of education, there were 65 classes which included only Roma pupils at the beginning of the school year 2018/2019, which is an increase in comparison to the school year 2017/2018 (when there were 60 classes with only Roma pupils).¹⁶ Of the 65 classes, 2 were in the Primorje-Gorski Kotar County, 2 in the Koprivnica-Križevci County, 5 in the Varaždin County, 2 in the Brod-Posavina County and 54 in the Međimurje County.¹⁷ The Action Plan for the Implementation of the National Roma Inclusion Strategy 2013 – 2020, for the period from 2019 to 2020, adopted on 29 August 2019, foresees a measure (measure 2.3.8.) specifically addressing segregation in the education system: “implementation of an expert assessment of the situation and the needs in areas inhabited by larger number of Romani people, with recommendations on methods to decrease the number of classes attended only by the Roma”.¹⁸

According to the Croatian Employment Service’s records, 410 new Roma were included in the active labour market policy programmes from 1 January 2019 to 31 October 2019.¹⁹ Roma mostly participate in the ‘public works’ active employment measure.²⁰ ‘Public works’ is a “programme based on socially useful work initiated by the local community or civil society organizations. The aim of the measure is to include unemployed persons.”²¹ The measure can last for six or nine months. According to the Ombudsperson’s Office, even though it is a short-term employment measure, it does have certain benefits, as for some beneficiaries it is a first working experience and to others it gave an opportunity to regulate health insurance.²²

¹⁶ Croatia, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*), Report on the Implementation of the National Roma Inclusion Strategy 2013 – 2020, for 2018 (*Izvešće o provedbi Nacionalne strategije za uključivanje Roma, za razdoblje od 2013. do 2020. godine, za 2018. godinu*) (2019), available at: www.vlada.gov.hr/sjednice/176-sjednica-vlade-republike-hrvatske-26596/26596

¹⁷ Croatia, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*), Report on the Implementation of the National Roma Inclusion Strategy 2013 – 2020, for 2018 (*Izvešće o provedbi Nacionalne strategije za uključivanje Roma, za razdoblje od 2013. do 2020. godine, za 2018. godinu*) (2019), available at: www.vlada.gov.hr/sjednice/176-sjednica-vlade-republike-hrvatske-26596/26596

¹⁸ Croatia, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*), Action Plan for the Implementation of the National Roma Integration Strategy 2013 – 2020, for 2019 – 2020 (*Akcijski plan za provedbu Nacionalne strategije za uključivanje Roma 2019. – 2020.*) (2019), available at: www.vlada.gov.hr/sjednice/176-sjednica-vlade-republike-hrvatske-26596/26596, p. 19

¹⁹ Croatia, Croatian Employment Service (*Hrvatski zavod za zapošljavanje*), Monthly Statistical Bulletin 10 (*Mjesečni statistički bilten 10*) (2019), available at: www.hzz.hr/content/stats/1019/HZZ_stat_bilten_10_2019.pdf

²⁰ Croatia, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*), Report on the Implementation of the National Roma Inclusion Strategy 2013 – 2020, for 2018 (*Izvešće o provedbi Nacionalne strategije za uključivanje Roma, za razdoblje od 2013. do 2020. godine, za 2018. godinu*) (2019), available at: www.vlada.gov.hr/sjednice/176-sjednica-vlade-republike-hrvatske-26596/26596

²¹ Croatia, Ministry of Labour and Pension System and Croatian Employment Service (*Ministarstvo rada i mirovinskog sustava i Hrvatski zavod za zapošljavanje*), Public work (*Javni rad*), available at: mjere.hr/mjere/javni-rad/

²² Written interview with Ombudsman Office, October 2019

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

On 29 August 2019, the Croatian Government adopted the Action Plan for the Implementation of the National Roma Inclusion Strategy 2013 – 2020, for the period from 2019 to 2020²³. The Action plan follows the structure of the National Roma Inclusion Strategy, and includes the following areas: education, employment and inclusion in economic life; healthcare; social welfare; spatial planning, housing and environmental protection; inclusion in cultural and social life; status resolution, combating discrimination and assistance in exercising the rights of the Roma minority; improvement of the implementation, coordination and consistence of the programme with the international standards and agreements in the field of human rights and the rights of minorities. HRK 125.167.979,00 have been allocated in the State Budget for the implementation of the Action Plan²⁴. HRK 45.916.530,00 have been allocated for the implementation of measures in the area of education; HRK 27.453.000,00 for employment and inclusion in economic life; HRK 19.958.823,00 for spatial planning, housing and environmental protection; HRK 10.233.000,00 for the inclusion of the Roma national minority in social and cultural life; HRK 4.040.000,00 for social welfare and HRK 405.019,00 for health protection.²⁵ In addition, HRK 17.081.607,00 have been allocated for the improvement of implementation, monitoring, and strengthening of coordination.²⁶

Concerning the area of education, scholarships have been introduced for all Roma secondary school pupils who failed a grade²⁷. In addition, scholarships for Roma secondary school pupils and university students have been raised, and an award for completing secondary school education has been introduced. Since the beginning of the school year 2019/2020, the scholarship for secondary school education has been raised from HRK 500 to HRK 700²⁸, and the scholarship for higher education has been raised from HRK 1.000 to HRK 1.300²⁹. The award for

²³ Croatia, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*), Action Plan for the Implementation of the National Roma Integration Strategy 2013 – 2020, for 2019 – 2020 (*Akcijski plan za provedbu Nacionalne strategije za uključivanje Roma 2019. – 2020.*) (2019), available at: www.vlada.gov.hr/sjednice/176-sjednica-vlade-republike-hrvatske-26596/26596

²⁴ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Decision on the Action Plan for the Implementation of the National Roma Integration Strategy 2013 – 2020, for 2019 – 2020 (*Zaključak o Akcijskom planu za provedbu Nacionalne strategije za uključivanje Roma 2019. – 2020.*) (2019), available at: www.vlada.gov.hr/sjednice/176-sjednica-vlade-republike-hrvatske-26596/26596

²⁵ Croatia, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*), Action Plan for the Implementation of the National Roma Integration Strategy 2013 – 2020, for 2019 – 2020 (*Akcijski plan za provedbu Nacionalne strategije za uključivanje Roma 2019. – 2020.*) (2019), available at: www.vlada.gov.hr/sjednice/176-sjednica-vlade-republike-hrvatske-26596/26596

²⁶ Croatia, Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*), Action Plan for the Implementation of the National Roma Integration Strategy 2013 – 2020, for 2019 – 2020 (*Akcijski plan za provedbu Nacionalne strategije za uključivanje Roma 2019. – 2020.*) (2019), available at: www.vlada.gov.hr/sjednice/176-sjednica-vlade-republike-hrvatske-26596/26596

²⁷ Croatia, Ministry of Science and Education (*Ministarstvo znanosti i obrazovanja*), Decision on the Criteria and the Realization of the Right to Scholarship for Regular Students Attendants of Secondary Schools Members of the Roma National Minority for the School Year 2019/2020 (*Odluka o kriterijima i načinu ostvarivanja prava na stipendiju za redovite učenike polaznike srednjih škola pripadnike romske nacionalne manjine za školsku godinu 2019./2020.*) (2019), available at: mzo.gov.hr/vijesti/odluka-o-kriterijima-i-nacinu-ostvarivanja-prava-na-stipendiju-za-redovite-ucenike-polaznike-srednjih-skola-pripadnike-romske-nacionalne-manjine-za-skolsku-godinu-2019-2020/3136

²⁸ Croatia, Ministry of Science and Education (*Ministarstvo znanosti i obrazovanja*), Decision on the Criteria and the Realization of the Right to Scholarship for Regular Students Attendants of Secondary Schools Members of Roma National Minority for the School Year 2019/2020 (*Odluka o kriterijima i načinu ostvarivanja prava na stipendiju za redovite učenike polaznike srednjih škola pripadnike romske nacionalne manjine za školsku godinu 2019./2020.*) (2019), available at: mzo.gov.hr/vijesti/odluka-o-kriterijima-i-nacinu-ostvarivanja-prava-na-stipendiju-za-redovite-ucenike-polaznike-srednjih-skola-pripadnike-romske-nacionalne-manjine-za-skolsku-godinu-2019-2020/3136

²⁹ Croatia, Ministry of Science and Education

completing secondary school education is now awarded on a one-time basis, and it amounts to HRK 1.500 for finishing three-year secondary education programmes and HRK 3.000 for finishing four-year secondary education programmes.

The allocation of financial means to aid the Roma national minority was planned during 2019. On April 12, the Central State Office for Reconstruction and Housing Care published the Annual programme for housing care and the improvement of living conditions for Members of the Roma national minority for the year 2019, pursuant to Activity 8.3.2 of the Operative Programme for the Roma National Minority.³⁰ In accordance with the Annual Programme, a Commission was designated to decide on the allocation of finances, with prior approval by the NRIS Monitoring and Implementation Council. The Annual Programme sets the criteria for granting financial aid to members of the Roma national minority to improve their quality of life. However, the allocation criteria are not clear, as the Annual Programme provides only exclusion criteria. The funds are available in the budget of the Central State Office for Reconstruction and Housing Care, but the criteria are not transparent, hindering the possibility to measure the effects of the measures.³¹

Two northern counties – the Varaždin County and the Međimurje County, where a substantial portion of Roma live (6368 live in the Međimurje County and 1270 in the Varaždin County, out of an estimated total of 24524 in Croatia in 2017³²) presented initiatives that may have an exclusionary effect on the Roma population. The officials of these two counties presented an initiative to distribute social benefits in vouchers in order to prevent spending money in casinos and bars.³³ Such measures have a potential discriminatory effect on Roma, as they form the majority of social aid beneficiaries in these counties.³⁴ The Roma representatives in these counties, the Roma minority representative in the Croatian Parliament and the Ombudsperson's Office reacted to these initiatives.³⁵

(*Ministarstvo znanosti i obrazovanja*), Rulebook on the Criteria and the Realization of the Right to Scholarship for Students Members of the Roma National Minority for the School Year 2019/2020 (*Pravilnik o uvjetima i načinu ostvarivanja prava na državnu stipendiju za student pripadnike romske nacionalne manjine*) (2019), available at: mzo.gov.hr/UserDocsImages//dokumenti/Obrazovanje/NacionalneManjine/Romi-Rok-31-10-2019//Pravilnik%20o%20uvjetima%20i%20nacinu%20ostvarivanja%20prava%20na%20drz%20stipendiju%20za%20studente%20pripadnike%20romske%20nacionalne%20manjine.pdf

³⁰ Croatia, Central State Office for Reconstruction and Housing Care (*Središnji državni ured za obnovu i stambeno zbrinjavanje*), Annual programme for housing care and the improvement of living conditions for members of the Roma national minority for the year 2019 (*Godišnji program za stambeno zbrinjavanje i poboljšanje uvjeta življenja pripadnika romske nacionalne manjine za 2019. godinu*), available at: sduosz.gov.hr/UserDocsImages/dokumenti/20190516122657.pdf

³¹ Written interview with the Ombudsperson's Office, October 2019

³² Kunac, S., Klasnić, K., Lalić, S., (2018) *Roma Inclusion in Croatia: Baseline Data Survey*, Zagreb, Centre for Peace Studies.

³³ E-Međimurje (2019), 'Pučka pravobraniteljica osudila uvođenje vaučera, Čačić odgovorio: 'Govorim isključivo o građanima Hrvatske'', 2 April 2019, available at: emedjimurje.rtl.hr/vijesti/varazdinska-zupanija/3423207/pucka-pravobraniteljica-osudila-uvodjenje-vaucera-cacic-odgovorio-govorim-iskljucivo-o-gradjanima-hrvatske/

and Faktograf (2019), 'Vaučer za geto', 20 March 2019, available at: faktograf.hr/2019/03/20/vaucer-za-geto/

³⁴ Interview with Ombudsperson's Office, October 2019

³⁵ Novosti (2019), 'Romska zajednica protiv uvođenja vaučera za hranu', 13 February 2019, available at: www.portalnovosti.com/romska-zajednica-protiv-uvodjenja-vaucera-za-hranu

Chapter 4. Asylum, visas, migration, borders and integration

Unaccompanied children reaching the age of majority

Area of support	Description
<p>Residence permit</p> <p><i>Reception conditions Directive (article 6 and 7) and Qualification Directive (articles 24 and 31)</i></p>	<p><i>Please explain whether unaccompanied children (non-asylum seekers and asylum seekers) get temporary permits and if they expire when turning 18. Please elaborate on which type of permit is granted when they reach 18 years and under which conditions (e.g. being enrolled in education, or having an employment contract.)</i></p> <p>According to the Family Act³⁶, a child is a person under the age of 18. Unaccompanied children are considered children until they reach the age of 18. After that, they have legal capacity to represent themselves, and are no longer considered children. The Ordinance on the method of implementation of special protection of children in the return procedure³⁷ provides a ban on entry and stay of unaccompanied children. According to Article 7 of the Ordinance, a child under the age of 14 cannot be deported. The ban is imposed as part of a decision on the expulsion/deportation as a consequence of illegal border crossing or attempting to illegally cross the State border or illegal stay, and is imposed for a period of three months to one year. It usually lasts for three months (90 days) and within that time-period, a guardian is responsible for solving the child's residence permit. In most cases, the guardian will either apply for asylum, start the family reunification procedure or apply for a residence permit on humanitarian grounds³⁸.</p> <p>If the child's residence is not resolved within the legally prescribed period, then he/she is deported to the country of origin (if older than 14).</p> <p>According to the law, children must be immediately enrolled in school, but there have been cases when this was not respected³⁹.</p>

³⁶ Croatia, Family Act (*Obiteljski Zakon*) (2015), Official Gazette (*Narodne novine*) No. 103/2015, available at: narodne-novine.nn.hr/clanci/sluzbeni/2015_09_103_1992.html

³⁷ Croatia, Ordinance on the method of implementation of special protection of children in the return procedure (*Pravilnik o načinu provedbe posebne zaštite maloljetnika u postupku povratka*) (2014), Official Gazette (*Narodne novine*) No. 99/2014, available at: narodne-novine.nn.hr/clanci/sluzbeni/2014_08_99_1955.html

³⁸ Croatia, Croatian Law Centre (*Hrvatski pravni centar*), telephone interview held on 24 September 2019

³⁹ Croatia, Centre for Missing and Abused Children (*Centar za nestalu i zlostavljanu djecu*), telephone interview held on 30 September 2019

<p>Guardianship (<i>representative under Reception Conditions Directive Article 24.1</i>)</p>	<p><i>Please elaborate on how the role of guardians is affected when the child reaches 18, and of any initiatives to expand the guardian’s support, for example transforming the guardian into a ‘mentor’ supporting the child until a certain age.</i></p> <p>If a police officer meets an unaccompanied child, he/she must immediately call a competent social welfare centre professional, who is obliged to respond to the call and be present at police operations. The police officer will initiate an urgent procedure to appoint a special guardian to the unaccompanied child from the list of special guardians⁴⁰.</p> <p>When the child reaches the age of 18, it is no longer entitled to a guardian. In some cases, guardians stay in contact with the child and advise him/her, but that is voluntary⁴¹.</p> <p>There have been initiatives to prolong guardianship, but these ideas currently have no legal background. Many civil society organisations have project-funded mentorship programmes and they would be appropriate for unaccompanied children. The expected new Social Welfare Act should introduce mentorship, but for now it is not foreseen⁴².</p>
<p>Accommodation <i>Reception Conditions Directive Article 24.2</i></p>	<p><i>Please explain what children reaching 18 years are entitled to in terms of accommodation, for example extension of foster care programmes until the age of 21, only transfer to an adult accommodation, or other accommodation support.</i></p> <p>An unaccompanied child is provided with accommodation in the welfare system. Exceptionally, if the unaccompanied child is an international protection seeker and is 16 or more years old, he/she may be placed in the Reception Centre for Asylum Seekers (if accompanied by an adult relative or it is assessed that such placement would be for the benefit of the child), where he or she will be provided with special reception guarantees⁴³.</p> <p>In practice, a child older than 14 is accommodated in an institution for children with behavioural issues. Lately, an agreement between the Ministry of Interior and the Ministry of Demography, Family, Youth and Social Policy has defined two referent centres for the accommodation of unaccompanied children⁴⁴, both homes for children with behavioural issues, in Zagreb and in Split. The first one is responsible for accommodating children caught in illegal residence in one of 17 Croatian counties and the other one for the remaining 4 counties.</p>

⁴⁰ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*) (2018), Protocol on the treatment of unaccompanied children (*Protokol o postupanju prema djeci bez pratnje*) (2018), available at: www.mdomsp.gov.hr/istaknute-teme/djeca-i-obitelj/djeca-bez-pratnje/10441

⁴¹ Croatia, Croatian Law Centre (*Hrvatski pravni centar*), telephone interview held on 24 September 2019

⁴² Croatia, Centre for Missing and Abused Children (*Centar za nestalu i zlostavljano djecu*), telephone interview held on 30 September 2019

⁴³ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Protocol on the treatment of unaccompanied children (*Protokol o postupanju prema djeci bez pratnje*) (2018), available at: www.mdomsp.gov.hr/istaknute-teme/djeca-i-obitelj/djeca-bez-pratnje/10441

⁴⁴ Croatia, Centre for providing services in the community Zagreb - Dugave (*Centar za pružanje usluga u zajednici Zagreb – Dugave*), telephone interview held on 24 September 2019

	<p>The Protocol on the treatment of unaccompanied children provides for the possibility that unaccompanied children stay with foster families, but this has not yet been used in practice.</p> <p>According to the Regulation on minimum conditions for providing social services⁴⁵, during his/her education, a child can be accommodated in a social welfare institution until the age of 21, and according to the Foster Care Act, with a foster family until the age of 26⁴⁶. However, this is not the practice with unaccompanied children⁴⁷.</p> <p>There are no children in Croatia who are reaching the age of 18 and who haven't applied for international protection, asylum or a refugee status. The children usually regulate their status or leave the country. The involved stakeholders believe that the system would find an option for such cases⁴⁸.</p>
<p>Return <i>Return Directive, Article 10</i></p>	<p><i>Please explain whether there are any special measures to prepare unaccompanied children for a return procedure and whether young adults receive any form of free assistance during eventual return procedures</i></p> <p>According to the Foreigners Act, the best interest of the child must be taken into consideration during the return procedure⁴⁹. In organizing and executing returns, police officers act in cooperation with children's guardians. An unaccompanied child cannot be handed over to the police, but only to the parents or the legal guardian/representative within the country of origin⁵⁰.</p>
<p>Others</p>	<p><i>e.g. special permissions to stay based on education or employment programme, etc.</i></p> <p>There are no examples.</p>

⁴⁵ Croatia, Regulation on minimum conditions for providing social services (*Pravilnik o minimalnim uvjetima za pružanje socijalnih usluga*) (2015), Official Gazette (*Narodne novine*), Nos. 40/14, 66/15, article 90, available at: narodne-novine.nn.hr/clanci/sluzbeni/2014_03_40_712.html

⁴⁶ Croatia, Foster Care Act (*Zakon o udomiteljstvu*) (2019), Official Gazette (*Narodne novine*), No 115/18, article 9, available at: narodne-novine.nn.hr/clanci/sluzbeni/2018_12_115_2240.html

⁴⁷ Croatia, Centre for Missing and Abused Children (*Centar za nestalu i zlostavljaju djecu*), telephone interview held on 30 September 2019.

⁴⁸ Croatia, Centre for providing services in the community Zagreb - Dugave (*Centar za pružanje usluga u zajednici Zagreb – Dugave*), telephone interview held on 24 September 2019

⁴⁹ Croatia, Foreigners Act (*Zakon o strancima*) (2017), Official Gazette (*Narodne novine*), Nos 130/2011, 74/2013, 69/2017, 46/2018, available at: narodne-novine.nn.hr/clanci/sluzbeni/2011_11_130_2600.html

⁵⁰ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*) (2018), Protocol on the treatment of unaccompanied children (*Protokol o postupanju prema djeci bez pratnje*) (2018), available at: www.mdomsp.gov.hr/istaknute-teme/djeca-i-obitelj/djeca-bez-pratnje/10441

Chapter 5. Information society, data protection

1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

The Croatian Personal Data Protection Agency (AZOP) implemented the activities foreseen in the T4DATA project (Training Data Protection Authorities and Data Protection Officers). T4DATA is a transnational project aiming to train data protection authorities and public officers on the practical implications and possible interpretations of the GDPR. The duration of the project was from January 2018 till December 2019. Four local seminars were held in 2019 exclusively for DPOs in the State administration, local and regional governments and legal entities with public authority: in Pula on 29 May 2019, in Split on 6 June 2019, in Vukovar on 11 June 2019 and in Zagreb on 13 June 2019⁵¹.

Moreover, the Croatian Personal Data Protection Agency representatives participate as trainers in a personal data protection programme organized by the State School for Public Administration. The purpose of the programme is to provide public officials with the necessary knowledge and understanding of personal data protection, the GDPR, as well as to raise awareness of the protection of personal data and to encourage responsible personal data management by state officials⁵².

In October 2019, a new piece of legislation has been adopted: the Act on the Ratification of the Protocol amending the Convention for the protection of individuals with regard to automatic processing of personal data⁵³. The Croatian Personal Data Protection Agency is in charge of its implementation.

The GONG civil society organisation informed us that the GDPR is frequently misused as an argument to withhold information which should be made available to the public⁵⁴. As an example, GONG stated that the GDPR is used as an excuse for not publishing judges' asset declarations⁵⁵. AZOP was informed about it. The GDPR was also used as an argument when the Conflict of Interest Prevention Commission denied the request to publish the asset declaration of Ms Dubravka Suica⁵⁶, a future European Commissioner. GONG submitted an appeal against the decision to the Information Commissioner⁵⁷. The final decision has not yet been delivered. GONG informed us they have not cooperated with AZOP in 2019 in data protection activities.

⁵¹ Croatia, Croatian Personal Data Protection Agency, T4DATA project, available at: www.azop.hr/projekti/detaljnije/projekt-t4data

⁵² Croatia, State School for Public Administration, Special programs: Protection of Personal Data-GDPR, available at: www.dsju.hr/dsju/calendar/workshop/detail/zastita-osobnih-podataka-gdpr-1582

⁵³ Croatia, Act on Confirmation of Protocol amending the Convention on the protection of individuals with regard to automatic processing of personal data (*Zakon o potvrđivanju Protokola kojim se mijenja i dopunjuje Konvencija za zaštitu osoba glede automatizirane obrade osobnih podataka*), Official Gazette (*Narodne novine*) NN 8/2019, available at: www.sabor.hr/sites/default/files/uploads/sabor/2019-09-13/114302/PZ_747.pdf

⁵⁴ Croatia, GONG, Faktograf.hr, fact-checking portal: faktograf.hr/2019/01/30/tajna-skupina-strucnjaka-odlucuje-kako-ce-ministarstvo-nade-murganic-dijeliti-novac/

⁵⁵ Croatia, GONG, Faktograf.hr, fact-checking portal: faktograf.hr/2017/07/13/buduci-predsjednik-vrhovnog-suda-borac-je-protiv-objave-imovinskih-kartica-sudaca/

⁵⁶ Croatia, GONG, Faktograf.hr, fact-checking portal: faktograf.hr/2019/09/27/sanader-imovinske-kartice-dubravke-suice-su-objavljene-mozete-ih-dobiti/; <https://faktograf.hr/2019/12/17/dobili-smo-stare-kartice-suica-je-u-rubrike-o-vrijednosti-imovine-upisivala-upitnike-ili-ih-ostavljala-praznima/>

⁵⁷ Croatia, GONG: www.gong.hr/media/uploads/ppi_rje%C5%A1enje_o_odbijanju_gong.pdf

2. Artificial intelligence and big data

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned?(yes/no)	Reference
HR	Government/Parliamentary	Adopted act	The Act on the Accessibility of Websites and Programming Solutions for Mobile Devices of Public Sector Bodies (Official Gazette No. 17/2019) has been adopted in February and entered into force in September 2019. The Act has been adopted in order to transpose the EU Directive 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies into national legislation and it will ensure accessibility of websites to persons with disabilities and compliance with international standards.	Yes	Yes	Croatian Parliament, Act on the Accessibility of Websites and Programming Solutions for Mobile Devices of Public Sector Bodies, Official Gazette No. 17/2019 (<i>Zakon o pristupačnosti mrežnih stranica i programskih rješenja za pokretne uređaje tijela javnog sektora, NN 17/2019</i>), available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_02_17_358.html
HR	Government/parliamentary	Draft act	The Ministry of Culture conducted a public consultation on the Draft National Digitization Plan for Cultural Heritage 2025. The National Digitization Plan for Cultural Heritage would offer significantly better opportunities to create new products and services based on content from diverse sources, overcome local and domain boundaries, enhance cross-agency cooperation and	No	No	Ministry of Culture (<i>Ministarstvo kulture</i>), Public consultation on draft National Plan for Digitalization of Cultural Heritage 2025 (<i>Javno savjetovanje o Nacrtu Nacionalnog plana digitalizacije kulturne baštine 2025.</i>), available at: www.esavjetovanja.gov.hr/ECon/MainScreen?entityId=10350

			create easily accessible cultural content for reuse in education, arts, science, tourism and economy.			
HR	Government/Parliamentary	Adopted decision	The Ministry of Science and Education has brought two decisions on the curricula for high school subjects Philosophy and Ethics. The Philosophy curriculum provides that the notion of AI is discussed within the “Body and Mind” section. The Ethics curriculum provides for two mandatory sections: “Technological improvement of humans” and “Technological advancement and moral responsibility”, which address issues such as trans humanism, cloning and AI.	Yes	N/A	The Ministry of Science and Education (<i>Ministarstvo znanosti i obrazovanja</i>), Decision on the adoption of the Philosophy curriculum for high schools in the Republic of Croatia, Official Gazette No. 7/2019 (<i>Odluka o donošenju kurikuluma za nastavni predmet Filozofije za gimnazije u Republici Hrvatskoj, NN 7/2019</i>), available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_01_7_158.html and the Decision on the adoption of the Ethics curriculum for high schools in the Republic of Croatia, Official gazette No. 10/2019 (<i>Odluka o donošenju kurikuluma za nastavni predmet Etike za gimnazije u Republici Hrvatskoj, NN 10/2019</i>), available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_01_10_207.html
HR	Business	Other projects	In Croatia, the first IoT base station was installed and commissioned in Zagreb in 2018. It is a Sigfox station whose technology is based on high cost efficiency and low energy consumption, since it is not used for telephone and Internet surfing, but provides an easy and direct connection. The service does not use the existing telecommunications infrastructure, but builds its own network and brings new opportunities that will be available to everyone for use for own solutions. There through began the construction of a national IoT network led by IoT NET Adria in Croatia.	N/A	N/A	Online article “IoT ili Internet stvari”, Ofir company website, available at: www.ofir.hr/post/iot-ili-internet-stvari IoT Adria company website, available at: www.iotnet.hr/
HR	Business	Other projects	In February 2019, the Minister of Economy, Entrepreneurship and Crafts participated in the Competitiveness Council (COMPET) meeting held in Brussels. The Council's discussions	N/A	N/A	Online article at the Ministry for the Economy, Entrepreneurship and Crafts' website: Digitization, competitiveness and artificial intelligence are the focuses of the COMPET Council meeting, link available at:

			covered topics related to competitiveness, digitalisation, artificial intelligence, a long-term strategic vision for a climate-neutral economy and the European Semester. The Minister presented two key documents for the Republic of Croatia - the Strategic Planning Document for the Introduction of Artificial Intelligence and the Strategic Planning Document for the Digital Transformation of the Croatian Economy, which will serve as bases for the allocation of funds in the upcoming Financial Perspective 2021-2027. The national artificial intelligence plan is still under construction and is expected to be completed by the end of 2019.			www.mingo.hr/page/digitalizacija-konkurentnost-i-umjetna-inteligencija-u-fokusu-sastanka-compet-vijeca Online article at Jutarnji list website: Where happened to the development of artificial intelligence in Croatia? link available at: euractiv.jutarnji.hr/EiG/digitalnapolitika/gdje-je-zapeo-razvoj-umjetne-inteligencije-u-hrvatskoj/8405105/
HR	Business	Other projects	The 42nd International Conference on Information and Communication Technology, Electronics and Microelectronics - MIPRO 2019 was held in Opatija from 20 th till 24th May, 2019, organized by the Croatian Association for Information and Communication Technology, Electronics and Microelectronics (MIPRO), under the auspices of the President of the Republic of Croatia, the Ministry of Economy, Entrepreneurship and Crafts, and five other ministries of the Republic of Croatia, as well as numerous other institutions. This year's International ICT Meeting presented five plenary keynote lectures, six workshops, five roundtables, seminars, company presentations and exhibitions. The Plenary Roundtable was	N/A	N/A	Online article at the Ministry of Economy, Entrepreneurship and Crafts' website: The emphasis of this year's MIPRO conference on artificial intelligence and new technologies link available at: www.mingo.hr/page/naglasak-ovogodisnje-konferencije-mipro-na-umjetnoj-inteligenciji-i-novim-tehnologijama

			held on the "Strategy for the Development of Artificial Intelligence and Smart Environments", organized and initiated by the Minister of Economy, Entrepreneurship and Crafts. The plenary roundtable brought together prominent experts and scholars, such as the director of the Rudjer Boskovic Institute, the Vice-Dean of the Faculty of Electrical Engineering and Computing (FER), the Dean of the Faculty of Organization and Informatics, the Ericsson Nikola Tesla CEO, the Director of Microsoft Croatia, the Director of IBM Croatia and an APIS IT Member, while the entire discussion was moderated by the founder and CEO of Infodom.			
HR	Government/Parliamentary	Draft act	In relation to the "Internet of Things", HAKOM provides expert assistance to the Ministry of the Sea, Transport and Infrastructure in drafting a law transposing Directive 2018/1972 on the European Electronic Communications Code, which partially regulates signal transmission issues in the machine-to-machine communication (M2M)	N/A	N/A	

*For the actors, please pick from the following suggestions:

- Government/ Parliamentary
- DPA
- NGO/Other Non Profit
- Academia
- Domestic Courts
- Business
- Independent State Institution
- Other

** for the type, please pick from the following suggestions:

- National Draft Acts / Adopted Acts
- report/study
- other projects

3. Data retention

The Ministry of the Sea, Traffic and Infrastructure informed us that the issue of data retention is governed by Articles 109 and 110 of the Electronic Communications Act. No legislative changes are foreseen at this time. The outcome of the EU-level debate on this issue needs to be known before any changes to the relevant legal provisions are made to regulate data retention and their use. According to their information, the debate at EU level has not yet resulted in a concrete legislative proposal.

HAKOM informed us that there are no new laws or subordinate legislation regarding the retention of information obtained or processed while providing electronic communications services. At the EU level, the legislative proposal for an e-Privacy Regulation that should address these issues is still under discussion. Once adopted, they reiterated it will be directly applicable in all Member States and will not require specific national rules for transposition.

Article 109 of the ECA obliges the providers of public communication networks to retain electronic communication data to enable the investigation, detection and prosecution of criminal offenses and to protect the defence and national security in accordance with special laws. Article 109 of the ECA speaks generally of the obligation to retain information without specifying the circle of persons. The focus is on the retention of data, which implies the data of all users of electronic communications. Service providers are under Art. 109. ECA obliged to retain the information for a period of twelve months from the date of communication. As relates access to information, operators are obliged to submit the retained data to the competent authority without delay. The provision of Article 109, paragraph 5 of the ECA specifically prescribes the security principles for the retained information which the service providers must abide by: the retained information must be appropriately protected from accidental or unlawful destruction, accidental loss or alteration, unauthorized or unlawful storage, processing, access or disclosure; access to retained data must be limited solely to competent authorities' officials entitled to access such information; the retained data must be destroyed after the expiration of the retention period with exceptions; providers have to provide at their own expense the necessary technical and organizational measures to fully implement the safety principles. To ensure compliance with the data retention rules, the law stipulates service providers' misdemeanour liability. Operators can be found guilty and penalized for a misdemeanour under the provision of Article 118 ECA if they do not fulfil their data retention obligations.

Article 110 of the ECA prescribes the types of data that must be retained: the data necessary for the monitoring and identification of the source of communication; the data required to determine the destination of communication; the data necessary for determining the date, time and duration of communication; the data necessary for determining the type of communication; the data necessary for the identification of the user's communication equipment; the data required to determine the location of the mobile communication equipment. It should be noted that the law prohibits the retention of data disclosing the content of communication. Operators can be penalized for a misdemeanour if they do not comply with that prohibition. Article 105 paragraph 4 of the ECA stipulates that the established information on malicious or disturbing calls, SMS or MMS messages must be retained by the public communications service operator in accordance with Article 109 and submitted without delay to the competent police administration for further process.

However, not only ECA regulates electronic communication retention. The issue is also covered in the Criminal Procedure Act⁵⁸ (hereinafter: CPA) and the Law on the Security and Intelligence System of the Republic of Croatia⁵⁹. Article 339a of the CPA prescribes that the evidentiary action, which consists of access to retained data, should be taken only to gather evidence for the prosecution of the most serious crimes. Article 339a of the CPA provides that the police, on the basis of an investigating judge's order, may request a public communications service operator the information on the registered owner or user of a telecommunication asset, if they suspect that the person committed a crime, in order to verify their identity, the duration and the frequency of communication with specific electronic addresses, to identify the position of the communication device, and to determine the location of persons who established an electronic communication, and the device identification codes. The CPA sets clear criteria as to which criminal offenses must be committed to request access to retained data.

Article 19 paragraph 5 of the Law on the Security and Intelligence System of the Republic of Croatia stipulates that legal and natural persons who are in possession of a public telecommunications network and provide public telecommunications and access services in the Republic of Croatia must preserve the data on the realized telecommunication traffic which relate to the users of the services for one year. It can be concluded that the retained data concerns all users of electronic communications.

⁵⁸ Croatia, Criminal Procedure Act (*Zakon o kaznenom postupku*) (2008), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, available at: narodne-novine.nn.hr/clanci/sluzbeni/2008_12_152_4149.html

⁵⁹ Croatia, Law on the Security and Intelligence System of the Republic of Croatia (2006) (*Zakon o sigurnosno obavještajnom sustavu Republike Hrvatske*) Official Gazette (*Narodne novine*) Nos 79/06, 105/06, available at: narodne-novine.nn.hr/clanci/sluzbeni/2006_07_79_1912.html

Chapter 6. Rights of the child

1. Procedural safeguards for children who are suspects in criminal proceedings

<p>Legislative changes</p>	<p><i>e.g. reform of the criminal code</i></p> <p>Amendments to the Law on Judicial Cooperation in Criminal Matters with EU Member States entered into force on 1 August 2019, introducing a new Article 24d which transposes the provisions of the Directive 2016/800, establishing the procedure for cases when criminal proceedings are initiated against a child⁶⁰.</p> <p>In July 2019, amendments to the Law on Police Duties and Powers entered into force, stipulating, among other, that police powers towards minors may be exercised only by a police officer specially trained for working with young people who in the course of the proceedings must take into consideration the best interests of the minor and protect his/her privacy⁶¹.</p> <p>Public consultations were conducted on the Draft amendments to the Law on Juvenile Courts, which regulates criminal proceedings against juveniles suspected or accused of criminal offences. The aim of the amendments is to introduce new procedural safeguards for juveniles suspected or accused in criminal proceedings, in order to strengthen their procedural position. The public consultations were completed in June 2019, and in July 2019 the Parliament adapted the Draft Law in the first reading. Finally, on 13 December 2019, the Parliament adopted the amendments and they entered into force on 1 January 2020.⁶²</p>
<p>Policy developments</p>	<p><i>e.g. guidance or training for law enforcement officers on the treatment of child suspects; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection</i></p> <p>There were no developments in 2019.</p>
<p>Other measures or initiatives</p>	<p><i>E.g. relevant activities to promote alternatives to detention; community involvement or general initiatives related to the dissemination and information in relation to the entering into force of the Directive.</i></p> <p>There were no developments in 2019.</p>

⁶⁰ Croatia, Law on Judicial Cooperation in Criminal Matters with EU Member States (*Zakon o pravosudnoj suradnji u kaznenim stvarima s državama članicama Europske unije*) (2010), Official Gazette (*Narodne novine*) Nos. 91/10, 81/13, 124/13, 26/15, 102/17, 68/18, 70/19, available at: narodne-novine.nn.hr/clanci/sluzbeni/2010_07_91_2569.html

⁶¹ Croatia, Law on Police Duties and Powers (*Zakon o policijskim poslovima i ovlastima*) (2009), Official Gazette (*Narodne novine*) Nos. 76/09, 92/14, 70/19, available at: narodne-novine.nn.hr/clanci/sluzbeni/2009_07_76_1835.html

⁶² Croatia, Law on amendments to the Law on Juvenile Courts (*Zakon o izmjenama i dopunama Zakona sudovima za mladež*) (2011), Official Gazette (*Narodne novine*), Nos 84/11, 143/12, 148/13, 56/15, 126/19, available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2528.html

2. Legal and policy measures or initiatives developed about child internet safety

No specific legal or policy measures have been developed concerning child internet safety in 2019. The Audio-visual media Directive should be transposed into the Croatian legal system through the Electronic Media Act⁶³. The Ministry of Culture, as the competent body, is currently drafting the new Electronic Media Act which will be referred to legislative procedure by the end of April 2020⁶⁴.

The Association of Juvenile and Family Judges and Experts for Children and Youth organized an interdisciplinary expert panel on the topic of "Unacceptable Behaviour of Youth on Social Networks and the Internet". The panel discussed the problem of computer technology misuse by and against children and youth⁶⁵.

During 2019 other civil society organizations also organized trainings and preventative programmes regarding child internet safety. For example, upon the marking of the "Safe internet Day 2019", the Centre for safer Internet published educational materials for children, youth, teachers and other experts.⁶⁶ The Centre for missing and exploited children Osijek organized an educational on-line platform "Safe on the internet", intended for the education of students, parents and experts on child safety in the on-line environment.⁶⁷ They also run a free helpline where children and their parents can find help in cases of inappropriate on-line content and cyber bullying, and where they can file reports which are forwarded to the police.⁶⁸

The National Strategy for Children's Rights for the period 2014 – 2020, which contains provisions of protecting children against abuse on the internet is in force, however no specific actions were conducted in this area during 2019⁶⁹.

The Red Button, an application introduced in 2013 by the Ministry of Interior, intended to report illegal online content concerning various forms of exploitation or abuse of children, is still in use⁷⁰.

⁶³ Croatia, Electronic Media Act, (*Zakon o elektroničkim medijima*) (2009), Official Gazette (*Narodne novine*) Nos. 153/09, 84/11, 94/13, 136/13, available at: narodne-novine.nn.hr/clanci/sluzbeni/2009_12_153_3740.html

⁶⁴ Communication with the Ministry of Culture, 16 December 2019

⁶⁵ Croatia, Association of Juvenile and Family Judges and Experts for Children and Youth (*Udruga sudaca za mladež, obiteljskih sudaca i stručnjaka za djecu i mladež*), press release, available at: uszm.hr/neprihvatljivo-ponasanje-mladih-u-virtualnom-svijetu/

⁶⁶ Center for safer Internet, (*Centar za sigurniji internet*), www.csi.hr/p/materijali-i-savjeti

⁶⁷ Center for missing and exploited children Osijek, (*Centar za nestalu i zlostavljano djecu Osijek*), cnzd.org/o-nama

⁶⁸ www.csi.hr/hotline/ and cnzd.org/hotline-hr

⁶⁹ Croatia, National Strategy for Children's Rights for the period 2014 – 2020 (*Nacionalna strategija za prava djece za period 2014. – 2020.*), available at: vlada.gov.hr/UserDocsImages/ZPPI/Strategije%20-%20OGP/socijalna%20politika/NACIONALNA%20STRATEGIJA%20ZA%20PRAVA%20DJECE%20U%20RHZA%20RAZDOBLJE%20OD%202014.%20DO%202020.%20GODINE%5B1%5D.pdf

⁷⁰ Croatia, Ministry of Interior (*Ministarstvo unutarnjih poslova*), redbutton.mup.hr/

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

At its session held on 3 January 2019⁷¹, the Croatian Government adopted the Action Plan for the Implementation of the National Strategy for the Development of the Victim and Witness Support System in the Republic of Croatia for the period 2019-2020⁷².

The National Strategy had been adopted on 2 July 2015, for the period from 2016 till 2020, with the aim of improving the existing regulatory and institutional victim and witness support system. The focus of the National Strategy was on improving the coordination of inter-agency activities, standardizing the witness and victim support procedures, improving the normative framework, developing an information system for monitoring the implementation of support, further inclusion of civil society organizations and strengthening international cooperation.

The aim of the Action Plan is to contribute to further improvement of the existing normative, institutional and organizational support system for victims and witnesses by planning activities, upgrading the normative framework, involving civil society organizations and strengthening international cooperation. The Action Plan details the activities and timeframes to provide victims and witnesses with adequate support and assistance in all stages of criminal proceedings and to avoid additional trauma, reduce fear and provide protection. The Action Plan, among other things, envisages the development of a protocol for all competent authorities and stakeholders in contact with victims and witnesses, establishment of support offices in all county courts, availability of psychosocial services, establishment of a system for collecting and monitoring data on the number of victims, and creating a register of civil society organizations providing support and assistance to victims and witnesses.

No other legislation, policy or other type of measure implementing the Victims' Rights Directive in 2019 has been adopted.

2. Violence against women

In January 2019, the new Act on Housing Care in Areas of Special State Concern⁷³ entered into force, granting domestic violence victims who reside in those areas the right to housing care, which is a positive step forward. However, the Act also suffers from a whole range of deficiencies, which will inevitably negatively reflect on the realization of the victims' rights.

For example, the urgency of granting housing care is compromised by the prescribed condition that the victim must dispose of a final court judgment on domestic violence. Another limiting factor in terms of equal protection is the fact that housing care is only temporary, with no possibility of permanent accommodation outside the areas of special State concern.

Other conditions are that the victim does not own or co-own another house or apartment in Croatia, does not have sufficient financial means to pay for accommodation, and is not in a position to earn money. All these conditions make it difficult for victims to quickly and timely find a safe place to live and organize their life.

⁷¹ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), available at: pravosudje.gov.hr/UserDocsImages/dokumenti/Pravo%20na%20pristup%20informacijama/Zaklju%C4%8Dak%20uz%20AP.pdf

⁷² Croatia, Action Plan for the Implementation of the National Strategy for the Development of the Victim and Witness Support System in the Republic of Croatia (*Akcijski plan za provedbu Nacionalne strategije sustava podrške žrtvama i svjedocima u Republici Hrvatskoj za razdoblje do 2020. godine*) (2019), available at: pravosudje.gov.hr/UserDocsImages/dokumenti/Pravo%20na%20pristup%20informacijama/Akcijski%20plan%202019-2020.pdf

⁷³ Croatia, Act on Housing Care in Areas of Special State Concern (*Zakon o stambenom zbrinjavanju na potpomognutim područjima*) (2018), Official Gazette (*Narodne novine*) No. 106/18, available at: narodne-novine.nn.hr/clanci/sluzbeni/2018_11_106_2057.html

During 2019, the Government's Office for Housing Care and Reconstruction, the competent authority for granting housing care on the basis of the Act on Housing Care in Areas of Special State Concern, received eight requests which are currently in the process of the enforcement.⁷⁴

In June 2019, the Croatian Government adopted a new Protocol for domestic violence cases⁷⁵.

The purpose of the Protocol is to ensure timely and effective implementation of existing regulations on the protection from domestic violence, to enhance cooperation and reduce domestic violence in the long term. The Protocol provides for an integrated approach of all stakeholders involved in the protection of victims of violence. The Protocol introduces preventative programmes in educational institutions and requires early risk identification and information exchange among all included authorities and stakeholders in order to establish comprehensive victim protection. The Protocol particularly recognizes the role of civil society organizations and the media in shaping public attitudes about domestic violence and in promoting gender equality awareness.

Further, public consultations on the new draft Ordinance on the execution of restraining orders, stalking/harassment prohibitions and eviction orders, as stipulated in the Law on Protection from Domestic Violence, have been completed in March 2019. The Minister of Interior adopted the new Ordinance, which entered into force on 30 March 2019⁷⁶.

The new Ordinance aims to improve victim protection and end negative practices which led to further victimization without providing victims with effective protection. So far, the enforcement of these measures was focused solely on the victim; police officers would occasionally visit and call the victim to verify if the abuser contacted her, while the perpetrator was not contacted. The new draft Ordinance aims to partially modify this practice and stipulates, among other things, that while the protective measure is in force the appointed supervisor must regularly contact the perpetrator to determine if he complies with the imposed measure and warn him of the consequences for the case he violates the measure.

Finally, on 13 December 2019, the Parliament adopted amendments to the Criminal Code⁷⁷, the Criminal Procedure Code⁷⁸ and the Law on Protection against Domestic Violence⁷⁹, which entered into force on 1 January 2020. The introduced changes aim to ensure a more effective legal protection of domestic and sexual violence victims. A new definition of physical violence which constitutes misdemeanour is stipulated in the Law on Protection Against Domestic Violence, in order to ensure its clear distinction from the criminal offense of domestic violence, as prescribed in the Criminal Act. It is stipulated that physical violence, within the meaning of the Law on Protection Against Domestic Violence, is defined as use of physical force resulting in no physical injury. The Law on Protection Against Domestic Violence also stipulates stricter sanctions for perpetrators of domestic violence.

The most important change stipulated in the amendments to the Criminal Code relates to the new definition of the criminal act of rape: each non-consensual sexual intercourse or sexual activity is

⁷⁴ Communication with the Government's Office for Reconstruction and Housing, 2 December 2019

⁷⁵ Croatia, Protocol for Domestic Violence Cases (*Protokol o postupanju u slučaju nasilja u obitelji*) (2019), available at: mup.gov.hr/UserDocsImages//dokumenti//Protokol_o_postupanju_u_slucaju_nasilja_u_obitelji-usvojila_Vlada_19_6_2019.pdf

⁷⁶ Croatia, Ordinance on the execution of restraining orders, stalking/harassment prohibitions and eviction orders (*Pravilnik o načinu provedbe zaštitnih mjera zabrane približavanja, uznemiravanja ili uhođenja žrtve nasilja u obitelji te mjere udaljenja iz zajedničkog kućanstva*) (2019), Official Gazette (Narodne novine) No. 28/2019, available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_03_28_577.html

⁷⁷ Croatia, Law on amendments to the Criminal Code (*Zakon o izmjenama i dopunama Kaznenog zakona*) (2011), Official Gazette (*Narodne novine*) Nos. 125/11, 144/12, 56/15, 61/151, 01/17, 118/18, available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2529.html

⁷⁸ Croatia, Law on amendments to the Criminal Procedure Code (*Zakon o izmjenama i dopunama Zakona o kaznenom postupku*) (2008), Official Gazette (*Narodne novine*) Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2530.html

⁷⁹ Croatia, Law on amendments to the Law on Protection against Domestic Violence (*Zakon o izmjenama i dopuni Zakona o zaštiti od nasilja u obitelji*) (2017), Official Gazette (*Narodne novine*) Nos. 70/17, 126/19, available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2531.html

considered rape, even when there was no force or threat on behalf of the perpetrator⁸⁰. Accordingly, it is stipulated that the criminal offense of sexual intercourse without consent, defined as non-consensual sexual intercourse without the use of force or threat, is removed from the Croatian criminal legislation⁸¹. Another important change has been stipulated regarding the criminal act of domestic violence; the element of long victim's suffering caused by exposure to serious breaches of domestic violence protection regulations is added to the description of this criminal offense⁸². The aim of this amendment is clearer distinction of the criminal act of domestic violence from certain other criminal acts committed against a close person.

No other legislation, policy or other type of measure in this area has been adopted in 2019 .

⁸⁰ Croatia, Law on amendments to the Criminal Code (*Zakon o izmjenama i dopunama Kaznenog zakona*) (2011), Official Gazette (*Narodne novine*) Nos. 125/11, 144/12, 56/15, 61/151, 01/17, 118/18, available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2529.html, Article 153 (1)

⁸¹ Croatia, Law on amendments to the Criminal Code (*Zakon o izmjenama i dopunama Kaznenog zakona*) (2011), Official Gazette (*Narodne novine*) Nos. 125/11, 144/12, 56/15, 61/151, 01/17, 118/18, available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2529.html, Article 152

⁸² Croatia, Law on amendments to the Criminal Code (*Zakon o izmjenama i dopunama Kaznenog zakona*) (2011), Official Gazette (*Narodne novine*) Nos. 125/11, 144/12, 56/15, 61/151, 01/17, 118/18, available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_12_126_2529.html, Article 179 a

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

1. CRPD policy & legal developments

During public consultation on the Draft Proposal of the Regulation on the Criteria for Evaluating Housing Care Applications in January 2019, the Ombudsperson for Persons with Disabilities stressed out possible difficulties which could arise from the proposed text and suggested additional clarifications in its terminology. Namely, she pointed to variations in the term “disabilities” and the need of its distinction from the term “health condition”. She has also emphasized the importance of defining the exact documents which will be used to prove disability for the purpose of granting housing care, as there is neither a single document that defines disability, nor a single document establishing the percentage of disability⁸³.

In her reaction to the rejection of amendments she proposed to the Act on Liner Shipping and Seasonal Coastal Maritime Transport, the Ombudsperson for Persons with Disabilities emphasized how urgent it was to provide children with disabilities, their parents and people with disabilities who live on islands with free transportation, in order to enable them access to social and health services and necessary rehabilitation programmes. The Ombudsperson therefore found unacceptable the justification that the issue would be considered in future, within complete amendments to the Act. The Ombudsperson’s Office considers that other instruments and measures are available to the Croatian Government and the competent Ministry, which can ensure free ferry transportation for children and adults with disabilities who live on Croatian islands before and regardless of future amendments to the Act⁸⁴.

In September 2019, the Act on the Accessibility of Websites and Programming Solutions for Mobile Devices of Public Sector Bodies⁸⁵ will enter into force for public bodies whose websites have been created after 23 September 2018. For all other bodies, the application of this Act will begin on 23 September 2020. Through the adoption of this Act, Croatia transposes EU Directive 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of websites and mobile applications of public sector bodies (Web Accessibility Directive), whose aim is to ensure that digital content is fully accessible to persons with disabilities and to provide easier access to public services and cultural content.

The Ombudsperson for Persons with Disabilities informed us that in 2019 the Croatian Government would appoint the Early Intervention Commission, the highest level governing body charged with adopting a strategic document for the establishment of an early support system for children at risk.

During 2019, the Ombudsperson for Persons with Disabilities gave her recommendations to Croatian cities and police administrations, highlighting the problem of irregular parking at parking spaces designated and reserved for persons with disabilities (with reference to Article 8 - Awareness Raising, Article 9 - Accessibility of the CRPD). She recommended joint preventative and repressive actions to suppress such violations of the rights of persons with disabilities. Her recommendations resulted in:

- (1) the implementation of new preventative actions and a more intensive support of the cities by the associations that are carried out such activities;
- (2) an increased number of police repressive actions; and
- (3) an active cooperation of the Ombudsperson for Persons with Disabilities with all stakeholders involved in this issue.

In order to align domestic legislation with CRPD provisions, the Ombudsperson for Persons with Disabilities proposed amendments to the following regulations:

⁸³ Croatia, Office of the Ombudsperson for Persons with Disabilities (*Ured pravobraniteljice za osobe s invaliditetom*) (2019), suggestions of legislative changes, available at: posi.hr/prijedlozi-izmjene-propisa/; public consultation, available at: esavjetovanja.gov.hr/ECon/MainScreen?entityId=10009

⁸⁴ Croatia, Office of the Ombudsperson for Persons with Disabilities (*Ured pravobraniteljice za osobe s invaliditetom*) (2019), reaction to the decision to reject the proposal for amendments to the Act on Liner Shipping and Seasonal Coastal Maritime Transport, available at: posi.hr/reagiranje-na-odluku-odbacivanja-prijedloga-izmjena-i-dopuna-zakona-o-prijevozu-u-linijskom-i-obalnom-pomorskom-prometu/

⁸⁵ Croatia, Act on the Accessibility of Websites and Programming Solutions for Mobile Devices of Public Sector Bodies (*Zakon o pristupačnosti mrežnih stranica i programskih rješenja za pokretne uređaje tijela javnog sektora*) (2019), Official Gazette (*Narodne novine*) No, 17/2019, available at: narodne-novine.nn.hr/clanci/sluzbeni/2019_02_17_358.html

- 1) Ordinance on the execution of restraining orders, stalking/harassment prohibitions and eviction orders (Referring to Art. 16 - Freedom from exploitation, violence and abuse, CRPD)
- 2) Rulebook on the organization and methods of medical transport (with reference to Art. 25 - Health, CRPD)
- 3) Protocol for Domestic Violence Cases (Referring to Art. 16 - Freedom from exploitation, violence and abuse, CRPD)
- 4) Rulebook on the working hours of health care institutions and private health care professionals in the public health service network (with reference to Art. 25 - Health, CRPD)
- 5) Rulebook on the Amendments to the Victim and Witness Support Service Protocol (Referring to Art. 16 - Freedom from exploitation, violence and abuse, CRPD)
- 6) Draft Act on the Prevention of Violence in Sports Competitions (with reference to Article 30-Participation in cultural life, recreation, leisure and sport, CRPD)

2. CRPD monitoring at national level

In February 2019, the Ombudsperson for Persons with Disabilities and the Ministry of State Property signed the Agreement on the assignment of premises for the Split regional office. The Split regional office opened and started working in September 2019. This will be the second regional office of the Ombudsperson for Persons with Disabilities in Croatia⁸⁶. The first regional office was in Osijek.

The Expert Council of the Ombudsperson for Persons with Disabilities held its third-term inaugural meeting in January 2019. The Expert Council is composed of representatives of organizations and associations of persons with disabilities and parents of children with disabilities, as well as representatives of the academic community. The members were selected through a public call announced in December 2018. The focuses of the meeting were deinstitutionalization, organization of life and services in the community for persons with disabilities, implementation of laws and regulations, and the importance of the persons with disabilities' and their representatives' participation in drafting relevant laws and regulations⁸⁷.

On 27 March 2019, the Commission of the Croatian Government for Persons with Disabilities held a plenary session. The Commission is a Croatian Government's advisory and expert body established by the Decision on the Establishment of the Commission of the Government of the Republic of Croatia for Persons with Disabilities (Official Gazette, No. 19/17). The Commission is composed of State bodies' representatives (19), representatives of the academic community (2) and representatives of persons with disabilities' organizations and associations (17). Its task is to offer the Government proposals, opinions and professional explanations concerning the position, protection and rehabilitation of persons with disabilities and their families, and to carry out activities aimed at their well-being. During the plenary session, the Ombudsperson for Persons with Disabilities gave a number of proposals to improve the existing legislation on irregular parking and to improve accessibility, including the proposal to exempt persons with disabilities from paying parking tolls. She emphasized the need to harmonize expert evaluation methodology and amend the legislation in order to promote the rights of persons with disabilities. She also stressed the need to enable transportation to persons with disabilities at all levels, outlining that as long only some persons with disabilities are provided with the possibility of transport, a large portion of them will be isolated and discriminated. To address this issue, she proposed the Commission to appoint a body to review European practices and propose the best way of defining the criteria for exercising these rights. She also stressed the need to better align the Regulation on Expert Methodologies with the Convention on the Rights of Persons with Disabilities, which would also facilitate harmonization of laws that are yet to be adopted.

On 10 October 2019, the Ombudsperson for Persons with Disabilities, together with the Croatian Institute for Public Health, the Association for psychosocial assistance 'Susret' and the Association 'Ludruga', initiated a conference called 'Mental health! Community recovery models. Where are we?' (Referring to Article 8 - Lifting levels of consciousness, Art. 12. - Equality before the law, Art. 19. - Independent living

⁸⁶ Croatia, Office of the Ombudsperson for Persons with Disabilities (*Ured pravobraniteljice za osobe s invaliditetom*) (2019), news: posi.hr/pripreme-za-otvorenje-podrucnog-ureda-pravobraniteljice-za-osobe-s-invaliditetom-u-splitu/

⁸⁷ Croatia, Office of the Ombudsperson for Persons with Disabilities (*Ured pravobraniteljice za osobe s invaliditetom*) (2019), news: posi.hr/osnivacki-sastanak-iii-saziva-strucnog-savjeta-pravobraniteljice-za-osobe-s-invaliditetom/

and involvement in community and art. 25. - Health, CRPD). The goal of the Conference was to establish a networking platform for various stakeholders necessary for cross-agency cooperation in the field of mental health in Croatia, to promote the objectives defined in the Twinning project ‘Insuring optimal care for people with mental health disorders’(2016-2017), to improve mental health protection through capacity building in the community, and to enhance public awareness about mental health problems. The conclusions of the conference have been sent to State bodies in order to establish and fund non-institutional mobile support teams.

The Ombudsperson for Persons with Disabilities held 6 consultations in 5 counties. The consultations gathered representatives of cities, associations of persons with disabilities and children with disabilities, and institutions. The goal was to exchange experiences, offer suggestions to improve the position of children and persons with disabilities, and to initiate greater involvement of persons with disabilities at the local level in the decision-making processes regarding their position. The consultation helped clarify certain provisions of the CRPD (primarily CRPD principles and definitions and Art. 19 Independent living and community life and Art. 9 Accessibility).

Table: Structures set up for the implementation and monitoring of the CRPD

EUMS	Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)	Coordination mechanism – Article 33 (1)	Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)
HR	Ministry of Demography, Family, Youth and Social Policy (<i>Ministarstvo za demografiju, obitelj, mlade i socijalnu politiku</i>)		Ombudsperson for Persons with Disabilities (<i>Pravobranitelj za osobe s invaliditetom</i>); Commission of the Government of the Republic of Croatia for persons with disabilities (<i>Povjerenstvo Vlade Republike Hrvatske za osobe s invaliditetom</i>)

Annex 1 – Promising Practices

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.</p>
Title (original language)	„Želiš li se mijenjati za mjesto?“
Title (EN)	"Do you want to trade for my place?"
Organisation (original language)	SPLIT PARKING d.o.o. za komunalne usluge
Organisation (EN)	SPLIT PARKING d.o.o. for utilities
Government / Civil society	City company
Funding body	City of Split
Reference (incl. url, where available)	<p>http://www.splitparking.hr/</p> <p>https://web.facebook.com/pg/split.parking/posts/?ref=page_internal</p> <p>https://www.radiodalmacija.hr/split-parking-predstavio-kampanju-zelis-li-se-mijenjati-za-mjesto/</p> <p>https://www.radiodalmacija.hr/kampanja-zelis-li-se-mijenjati-za-mjesto-tema-u-bruxellesu-split-nam-je-pokazao-odlican-primjer/</p> <p>http://split.com.hr/novosti/vijesti/u-sklopu-kampanje-zelis-li-se-mijenjati-za-mjesto-radnici-split-parkinga-posramili-neodgovorne-vozace</p>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Through 2018 and 2019, ongoing
Type of initiative	Campaign for persons with disabilities
Main target group	Citizens, drivers (both persons with and without disabilities)
Indicate level of implementation: Local/Regional/National	Local and regional level
Brief description (max. 1000 chars)	The main objective of this campaign is to warn all citizens not to park in accessible parking spaces provided for people with disabilities unless they themselves have a right to an accessibility sign. Personalized road signs with photos of a person with a disability directly ask their fellow citizens if they want to change positions. The goal of the campaign is to help solve a major problem that people with disabilities are facing, which is abuse of a nationwide accessibility sign. The campaign aims to contribute to improving the quality of life of the disabled person. After the City of Split, the campaign is implemented in a large number of cities in the

	Republic of Croatia, and given the content of the activities, it is carried out either in an identical manner or by adding similar activities aimed at raising awareness of citizens.
Highlight any element of the actions that is transferable (max. 500 chars)	Since campaign activities do not require significant financial resources, it is easily implemented in all areas where there is a need and desire to implement it. Elements of activities that can be transmitted are further a way of influencing and raising the general population's awareness of the needs of PWD, which is implemented by the presence in parking lots (additional information and traffic signs), contributions on social networks, recordings of motivational activities, posters, etc.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is sustainable because it aims to influence all drivers, those without disabilities (not to park in accessible parking spaces) and those with disabilities (not to allow others to abuse their accessibility signs). The campaign activities themselves are effective and targeted at specific offenders, well-publicized, and the results are measurable (eg, recorded number of this type of offense - verifiable in police reports).
Give reasons why you consider the practice as having concrete measurable impact	Practice can be measured by monitoring the number of violations identified due to parking in accessible parking spaces.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	In all countries, there are accessibility signs (eg blue badge, parking card, etc.) that allow PWDs and persons with reduced mobility to park at parking spaces reserved for them. Data and facts indicate that more and more motor vehicles are on the road today and that motor vehicles are growing in size. On the other hand, more and more parking spaces are provided (especially in urban areas). An important reason why this kind of campaign and practice is transferable is because it is very easy to implement.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Without major difficulties and special adjustments, both people with disabilities and children can participate in the design, preparation and production of campaign content and materials.
Explain, if applicable, how the practice provides for review and assessment.	Control of the number of violations identified in relation to the number of controls carried out in the periods before and during and after the campaign.

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Treninzi o zločinima iz mržnje (čl. 87(21)) i javnom poticanju na nasilje I mržnju (čl. 325) Kaznenog zakona
Title (EN)	Training on Criminal Code provisions on hate crimes (Article 87 (21)) and illegal hate speech - public incitement to hatred and violence (Article 325)

Organisation (original language)	Ured za ljudska prava i prava nacionalnih manjina Vlade RH / Centar za mirovne studije / Pravosudna akademija
Organisation (EN)	Office for Human Rights and the Rights of National Minorities to the Government of the Republic of Croatia / Centre for Peace Studies / Judicial Academy
Government / Civil society	Government in partnership with civil society
Funding body	State budget in combination with funds from Rights, Equality and Citizenship Programme of the European Union (Against Hate project Centre for Peace Studies is implementing in Croatia, lead applicant: Ministry of Justice of the Republic of Finland)
Reference (incl. url, where available)	https://ljudskaprava.gov.hr/vijesti/odrzan-drugi-u-ciklusu-seminara-pod-nazivom-zlocin-iz-mrznje-i-govor-mrznje-dana-4-veljace-2019-godine-u-regionalnom-centru-pravosudne-akademije-u-splitu/857 https://ljudskaprava.gov.hr/vijesti/odrzan-treci-u-ciklusu-seminara-pod-nazivom-zlocin-iz-mrznje-i-govor-mrznje-dana-5-travnja-2019-godine-u-regionalnom-centru-pravosudne-akademije-u-osijeku/879 https://ljudskaprava.gov.hr/vijesti/odrzan-cetvrti-u-ciklusu-seminara-pod-nazivom-zlocin-iz-mrznje-i-govor-mrznje-dana-17-svibnja-2019-godine-u-regionalnom-centru-pravosudne-akademije-u-varazdinu-891/891 https://ljudskaprava.gov.hr/vijesti/odrzan-peti-u-ciklusu-seminara-pod-nazivom-zlocin-iz-mrznje-i-govor-mrznje-dana-7-lipnja-2019-godine-u-regionalnom-centru-pravosudne-akademije-u-rijeci/894
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Through 2019
Type of initiative	Educational trainings
Main target group	Participants include judges, lawyers, state attorneys, police officers and civil society representatives.
Indicate level of implementation: Local/Regional/National	National level
Brief description (max. 1000 chars)	Set of educational training in five regional centres of Croatia on the Criminal Code provisions for a mixed group of professionals involved in different aspects of these criminal offences - hate crimes as defined in Article 87 (21) and incitement to hatred and violence as defined in Article 325. Curricular includes the elaboration of the legal definitions of these criminal offences, international sources, national legislative framework, case-law of the European Court of Human Rights, support and protection for victims as outlined in the Victims' Rights Directive ⁸⁸ and hands-on part with examples to practice on (workshop part).
Highlight any element of the actions that is transferable (max. 500 chars)	Most of the elements are transferable – the design of the curricular (with the content adjusted to legal and institutional framework) and the group selection.
Give reasons why you consider the practice as	The activity is sustainable and it can be adjusted and extended to last more than one day and to cover more content.

⁸⁸ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, available in English at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029&from=EN>

sustainable (as opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	The evaluation was conducted after the trainings and this is the feedback that was given – participants expressed they now have better understanding of the complexity of these criminal offences.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	As it is the very basic and much needed approach in all EU Member States as a part of the wider strategy to combat hate crimes and hate speech.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	In the curricular design phase - a judge and a state attorney were involved together with the Office for Human Rights representative. Implementation phase – CSOs were involved to participate in the sessions and give overview of their scope of activities.
Explain, if applicable, how the practice provides for review and assessment.	Through official data on hate crimes reported, investigated and prosecuted in comparison for 2018 and 2019.

Thematic area	ROMA INTEGRATION Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.
Title (original language)	Muzej osobnih priča Roma
Title (EN)	Museum of Personal History of the Roma People
Organisation (original language)	Fade In and Romski resursni centar
Organisation (EN)	Fade In and Roma Resource Center
Government / Civil society	Civil society
Funding body	European Union, European Social Fund
Reference (incl. url, where available)	Museum of Personal Stories, About the Project, available at: muzejosobnihprica.com/en/about-the-project/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	February 2018 – July 2019
Type of initiative	Culture; Raising competences; Education; Raising awareness
Main target group	young members of the Roma community aged 15 to 25 from Darda and Slavonski Brod
Indicate level of implementation: Local/Regional/National	Local

<p>Brief description (max. 1000 chars)</p>	<p>The exhibition Stories of the Roma People is part of the project Museum of Personal History of the Roma People, conducted by Fade In in partnership with Roma Resource Centre from Darda. As part of the project Museum of Personal History of the Roma People, sixteen young members of the Roma community aged 15 to 25 from Darda and Slavonski Brod acquired a wide array of creative knowledge and skills in the fields of audio-visual recording, conducting of interviews, and film editing.</p> <p>The aim of the project Museum of Personal History of the Roma People is the inclusion of young members of the Roma community in the creation of cultural product, bringing closer the history of Croatian Roma groups to the wider community, and their integration in society through the cultural and artistic project that is focused on the strengthening of Romani identity through personal stories, portrait photographs, and items that bear significance to the storytellers.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>Similar projects can be transferred both to other local communities in Croatia and other EU member states, and wider. The exhibition itself can travel and raise awareness about history and position of Roma in Croatia, but also similar projects can be used in other contexts.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)</p>	<p>The exhibiton is still present online and it can be used in various ways: e.g. as a teaching material, as an awareness raising compaign etc.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>This practice has several concrete impacts. Firstly, sixteen young Roma had an opportunity to gain knowledge and skills in the fields of audio-visual recording, conducting of interviews, and film editing which can be beneficial for their employment opportunities, but also in the field of their inclusion in the social and cultural life of the communities. Also, a number of people attended the exhibition in Rijeka and Osijek, which was used to raise awareness of general population about the history and position of Roma in Croatia.</p>
<p>Give reasons why you consider the practice as transferrable to other settings and/or Member States?</p>	<p>As stated above, similar projects can be transferred both to other local communities in Croatia and other EU member states, and wider. The exhibition itself can travel and raise awareness about history and position of Roma in Croatia, but also similar projects can be used in other contexts.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>This project has been conducted in cooperation between civil society organization dealing with video-production (Fade In) and a local Roma organization Romski resursni centar. A number of members of Roma national minority were directly included in the all stages of project implementation, including design, planning and implementation of the project activities. This serves as a good practice example of cooperation between independent culture sector and Roma rights activists.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	Asylum, visas, migration borders and integration Please provide a promising practice on the support provided to unaccompanied children when reaching majority.
	No promising practice has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, DATA PROTECTION Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
Title (original language)	Stručno-edukativni skup „Zaštita osobnih podataka djece u digitalnom dobu“
Title (EN)	Expert-educational event “Protection of Personal Data of Children in the Digital Age”
Organisation (original language)	Agencija za zaštitu osobnih podataka
Organisation (EN)	The Agency for the Protection of Personal Data (DPA)
Government / Civil society	Government
Funding body	Government
Reference (incl. url, where available)	Press release on the event: https://azop.hr/aktualno/detaljnije/priopcenje-za-medije-povodom-europskog-dana-zastite-osobnih-podataka-2019
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	28 January 2019
Type of initiative	Expert-educational event
Main target group	Public institutions dealing with the protection of children and their rights / Children
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Agency for the Protection of Personal Data (DPA) organized an expert and educational event called "Protection of Personal Data of Children in the Digital Age" to mark the European Day of Personal Data Protection on 28 January 2019. The meeting brought together experts from key institutions dealing with the protection of children and their rights such as: representatives of the Croatian DPA, the Ombudsman for Children, representatives of the Cyber Security and Juvenile Delinquency and Crime Service within the Police Directorate, the Croatian Academic Research Network, the University Computing Centre and the Croatian Regulatory Authority for Network Industries (HAKOM). Given that children are recognized as a particularly vulnerable group and that the GDPR places particular emphasis on children and the protection of their personal data, this expert event contributed to raising professional

	awareness of the importance of protecting the personal data of children. It was also aimed to encourage institutions to cooperate more intensively and to emphasize their role in continued awareness raising of the general public on this topic.
Highlight any element of the actions that is transferable (max. 500 chars)	The concept of expert educational meeting organized by the national DPA for representatives of public bodies is transferable to any environment. Data protection of children and common threats thereto that come with the digital age are issues of general concern that are present everywhere. Similarly, additional efforts to tackle them are likely to be initiated and welcome in other environments.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This educational event could serve as an example for the DPA to organize similar expert meetings on other, more narrow topics concerning data protection of certain vulnerable groups of citizens.
Give reasons why you consider the practice as having concrete measurable impact	The participants of the event were representatives of relevant institutions responsible for the protection of children and their rights. Given the emerging challenges and threats for children safety and data protection in the digital age, the response and participation of a significant number of public bodies on the expert educational event demonstrates their awareness of the issue and need to consult the DPA as an intermediary which can provide them with guidance on data protection and help them comply with data protection standards as well as improve the efficiency of their work.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	This practice could be applied in other Member States since it includes an educational expert event organized by the national DPA on a specific, highly relevant topic related to data protection. The stakeholders involve national institutions that work more closely with the vulnerable group concerned and protection of data of children in the digital age represents an issue present in every setting and Member State.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Stakeholders are representatives of relevant public institutions who have a chance to present main obstacles they encounter in their work, exchange experiences among each other and discuss potential threats that shall be taken into consideration.
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter.
Title (original language)	Red button
Title (EN)	Red button
Organisation (original language)	Ministarstvo unutarnjih poslova

Organisation (EN)	Ministry of Interior
Government / Civil society	Government
Funding body	State funding
Reference (incl. url, where available)	redbutton.mup.hr/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	September 2013 - continuous
Type of initiative	Preventive initiative
Main target group	Children, general public
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	An application intended to report illegal online content concerning various forms of exploitation or abuse of children on the internet. It is designed to be especially child friendly and easy to use and allows children to report suspicious content on the internet or suspicious behaviour of others on the internet.
Highlight any element of the actions that is transferable (max. 500 chars)	Easy to use, child friendly designed on-line application that allows children and their parents to quickly report abuse.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The fundings are secured by the state which ensures it's continuous application.
Give reasons why you consider the practice as having concrete measurable impact	It's form enables children and others to report illegal content and abuse on the internet in a timely manner, immediately when the violence accures, or when the illegal content is found, encouraging in that way reporting of the illegal acitivites in a greater number of cases unlike the regular procedure of reporting.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	It's content and form are easily applicable in different settings.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A

Explain, if applicable, how the practice provides for review and assessment.	The police gathers information on the submitted reports in which way it is easy to measure its effect in practice.
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Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter
Title (original language)	Nacionalni multimodularni preventivni program „Lily“
Title (EN)	National Multi-modular Preventive Programme „Lily“
Organisation (original language)	Ministarstvo unutarnjih poslova Republike Hrvatske
Organisation (EN)	Ministry of Interior of the Republic of Croatia
Government / Civil society	Government in partnership with civil society organizations and public sector
Funding body	Government and business sector funding
Reference (incl. url, where available)	https://lily.com.hr/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	June 2019 - continuous
Type of initiative	Preventive programme
Main target group	General public
Indicate level of implementation: Local/Regional/National	National level
Brief description (max. 1000 chars)	Lily is a new national programme introduced by the Ministry of Interior with the aim of prevention of violence against women, promotion awareness and importance of gender equality. This project has a intermodular character and will be continuously implemented through cooperation of all competent state bodies, civil society organizations and business sector through corporate social responsibility which allows allocation of financial means to involved organizations for the activities aimed at prevention and suppression of domestic violence. It involves different activities such as education of experts, public gatherings, presentations, lectures, media campaigns as well as activities targeting men in order to achieve long term reduction of violence against women and strengthening their position in the society.
Highlight any element of the actions that is transferable (max. 500 chars)	Cooperation between non-governmental and business sector through corporate social responsibility.

Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	It involves different stakeholders on all levels and is carried out through mutual cooperation of government and non governmental organizations and is funded by the state.
Give reasons why you consider the practice as having concrete measurable impact	It has a wide public outreach and media coverage which contributes to its effectiveness.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	It includes wide range of activities which can be applicable to different settings depending of specific needs and detected problematic areas in each state.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	Savjetodavne Regionalne radionice o provedbi i praćenju provedbe Nacionalne strategije izjednačavanja mogućnosti za osobe s invaliditetom od 2017. do 2020. godine i Konvencije o pravima osoba s invaliditetom UN-a
Title (EN)	Advisory Regional workshops on the implementation and monitoring of the implementation of the National Strategy of Equal Opportunities for Persons with Disabilities from 2017 to 2020 and the UN Convention on the Rights of Persons with Disabilities
Organisation (original language)	Ministarstvo za demografiju, obitelj, mlade i socijalnu politiku
Organisation (EN)	Ministry for Demography, Family, Youth and Social Policy
Government / Civil society	Government
Funding body	Government
Reference (incl. url, where available)	Ministry for Demography, Family, Youth and Social Policy, Persons with Disabilities, Regional Advisory Workshops 2019, available at: https://mdomsp.gov.hr/istaknute-teme/osobe-s-invaliditetom-i-starije-i-

	nemocne-osobe/osobe-s-invaliditetom-1740/zakonodavni-okvir-medjunarodni-i-nacionalni-dokumenti/savjetodavne-regionalne-radionice-2019-godina/10792
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	31 January - 4 February 2019
Type of initiative	Advisory workshops
Main target group	Coordinators and stakeholders in charge of implementing measures of National Strategy for Persons with Disabilities on local and regional level
Indicate level of implementation: Local/Regional/National	Regional events (5 regions), organized and implemented on national (central) initiative
Brief description (max. 1000 chars)	<p>The Ministry for Demography, Family, Youth and Social Policy has organized 5 one-day advisory Regional workshops on the implementation and monitoring of implementation of the National Strategy of Equal Opportunities for Persons with Disabilities (2017-2020) and the UN CRPD.</p> <p>The participants of the workshops were representatives of coordinators and stakeholders in charge of implementing the National Strategy for Persons with Disabilities and the CRPD on local and regional level. The goal of the workshops was their capacity building for monitoring the implementation of the Strategy and CRPD, enhancing cooperation and coordination among the responsible stakeholders on national and local level, analysis of the existing challenges for the implementation of National Strategy and CRPD, preparation for reporting on the implementation of the National Strategy as well as the full implementation of the CRPD into national legislation and strategic documents on national and local level.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	The practice is easily transferrable to other settings because it involves a public institution on central level which organizes regional workshops in order to enhance the implementation of national strategy and encourage regional/local stakeholders to adopt local strategies and measures resulting with a more successful protection of persons with disabilities throughout the country.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This practice is sustainable as the full implementation of the CRPD into national legislative and strategic documents is an ongoing process and so is the achievement of full implementation of all National Strategy measures as well as follow-up of their implementation.
Give reasons why you consider the practice as having concrete measurable impact	The practice has measurable impact because it involved a large number of stakeholders in different regions of the country who implement measures for the protection of persons with disabilities on their area and who report on the measures taken and the results achieved.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The practice is transferrable to other settings/ Member States because it is organized by a central national insitutuion in charge of coordinating activities for the implementation of CRPD throughout the country. Each Member State has its own infrastructure responsible for CRPD implementation which could undertake additional efforts in relation to its own circumstances in order to enhance the implementation of measures for the protection of persons with disabilities on the regional and local level.

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Stakeholders and beneficiaries take part in the workshops and thereby get the opportunity to exchange experiences, discuss common obstacles that they encounter and suggest ideas on how to tackle them as well as learn from each other's good practices.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The practice provides for review through measuring the level of cooperation among local and regional stakeholders, development and implementation of local strategic measures, as well as through implementation indicators of the National Strategy such as evaluation of the Strategy in order to assess its effect on end users.</p>

Annex 2 – Case law

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report</p>
	No case law has been identified for this thematic area.

Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.</p>
	No case law has been identified for this thematic area.

Thematic area	<p>ROMA INTEGRATION</p> <p>Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.</p>
	No case law has been identified for this thematic area.

Thematic area	<p>INFORMATION SOCIETY, DATA PROTECTION</p> <p>Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter</p>
	No case law has been identified for this thematic area.

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.
	No case law has been identified for this thematic area.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter..
Decision date	28 May 2019
Reference details	I Kž Us 68/2019, Supreme Court of the Republic of Croatia
Key facts of the case (max. 500 chars)	Case before the Supreme Court was instituted by the defendant who filed an appeal against the decision of the County Court which in the course of proceedings decided to exclude the public from the trial in criminal proceedings which were conducted against him. In his appeal the defendant stated that the decision on exclusion of public from trial presented violation of his right to a fair trial and his right that on the indictment against him would be decided in public and adversarial proceedings.
Main reasoning/argumentation (max. 500 chars)	The Supreme Court rejected the appeal as unfounded stating that exclusion of the public from the hearing does not represent violation of procedural rights of the defendant since this decision aims on protection of rights and interests of victims among which there are also children. Therefore, according to the Directive the Court has the obligation to protect their privacy.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Supreme Court of the Republic of Croatia in its decision gave reasoning that exclusion of the public from trial in criminal proceedings does not represent violation of the defendant's right to a fair trial, giving in that way priority to the protection of privacy of the victims. In this decision the Court referred to the regulation of the Directive 2012/29/EU.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Not applicable
Key quotation in original language and translated into English with reference details (max. 500 chars)	„Naime, točno je da je isključenje javnosti s rasprave iznimka propisana odredbom članka 388. ZKP/08, međutim, nasuprot žalbenom prigovoru, isključenjem javnosti s rasprave u konkretnom slučaju nije povrijeđeno načelo javnosti sudske rasprave zajamčeno odredbom članka 120. Ustava Republike Hrvatske, niti pravo na pravično suđenje u smislu odredbe članka 6. Konvencije jer su za isključenje javnosti bile ostvarene zakonske pretpostavke iz članka 388. stavka 2. točke 4. ZKP/08. radi zaštite osobnog i obiteljskog života sudionika u postupku.“ „Naime, protiv optuženika M. M. i dr. na temelju izmijenjene optužnice vodi se kazneni postupak, između ostalog, i zbog kaznenih djela prostitucije u sastavu zločinačkog udruženja iz članka 157. stavka 1. u svezi s člankom 329. stavkom 1. točkom 2. KZ/11 i kaznenog djela podvođenja djeteta iz članka 162. stavka 1. KZ/11 pa, s obzirom na prirodu kaznenih

	<p>djela koja se optuženicima stavljaju na teret i sadržaj dokaza koji se trebaju izvesti na raspravi, očito je da će se tijekom postupka iznositi i pojedinosti iz života žrtava, među kojima su i osobe koje su tempore criminis bile maloljetne, a koje osobe je sud dužan zaštititi, prvenstveno primjenom instituta isključenja javnosti sa rasprave, a što je u skladu i s odredbama Direktive 2012/29/EU Europskog parlamenta i vijeća od 25. listopada 2012. o uspostavi minimalnih standarda za prava, potporu i zaštitu žrtava kaznenih djela, prema kojoj žrtva ima pravo na zaštitu svoje privatnosti i dostojanstva te pravo na zaštitu od sekundarne viktimizacije uslijed vođenja kaznenog postupka.“</p> <p>„It is correct that exclusion of the public from the trial presents exception regulated by article 388 of Criminal Procedure Act, however, in this case exclusion of the public did not violate the principle of public hearing which is guaranteed by the article 120 of the Constitution, as well as the right to a fair trial as prescribed by article 6 of the Convention because the legal preconditions under Article 388 (2) 4 of the Criminal Procedure Act which aim to protect personal and family life of other participants in the proceedings were fulfilled.“</p> <p>„By the indictment the accused MM is being prosecuted, inter alia, for the criminal offenses of prostitution under Article 157 (1) in conjunction with Article 329 (1) (2) Criminal Code/11, and the criminal offense of enticement of children under Article 162 (1) of the Criminal Code/11, and given the nature of the criminal offenses in question as well as the content of evidence to be presented during the trial, it is evident that details from the lives of the victims will be presented during the proceedings, including persons who were juvenile tempore criminis, and whom the court is required to protect, primarily by applying the institute of exclusion of public from the trial, which is in accordance with the provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 on establishing minimum standards on the rights, support and protection of victims of crime, according to which the victim has the right to the protection of his/her privacy and dignity and the right to protection against secondary victimization resulting from criminal proceedings.“</p>
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Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.</p>
Decision date	March 27, 2019
Reference details	P-955/2018-19, Municipal Court in Rijeka
Key facts of the case (max. 500 chars)	<p>The plaintiff has an established 100% physical impairment with a diagnosis of tetraplegia. He moves with the aid of an electromotor wheelchair weighing over 200 kg. He also suffers from 15 other physical mental and psychophysical diseases. The plaintiff, as a worshiper of the character and work of Nikola Tesla, had the desire and intention to enter the multimedia exhibition called Tesla-mind from the future, held in Zagreb in the so-called Meštrović's Pavilion. He did not enter the exhibition because he was prior notified that the exhibition entry is not</p>

	<p>adapted for the movement of persons with disabilities and reduced mobility. At the entrance to the building, there are staircase of 6 steps and then additional 2 large staircases that leads to the exhibition. It was proposed to him to access the exhibition space only with the help of assistants - physical transfer. The plaintiff considers decision to locate a world exhibition in a building that is not adapted for persons with disabilities unconstitutional, illegal and anti-convention by which these persons are intentionally discriminated based on disability. In addition, the plaintiff did not agree to be physically transferred, as it was not a form of reasonable accommodation for persons with disabilities and reduced mobility, but rather a humiliation with severe direct discrimination under the applicable regulations.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The defendants raised the objection due to lack of capacity to be sued in civil proceedings (lack of passive legitimation) because the building is owned by the Republic of Croatia. Since the defendants are the co-organizers of the event, they were not authorized to alter the facility since the facility was declared as cultural property. They stated that there is no legal regulation that would oblige them to choose the exhibition space according to the criterion of adapting the space to persons with mobility difficulties, nor to be punished, and the defendants made the decision on the choice of space based on entrepreneurial judgment.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Contrary to the position of the first defendant, court stated the legal regulations of the Republic of Croatia require that organizer of a cultural manifestation of a certain importance (which is precisely the exhibition Nikola Tesla-mind from the future) need to take into account the accessibility of the venue for persons with disability in order to prevent such discrimination.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>As the defendants organized the exhibition in a building they knew was not reasonably suited to the movement of persons with disabilities and reduced mobility and thereby failed to allow the plaintiff to participate in cultural public and social life through adjusting the space and infrastructure, the Court found a violation of Art.4.2 of the Anti-Discrimination Act. By not adjusting the space and infrastructure for persons with disabilities the court reiterated that plaintiff was directly discriminated based on disability, causing him non-pecuniary damage through violation of his personality rights and violation of numerous constitutional, convention, legal and by-law rights. The court found that defendants were to pay 35.000,00 HRK in respect of non-pecuniary damage and 3.550,00 HRK in respect of courts costs and expenses.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Konvencija o pravima osoba s invaliditetom i fakultativni protokol uz Konvenciju (NN Međunarodni ugovori br. 6/07, 3/08, 5/08) u čl. 2 definira razumnu prilagodbu kao: "... potrebnu i prikladnu preinaku i podešavanje, koja ne predstavlja nesrazmjerno ili neprimjereno opterećenje da bi se takvo što u pojedinačnom slučaju, tamo gdje je to potrebno, osobama s invaliditetom osiguralo ravnopravno uživanje ili korištenje svih ljudskih prava i temeljnih sloboda na izjednačenoj osnovi s drugima.”</p> <p>“Iako iz odgovora na tužbu proizlazi kako su tuženici u duhu poduzetničke slobode izložbu odlučili održati u zgradi u vlasništvu Republike Hrvatske u čijem se dugogodišnjem zakupu nalazi drugotuženik (...), ocjena je ovoga suda da okolnost što se postav izložbe održavao u zgradi u vlasništvu treće osobe, tuženike ne može osloboditi obveze da u zgradi unutar koje održavaju izložbu, osiguraju propisane elemente pristupačnosti. Pri tome način na koji će tuženici predmetno</p>

	<p>ostvariti ne tiče se osobe s invaliditetom čije je pravo da joj se osiguravanjem propisanih elemenata pristupačnosti omogućuje pretpostavke za ostvarivanje jednakih mogućnosti pristupanja kulturnom životu u odnosu na osobe kod kojih invalidnost nije prisutna. “</p> <p>“Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention (OG International Treaties No. 6/07, 3/08, 5/08) in Art. 2 defines reasonable accommodation as: "... necessary and appropriate modification and adjustment, which does not constitute a disproportionate or undue burden to ensure that, in the individual case, where necessary, persons with disabilities enjoy equal enjoyment or use of all human rights and fundamental freedoms on an equal basis with others. "</p> <p>“Although it follows from the response to the lawsuit that the defendants, in the spirit of entrepreneurial freedom, decided to hold the exhibition in a building owned by the Republic of Croatia with a long-term lease by the second defendant (...) the Court's assessment is that the circumstance that the exhibition was held in a building owned by a third party cannot exonerate the defendants of the obligation to provide the prescribed accessibility elements in the building within which they hold the exhibition. Thereby the manner in which the defendants will exercise this subject matter does not concern a person with disabilities, who has the right to be afforded the prescribed elements of accessibility and enabled preconditions to exercise equal access to culture life as it is granted to persons without disabilities.”</p>
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