



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues prior to submission of the fourth periodic report of Croatia\*

#### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/HRV/CO/3). Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and provide information on measures taken to ensure full compliance with the Committee's Views in *Paraga v. Croatia* (communication No. 727/1996) and to raise awareness about the Optional Protocol, in particular among those who believe that their human rights under the Covenant may have been violated.
2. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations.

#### B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. With reference to the previous concluding observations (para. 6),<sup>1</sup> please report on measures taken to raise awareness of the Covenant among judges, lawyers and prosecutors. Please provide examples of cases in which the provisions of the Covenant have been referred to by national courts.

##### Anti-corruption measures (arts. 2 and 25)

4. Please respond to reports that corruption, including bribery, nepotism, fraud and patronage, continues to be widespread and report on the progress made in preventing and combating corruption effectively, including in relation to the adoption of effective measures for the prevention of conflict of interest, especially in parliament, and the prosecution of individuals involved in high-level corruption cases (please provide updated data).

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\* Adopted by the Committee at its 127th session (14 October–8 November 2019).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations.



**Accountability for past human rights violations (arts. 2, 6, 7, 14 and 16)**

5. With reference to the previous concluding observations (para. 11), the Committee's evaluation of the State party's follow-up information (see CCPR/C/118/2) and the State party's additional follow-up information (CCPR/C/HRV/CO/3/Add.1), please:

(a) Report on measures taken since the adoption of the Committee's concluding observations on 31 March 2015 to expedite prosecutions for war crimes and crimes against humanity and to ensure that prosecutions are conducted in a non-discriminatory manner (provide updated information on the number of prosecutions initiated or concluded after 31 March 2015);

(b) Outline the progress made in improving the legal framework for civilian war victims (CCPR/C/HRV/CO/3/Add.1, para. 6) and clarify the extent to which any new legislation addresses the obstacles encountered by victims in the process of status recognition and whether it guarantees the right of victims of war to an effective remedy;

(c) Provide specific information, updated since 1 April 2015, on the number of registered claims and the actual number of beneficiaries of reparation measures under the Act on the Rights of Croatian Homeland War Veterans and Their Family Members, the Act on the Protection of Military and Civilian War Invalids and the Act on the Rights of Victims of Sexual Violence during the Armed Aggression on the Republic of Croatia during the Homeland War and on the type of reparation granted, including information on "housing care" and the construction of buildings allocated to victims of war crimes.

6. With reference to the previous concluding observations (para. 12), please report on measures taken and progress made to clarify the fate and whereabouts of persons who went missing during the war, to ensure that victims' families are regularly informed of the progress and results of investigations, to bring the perpetrators to justice and to provide full reparation to victims. Please report on the status of the Act on Missing Persons from the Homeland War, and clarify whether enforced disappearance has been effectively criminalized in accordance with international standards.

**Non-discrimination, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 20, 26 and 27)**

7. In connection with the previous concluding observations (paras. 21–22), please report on measures taken to address effectively discrimination against ethnic minorities, particularly Serbs and Roma. Please outline the progress achieved in relation to: (a) addressing school dropout rates and ensuring inclusive education for Roma children; (b) ensuring effective access by Roma to employment, housing and health care; and (c) regularizing the legal status of all Roma residing in its territory. Please provide information on measures taken to ensure the full implementation of the right to equal usage of national minority languages and scripts, particularly the use of the Cyrillic script in the city of Vukovar and other municipalities concerned.

8. With reference to the previous concluding observations (para. 10), please outline measures taken in response to reports of discrimination and prejudice against lesbian, gay, bisexual and transgender persons, including discrimination in employment.

9. With reference to the previous concluding observations (paras. 9–10), please report on measures taken to address effectively: (a) the rise of historical revisionism in the form of a denial of the Holocaust and a glorification of the fascist Ustaša regime; (b) the continued reports of ethnic intolerance, racist and antisemitic rhetoric and hate speech, including in political discourse, in the media and on the Internet, and hate-motivated violence targeting Serbs, Roma and Jews; (c) racist or inflammatory graffiti depicting Ustaša or Nazi symbols and slogans frequently directed at the Serb minority; and (d) hate speech and hate crimes motivated by a person's sexual orientation or gender identity. Please respond to concerns that such violations are insufficiently condemned and inadequately investigated and sanctioned by the State party and that criminal hate speech and hate-motivated violence are reportedly prosecuted mainly as misdemeanours, while the provisions on hate motivation as an aggravating circumstance are rarely applied in practice. Please provide statistics since 2015 on the number of reported hate crimes, investigations and prosecutions and on their

outcome. Please clarify whether incitement to discrimination is criminalized and report on any relevant case law.

**Equality between men and women (arts. 2, 3 and 25)**

10. With reference to the previous concluding observations (para. 14), please report on measures taken to effectively address ingrained gender stereotypes, including in educational materials. Please comment on the impact of gender quotas and the reportedly insufficient enforcement of monetary fines for failure to comply with the gender quota after the local elections in 2017. Please report on measures taken, and progress made, in relation to achieving an equitable representation of women: (a) in political and public life, especially in decision-making positions and in parliament; and (b) in the private sector, especially in decision-making positions.

**Violence against women, including domestic and sexual violence (arts. 2, 3, 6, 7 and 26)**

11. With reference to the previous concluding observations (para. 15), please report on measures taken to respond to reports of violence against women, including femicide, domestic violence and rape, and on steps taken to: (a) ensure effective prevention measures and early identification of such violence; (b) encourage reporting by victims; (c) address the reportedly lenient penalties imposed on perpetrators; and (d) ensure the availability of shelters in all counties as well as adequate funding for all victim support services, including shelters and counselling centres for victims of domestic violence. Please report on the impact of measures taken and provide information on any progress achieved in ensuring appropriate legal protection against partner violence in intimate relationships.

**Termination of pregnancy and reproductive rights (arts. 2, 3, 6 and 7)**

12. Please report on measures taken to address: the barriers to effective access to safe and legal abortion faced by women and girls, including financial barriers; refusals by medical professionals to provide abortion care on the grounds of conscience or religion, including instances of institutional refusals to provide such care; and the inadequate numbers and geographical coverage of trained medical professionals willing to provide abortion services. Please provide information on the status and content of draft legislation on abortion and on its compatibility with the Covenant, clarifying, among other things, whether it removes all barriers to effective access to safe and legal abortions. Please respond to concerns that the lack of access to quality maternal health care for women living in rural areas or outside of urban centres and for undocumented migrant women, and the barriers impeding access to affordable maternal health care for undocumented migrant women, expose them to an increased risk of maternal mortality and morbidity. Please also respond to reported violations of women's rights in reproductive health-care settings, including in the form of failures to obtain full and informed consent for medical interventions, denials of access to pain relief and infliction of emotional and verbal abuse and humiliation.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 7 and 10)**

13. With reference to the previous concluding observations (para. 19), please report on progress made in: (a) addressing overcrowding and meeting the minimum standards for personal living spaces in police cells and prisons; (b) ensuring adequate lighting, ventilation and number of mattresses and bedding in all holding cells at police stations; (c) improving further the material conditions of detention, particularly at Osijek, Split and Zagreb county prisons; (d) preventing inter-prisoner violence; and (e) ensuring adequate health care for prisoners and addressing the shortage of medical staff, including at Požega state and county prison and Pula county prison.

**Trafficking in persons (art. 8)**

14. With reference to the previous concluding observations (para. 17), please respond to reports of trafficking in persons for the purposes of forced criminality, sexual exploitation and forced labour in the agricultural sector, and report on measures taken to: (a) ensure

effective screening of groups in vulnerable situations, including asylum seekers, refugees, migrants and Roma; (b) encourage victims of trafficking to cooperate in investigations; and (c) ensure investigations, prosecutions and convictions of perpetrators of trafficking, address the light sentences imposed by judges and provide training to judges on the severity of trafficking. Please provide statistics since 2015 on the number of cases of trafficking undertaken, of investigations and prosecutions carried out and of criminal convictions secured, as well as on sanctions imposed on perpetrators and reparation provided to victims.

**Refugees, asylum seekers, returnees and internally displaced persons (arts. 7, 13, 14, 17 and 24 (3))**

15. With reference to the previous concluding observations (para. 13), the Committee's evaluation of the State party's follow-up information (see CCPR/C/118/2) and the State party's additional follow-up information (CCPR/C/HRV/CO/3/Add.1), please provide updated information on the progress made towards the resettlement and return of refugees, returnees and internally displaced persons, including as regards the provision of adequate housing for returnees and former tenancy holders since the adoption of the concluding observations in March 2015, and on the completion of construction projects.

16. Please report on adequate safeguards against refoulement and on measures taken to ensure that all asylum seekers have effective access to the territory of the State party and to fair asylum procedures. Please respond to reports of: (a) denial of access to the territory of the State party and to asylum procedures for persons entering from Bosnia and Herzegovina and Serbia irregularly and their return with no individual screening of their claims and needs; and (b) excessive use of force by the police at the border with Serbia and violent pushbacks of migrants and asylum seekers by border police into the territory of Bosnia and Herzegovina, and authorities' refusal to investigate such allegations. With reference to the previous concluding observations (para. 8), please report on any progress made in relation to statelessness and the regularization of the status of stateless persons, including stateless Roma, and clarify, among other things, whether there are plans to establish a statelessness determination procedure specifically for the identification of stateless persons and the regularization of their status.

**Administration of justice and fair trials (art. 14)**

17. Please report on measures taken and progress made to ensure adequate safeguards against political influence on the procedure for selecting, appointing and renewing the mandate of the President of the Supreme Court, to improve the efficiency of the judicial system and to address the significant backlog, especially of civil and commercial cases. With reference to the previous concluding observations (para. 18), please report on measures taken to address the inadequate resources allocated to the free legal aid system, particularly for primary legal aid, the delays or disruption in the provision of legal aid owing to the regulations on tenders for financing projects of legal aid providers and the ensuing delays in awarding the funds, as well as on efforts to provide adequate information on free legal aid to those in situations of vulnerability.

**Freedom of conscience and religious belief (arts. 2, 18 and 26)**

18. Please respond to reported instances of harassment of members of the Serbian Orthodox community and of vandalism of their churches and indicate any measures taken to identify and prosecute perpetrators and with what outcome. Please outline measures taken to address the restitution of communal property for the Serbian Orthodox Church and the Coordination of Jewish Communities. Please comment on reports that some public health institutions have denied surgery to Jehovah's Witnesses who refused blood transfusions because of their religious beliefs.

**Freedom of expression (art. 19)**

19. With reference to the previous concluding observations (para. 23), the Committee's evaluation of the State party's follow-up information (see CCPR/C/121/2) and the State party's additional follow-up information (CCPR/C/HRV/CO/3/Add.1), please respond to continued reports of harassment, intimidation, death threats and hate speech, including

online, and attacks against journalists, and of insufficient measures to address such acts and bring perpetrators to justice (please provide updated statistics since 2017). Please clarify whether the State party considers revisiting the issue of decriminalization of defamation, as well as of insult and shaming, and respond to concerns that the common practice of initiating lawsuits against journalists and media outlets for violations against honour and reputation, and the disproportionate monetary sanctions, result in self-censorship and have a deterrent effect on the exercise of their freedom of expression.

20. Please comment on the reported political influence exerted on the public television broadcaster *Hrvatska radiotelevizija*, including State interference in its editorial policy, and report on measures taken to ensure its independence. Please report on measures taken to ensure adequate funds for the effective implementation of the Whistle-blower Protection Act.

**Participation in public affairs (art. 25)**

21. Please report on progress made to enhance the participation of persons belonging to national minorities in the conduct of public affairs and their representation in the public service, including in law enforcement and the judiciary, and outline any concrete measures taken or planned – including any temporary special measures – to achieve adequate representation of national minorities throughout and at all levels of public service.

22. Please clarify whether legislation allows independent candidates to stand for election individually rather than together with other candidates on a list. Please indicate whether a valid identification document remains a prerequisite for inclusion on the voter list in a polling station.

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