2023 REPORT ON THE APPLICATION OF THE EU CHARTER OF FUNDAMENTAL RIGHTS: EFFECTIVE LEGAL PROTECTION AS A PRECONDITION FOR THE FULL APPLICATION OF FUNDAMENTAL RIGHTS

CONSULTATION OF EU MEMBER STATES

Questionnaire:

1. Which judicial and non-judicial remedies are available in your Member State:

a. In criminal, civil and administrative cases;

JUDICIAL REMEDIES:

Criminal Cases:

The material aspects of **criminal law** in the Republic of Croatia are regulated by the Criminal Code and its procedural aspects by the Criminal Proceedure Act. The area is further regulated by a number of other laws and regulations.

- **Ordinary legal remedies:**

An Appeal against a judgment rendered by a court of first instance can be lodged as an ordinary legal remedy within this system. Appeals against judgements rendered by second instance courts are possible only in certain exceptional cases prescribed by law.

- **Extraordinary legal remedies - legal remedies against final judgements**:

Extraordinary legal remedies include the Request for the reopening of the criminal proceedings, Request for the protection of legality and the Request for an extraordinary review of the final judgement.

Final judgements can be challenged by lodging a constitutional complaint to the Constitutional Court of the Republic of Croatia and, after all domestic legal remedies have been utilized, the plaintiff can turn to the European Court of Human Rights.

Civil Law Cases:

The basic law which regulates **civil proceedings** is the **Civil Procedure Act**, but it is not the only law relevant for the civil proceedings. There is a number of special regulations that complement the procedural rules of the Civil Procedure Act. Croatian legal system contains two types of legal remedies in civil proceedings – ordinary and extraordinary.

- **Ordinary legal remedies:**

Parties may lodge an **Appeal against a judgment** rendered by a court of first instance within fifteen days from having been served the copy of the judgment, unless the Civil Procedure Act provides for another time limit. In disputes involving checks and bills of exchange the time limit is eight days. A timely appeal prevents the judgment from becoming final in the part challenged by the appeal. An appeal against a judgment shall be decided by a court of second instance.

Appeal against a Ruling may be lodged against a ruling issued by a court of first instance, unless the Civil Procedure Act specifies that appeal is not permitted. If it explicitly provides that a separate appeal is not permitted, the ruling issued by the court of first instance may be challenged only by an appeal against the final decision. In cases when, under the Civil Procedure Act, a separate appeal is permitted against rulings by which the proceedings before the court of first instance are not ended, the court of first instance shall copy the record and furnish a copy of the record, together with the appeal, to the court of second instance, and shall continue the proceedings to resolve the issues to which the appeal does not relate. A timely appeal shall stay the enforcement of the ruling, unless otherwise provided by the Civil Procedure Act. A ruling against which no separate appeal is permitted may be enforced immediately.

Objection against a payment order - If the payment order is disputed only in terms of the decision on costs, this decision may only be disputed by an appeal against the ruling. In the part which is not disputed by an objection, the payment order becomes legally effective.

- **Extraordinary legal remedies - legal remedies against final judgements**:

Revision – the parties may file a Revision against the second instance judgement if the Supreme Court of the Republic of Croatia has allowed the submission of a Revision. The Revision shall be submitted within 30 days from the delivery of the decision of the Supreme Court of the Republic of Croatia on the admissibility of the Revision. A motion for leave to revise and a Revision do not stay the enforcement of the judgment against which they were filed.

The Supreme Court of the Republic of Croatia will allow for a Revision if, on the occasion of it, a decision can be expected to be made on a legal issue that was considered by the lower courts in that dispute, which is important for the decision in the dispute and for ensuring the uniform application of the law and the equality of all in its application or for the development of case law, in particular

- if it is a question of law on which the decision of the second-instance court deviates from the case law of the Supreme Court of the Republic of Croatia or

- if it is a legal issue on which the Supreme Court of the Republic of Croatia has not developed case law as yet, especially if the case law of higher courts is not uniform, or

- if it is a legal issue on which the case law of the Supreme Court of the Republic of Croatia is not uniform or

- if the Supreme Court of the Republic of Croatia has already taken a view on that issue and the judgment of the second-instance court is based on that view, but, considering the reasons presented during the previous first-instance and appeal proceedings, due to changes in the legal system conditioned by new legislation or international agreements and the decision of the Constitutional Court of the Republic of Croatia, the European Court of Human Rights or the Court of the European Union, the case law should be review .Additionally, the Supreme Court of the Republic of Croatia will allow for a Revision if the party makes it probable that in the first- and second-instance proceedings, due to particularly serious violations of the provisions of the civil procedure or incorrect application of substantive law, a fundamental human right guaranteed by the Constitution of the Republic of Croatia and the European Convention for the Protection of Human Rights and Fundamental Freedoms was violated and that the party, if it was possible, had already referred to these violations in the lower-level procedure.

A legal remedy against the ruling on the motion for Revision is not allowed.

The Supreme Court of the Republic of Croatia is obliged to make a ruling on the motion for Revision within a reasonable time, and certainly within a period shorter than six months from the receipt of the motion.

The parties may file a Revision against the judgement to the court that delivered it if the Supreme Court of the Republic of Croatia has allowed its submission.

Retrial - the proceedings that have been ended by a final judgement may be repeated on a motion of a party for the reasons specifically listed in the law. The deadline for submitting the motion for retrial is 30 days, and is calculated depending on the reason for which the motion is submitted. After the expiration of the time limit of five years from the date when the judgement became final, no motion for retrial may be filed, except when such retrial is requested on the ground that a person who does not have the status of a judge took part in the rendering of the judgment, or if, because of unlawful actions, and especially because of a failure to deliver official letters, any of the parties were not given the opportunity to be heard by the court and if a person who may not be a party in the proceedings participated in the proceedings in the capacity of a plaintiff or respondent, or if the party which is a legal person was not represented by an authorized person, or if a party without the capacity to litigate was not represented by his or her legal representative, or if the legal representative or agent did not have appropriate powers to conduct litigation or to take specific actions in the proceedings, unless the conduct of litigation or taking of actions in the proceedings was subsequently approved.

Retrial upon a final judgment by the European Court of Human Rights in Strasbourg on a violation of a fundamental human right or freedom - when the European Court of Human Rights finds a violation of a human right or fundamental freedom guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms and the Additional Protocols thereto, which was ratified by the Republic of Croatia, the party may, within a time limit of thirty days of the date when the judgment by the European Court of Human Rights became final, file an application with the court in the Republic of Croatia which heard his/her case in the first instance proceedings in which the decision violating a human right or fundamental freedom was rendered, and move the court to amend the decision which violated this right or fundamental freedom.

Administrative Cases

The Law on Administrative Disputes (LAD) prescribes that any natural or legal person who deems that his or her rights or direct personal interest based on law have been violated by an administrative act have the right to institute administrative proceedings. An administrative dispute may be conducted against an administrative act. An administrative dispute may also be instituted when the competent body has failed to deliver an appropriate administrative act regarding the party's request or appeal, subject to the conditions prescribed by LAD. A lawsuit shall be filed within 30 days from the day of service of the administrative act to the party filing the lawsuit. Administrative disputes shall be decided by the Administrative Court of Croatia.

The Croatian legal system contains two kinds of legal remedies in administrative cases – ordinary and extraordinary:

- **Ordinary legal remedies:**

Appeal - Parties may file an appeal against a particular judgment of the administrative court on the following grounds: a substantial violation of court procedure rules, erroneously or incompletely established state of facts in the dispute, or erroneous application of the substantive law. An appeal shall be submitted to the administrative court which issued the judgment within 15 days of the day of the delivery of the judgment. An appeal shall not delay the enforcement of the appealed judgment. Upon the proposal of the appellant, the High Administrative Court may delay enforcement of the disputed judgment.

- **Extraordinary legal remedies - legal remedies against final judgements**:

Renewal of the dispute - A dispute finalised by a judgment shall be renewed upon the proposal of one of the parties under the condition prescribed by Art. 76 and 77 of LAG.

A reopening of the proceedings may be requested no more than 30 days from the day when the party discovers the reason for the reopening of the proceedings.

Request for extraordinary examination of the legality of the final judgments - Parties in an administrative dispute may, due to violation of the law, propose to the State Attorney's Office of the Republic of Croatia to file a request for an extraordinary examination of the legality of final decisions of the administrative court or the High Administrative Court.

The State Attorney's Office of the Republic of Croatia may also file the request on its own motion. The State's Attorney Offices may under a special power of attorney represent in civil and administrative matters the legal entities fully or partly owned by the Republic of Croatia, and also local self-government units and regional self-government, when justified by the case. A request for extraordinary examination of the legality of final decisions may be filed by the State Attorney's Office of the Republic of Croatia within six months from the day the party was served with the final judgment. The Supreme Court of the Republic of Croatia, in a council composed of five judges, shall decide on the request.

b. in cases of discrimination;

In cases of discrimination, citizens have the right to file a complaint to the Office of the Ombudswoman of the Republic of Croatia before initiating court proceedings and/or using legal remedies. In relation to persons who have already initiated court proceedings, the Ombudswoman will not be able to act on a complaint of discrimination, but will be able to join the dispute as an intervener on the side of the plaintiff (victim of discrimination), if the case meets the strategic litigation criteria. The law also gives the ombudswoman the authority to conduct a conciliation procedure with the consent of the parties, with the possibility of concluding an out-of-court settlement.

In addition to the Ombudswoman, special ombuds institutions are also responsible for handling complaints citing discrimination, depending on the type of discrimination in the specific case, i.e. depending on the ground of discrimination. Namely, Article 1 of the ADA recognizes 17 grounds of discrimination. Additionally, certain activities referred to in Article 12, paragraph 2, items 1 to 6 of this Act shall be performed by special ombudsmen when this is regulated by a special law. Article 32 of the Law on the Ombudsman stipulates that the Ombudsperson cooperates with special ombuds institutions, and the Agreement on inter-institutional cooperation regulates the cooperation of ombudspersons institutions in procedures covered by their scope of work. While the Ombudsperson has the exclusive mandate over 12 of the ADA's discrimination grounds, special ombuds institutions operate in individual cases in relation to 5 other grounds (gender, marital or family status, gender identity, gender expression, sexual orientation, disability).

If a complaint has been filed and on the condition that no court proceedings have been initiated at the same, the Ombudswoman will initiate an inquiry and at the end of it may issue an opinion, proposal, recommendation or warning.

The standard of probability that needs to be proven should be interpreted in terms of EU directives as the so-called *prima facie* evidence. In other words, what the person claiming discrimination would have to prove is that they were put in a less favourable position, and that it would be possible (according to the regular rules of experience and based on the evidence in the specific case) that this happened due to discrimination. If it is not conclusively proven in the procedure that the putting in a less favourable position is motivated by other than impermissible discriminatory reasons, the decision will have to start from the fact that discrimination has

been proven. At the same time, we emphasize that Ombudswoman's opinions, proposals, recommendations and warnings are not legally binding.

In addition to the above, it should be emphasized that the presumed victim has the right to initiate legal proceedings related to violations of her or his rights. The procedure can be initiated regardless of whether the citizen has also filed a complaint for discrimination to the Ombudwoman or special ombuds institutions. In those cases the court is not bound by the Ombudswoman's decision. However, if the court proceedings are initiated while the ombuds institutions are still conducting their inquiry, then the ombuds institution has to stop its proceedings.

Finally, in line with the Antidiscrimination Act, he Ombudswoman can file criminal charges in connection with cases of discrimination and for the offenses prescribed by the Act, file charge proposals, as well as file a collective action lawsuit.

https://www.ombudsman.hr/wp-content/uploads/2020/06/Anti-discrimination-Act.pdf

c. in the field of consumer legislation;

The Ombudswoman of the Republic of Croatia does not have the mandate to handle complaints in the field of consumer protection. Despite that, we provide general legal information to the citizens about the bodies which are competent to resolve cases in the field of consumer legislation. Citizens are usually very grateful for the given information because most of them do not know to whom to submit their complaint.

d. in the field of employment legislation;

Labour and employment are among the areas most commonly referred to in the individual complaints submitted to the Ombudswoman and are highly represented in discrimination cases as well.

In practice, private sector employees often avoid seeking judicial protection, for fear of losing their jobs, a lack of funds for litigation, lengthy proceedings (in most of the cases) with uncertain results, as well as insufficient evidence, due to other employees' unwillingness to testify against their employer.

Numerous employees are reluctant to use the mechanisms available for the protection of their rights, for fear, as they themselves claim, of adverse consequences. Trying to avoid typically long and financially and psychologically exhausting legal proceedings, they have big expectations from the Labour Inspectorate, sometimes wrongly believing that this institution has the competences to stop unlawful dismissals, order the payment of salaries, including for overtime work, or protect them from harassment.

There are also many complaints submitted by public and civil servants regarding the material rights arising from the collective agreements, employment procedures, and harassment at the workplace. Since the status of the civil servants is different to that of the employees in the private sector and the public services, different legal remedies can be used.

The Labour Act is applied to the employees in the private and the public sector. In line with the provisions of the Labour Act, an employee who considers that her/his employer has violated any of her/his rights arising from employment may require from the employer the exercise of this right within fifteen days following the receipt of a decision violating this right, or following the day when she/he gained knowledge of such violation. If the employer does not meet the employees` request within fifteen days, within another fifteen days the employee may seek judicial protection before a court with jurisdiction in respect of the right that has been violated. An employee who has failed to submit a request cannot seek judicial protection before the competent court, except in the case of a claim for an indemnification for damages or another financial claim stemming

from employment. Employee can lodge a complaint to the Labour Inspectorate, but only for a violation explicitly proscribed by the Labour Act.

For civil servants Civil Service Board was established, to which a civil servant can file an appeal against the decision of a state body. The Civil Service Board is a special independent body competent for deciding on the appeals of civil servants in the field of civil service labour relations and candidates in civil service recruitment procedures. Against the Board's decision an administrative dispute can be initiated before an administrative court.

Cases of mobbing are highly represented both in the private and the public/civil sectors. Employees are entitled to claim indemnification for damages arising from mobbing.

The Ombudswoman can act in the cases of illegal actions by state bodies, the bodies of the local and regional self-government units or legal persons vested with public authority, while in discrimination cases and whistleblower cases, she can act upon a complaint against legal or natural persons (e.g. enterprises, individuals) as well.

On 1st July 2019 the Act on Protection of Persons who Report Irregularities (Official Gazette, No. 17/19) came into force and the Ombudswoman became the competent authority for the external reporting of irregularities. The new Act on Protection of Persons who Report Irregularities (Official Gazette, No. 46/22) came into force on 23rd April 2022. The purpose of the Act is to provide for the efficient protection of the reporting persons, which includes the provision of accessible and reliable reporting channels. In accordance with the Law, "reporting person" is a natural person who reports or publicly discloses information on irregularities acquired in the context of his or her work-related activities. The Act applies to employers both in private and the public sectors. According to this Act, the Ombudswoman acts as the competent authority for the external reporting of irregularities, by receiving reports on irregularities, transmitting them to competent authorities, as well as examining reports on retaliation due to the reporting of irregularities and producing a report assessing whether the constitutional or legal rights of the reporting person are being threatened or violated. In such case she may also issue an opinion, proposal, recommendation or warning to the reporting persons' employer, which is not legally binding.

The reporting person, a related person, a confidential person and their deputy have the right to judicial protection if they make it likely that retaliation has been committed or attempted against them, or that they have been threatened with retaliation due to reporting irregularities, i.e. public disclosure/ due to their association with the reporting person/ due to receiving a report of irregularities, i.e. acting on the received report. In the process of judicial protection of the reporting person, the following authorities have actual competence: municipal courts and the Municipal Labour Court in Zagreb, commercial courts (if the claim for the protection of the reporting person arises from a dispute for which that court has actual jurisdiction in accordance with the provisions of the law regulating civil proceedings) or administrative courts (if the claim for the protection of the reporting person arises from an administrative dispute for which that court has actual jurisdiction in accordance with the provisions of the law governing the administrative dispute). In such judicial procedure, the above mentioned persons may demand determination that retaliation was taken against them, prohibition of taking and repeating retaliation and removal of its consequences for these persons, compensation for damage caused by the violation of rights protected by this Act and publication of the judgment which determined the violation of the rights of these persons in the media at the expense of the defendant.

In cases where the Office of Ombudswoman is not authorized to start examination procedures due to labour issues, it provides general legal information about competent bodies and legislative framework.

e. in other fields, including as regards non-judicial remedies.

NON-JUDICIAL REMEDIES

Consumer Rights

If the **consumer dispute** was not resolved through a complaint procedure, court proceedings are not the only solution available to citizens. Namely, there is a possibility to submit a proposal to resolve the dispute with the merchant to one of the bodies dealing with alternative resolution of consumer disputes in the Republic of Croatia.
The advantage of the alternative resolution of consumer disputes is that this method is much more flexible than the court procedure, it is carried out in an informal environment, and represents a lower cost for both the consumer and the merchant. Also, if an agreement is reached in such disputes, it represents an acceptable solution for both parties in the dispute.

Submission of Complaints to the Ombudsperson

In line with Article 93 of the Constitution of the Republic of Croatia (Official Gazette no. 85/10) and Articles 2 and 4 of **the Ombudsman Act** (Official Gazette no. 76/12), the Ombudsperson is a commissioner of the Croatian Parliament responsible for the promotion and protection of human rights and freedoms enshrined in the Constitution, laws and international legal instruments on human rights and freedoms ratified by the Republic of Croatia. The institution currently performs five mandates: that of the Ombudsman institution and the National Human Rights Institution in line with the Ombudsman Act, that of the National Equality Body in line with the Antidiscrimination Act (Official Gazette no. 85/08, 112/12; hereinafter: the ADA), the National Mechanism for the Prevention of Torture in line with the Act on the National Preventive Mechanism (Official Gazette no. 18/2011, 33/15), as well as that pertaining to the protection of the persons reporting irregularities ("whistleblower protection") in line with the Act on the Protection of the Persons Reporting Irregularities (Official Gazette no. 46/22).

Everyone may lodge a complaint to the Ombudsperson if he/she deems that his/her constitutional or legal rights have been threatened or violated as a result of any illegal or irregular act by governmental bodies and the civil service, local and regional self-governmental bodies and bodies vested with public authority. Under the special laws regulating the areas of combatting discrimination and protecting the persons reporting irregularities, the ombudsperson can examine the complaints pertaining to the actions of legal and natural persons. The Ombudsperson may also initiate proceedings for the purpose of investigating individual or recurrent violations of constitutional and statutory rights and freedoms on his/her own initiative. If the Ombudsperson intends to initiate proceedings on his/her own initiative or on the proposal of a person whose rights have not been violated, it is necessary to obtain the consent from the person whose constitutional or statutory rights and freedoms have been directly jeopardized or violated, except if it is related to the protection of child welfare, in cases where the Ombudsperson learned of the case through the media or if the case is urgent.

Pursuant to Article 22 Paragraph 1, the Ombudsperson will not take action in cases where judicial proceedings are ongoing, except if it is apparent from the received complaint that the proceedings in question are being unnecessarily delayed or that powers are being manifestly abused, in which cases he/she may request an explanation from the president of the competent court. The Ombudsperson may decide not to take action

with respect to a complaint, in particular in the following cases: if the case in question concerns issues that are the subject of ongoing proceedings, except when proceedings are being unjustifiably delayed or in cases of manifest abuse of power, if the deadline for an appeal provided for by special regulations is still open, if the complainant failed to lodge an appeal within the legally prescribed deadline, if three years have elapsed since the occurrence of an irregularity or the adoption of a decision by the bodies as referred to in Article 4 of the Ombudsman Act, except in cases where the Ombudsperson deems that the issue in question is of greater importance for human rights and freedoms.

The bodies as referred to in Article 4 of The Ombudsman Act shall ensure access to all data, information and acts related to the filed complaint, or provide all the necessary assistance to the Ombudsperson at his/her request. If the body as referred to in Article 4 does not submit the requested explanations, information and documentation by the set deadline, the Ombudsperson may notify the authority in charge of monitoring the work of the said body and may notify the Croatian Parliament and the public. Similarly, in line with Article 10 Paragraph 2 of the ADA, the bodies and natural and legal persons within its scope have an obligation to provide all information and the requested documents pertaining to the case at the request of the Ombudsperson within the deadline of 15 days.

Acting on the complaints, the Ombudsperson provides general legal information to the complainant on the possibilities for legal protection, can issue recommendations, opinions, proposals and warnings, can visit, without prior notification, all locations where persons belonging to the groups whose rights she/he has the mandate to protect are located. In the discrimination and whistleblowers' protection cases, she/he can participate in court proceedings as well, intervening on the side of the person that has been discriminated against or on the side of the whistleblower.

In accordance with the Act on Protection of Persons who Report Irregularities (Official Gazette, No. 17/19) and the new Act on Protection of Persons who Report Irregularities (Official Gazette, No. 46/22), the Ombudsperson is an authority for external reporting of irregularities that receives reports on irregularities, acknowledges the receipt of the report to the reporting person within 7 days of the receipt and forwards the reports to the authorities competent to act based on the content of the report. Those authorities are obliged to provide us with feedback within 30 days and within 15 days from having closed the investigation, they are obliged to provide us with the reasoned report on its final outcome. Furthermore, the Ombudsperson can investigate allegations of retaliation against reporting persons and produce a report assessing whether the constitutional or legal rights of the reporting person are being threatened or violated and, having determined that they have, issue recommendations, opinions, proposals and warnings to the reporting persons' employer. Employer is obliged to inform the Ombudsperson on the measures undertaken. Finally, the Ombudsperson provides general legal information regarding the protection of the reporting persons and reports to the Croatian Parliament on the protection of the persons reporting irregularities (annually, but can also submit special reports).

The Ombudsperson may propose an initiation of criminal or misdemeanour if during the performance of her/his duty he/she establishes that the complainant's rights have been violated with elements of a criminal offence or misdemeanour. Based on the Anti-discrimination Act and acting as NEB, the Ombudsman/woman can also start proceedings in his/her own name when the right to equal treatment of a larger group of persons has been violated.

Apart from the institution of the Ombudsperson, enshrined in the Constitution of the RC, the institutional architecture in this area in the RC also includes three special ombuds institutions: the Ombudsperson for Children and the Ombudsperson for the Persons with Disabilities dealing with rights violations pertaining to

these groups of citizens, as well as the Ombudsperson for Gender Equality, responsible for discrimination on the basis of gender, sexual orientation, gender identity, gender expression, family and marital status.

2. Does your Member State provide information on the available remedies, and the steps to be taken during a judicial process / when accessing non-judicial remedies:

a. To parties of criminal proceedings;

Information is partially accessible on the website of the Ministry of the Justice and Public Administration.

b. To parties of civil proceedings;

Systematic and detailed information on the available remedies and the steps to be taken during a judicial process in civil proceedings are not provided.

For example, basic information related to the enforcement procedure can be found on the websites of the Ministry of Justice and Public Administration and the courts, however, it is not sufficient and it is still evident that citizens need legal assistance to navigate the regulations and protect their rights in a timely manner.

c. To parties of administrative proceedings;

As we state in the good governance chapter of our 2021 annual report,, the complaints we receive indicate that citizens do not have sufficient information about the procedures and the services of the public law bodies or about the possibilities of using legal remedies, since the procedures and regulations are often complicated and often they are not accompanied by comprehensible instructions and descriptions of procedures and mechanisms for exercising rights/services. Numerous amendments to regulations, rarely available in simplified versions, create difficulties for citizens when referring to the rights guaranteed by law and other regulations. It is indicative that citizens turn to us with general questions about how to obtain a service or right, who to contact or complain to, how the procedure should look like, etc., which indicates that the bodies that provide public services at the same time do not provide sufficient information or are not responsive.

Therefore, the Ombudswoman made a recommendation to the Ministry of Justice and Public Administration to create a brochure on the Law on the General Administrative Procedure intended for citizens and make it available in electronic form and in printed form in all state administration bodies and local and regional self-government units. She also recommended to all public law bodies that on their websites and in the premises where they receive citizens, they should clearly state the list of services they provide and give a brief description of the procedures, and for the key procedures to create leaflets with detailed instructions on the steps, deadlines, necessary documentation and methods on the use of the legal remedies.

In the annual report for the year 2022, the Ombudswoman stated that the Ministry of Justice and Public Administration informed her about the implementation of the recommendation in such a way that, as part of the project "Further improvement of the monitoring of administrative action and decision-making (ZUP III)", it created a brochure that, along with the content related to results of the project, also contains general information about the Law on the General Administrative Procedure and is published on their websites and distributed to the public law bodies in electronic and printed form.

d. Persons accessing non-judicial remedies.

When it comes to the institution of the Ombudswoman, all relevant information on our mandates and procedures is available on our official website https://www.ombudsman.hr/hr/. Furthermore, we use other

social media channels as well as the media to dispense the information on our work and provide our legal opinions on the relevant topics. Additionally, we provide general legal information to the natural and legal persons contacting us, not only on our mandates and procedures, but also on other available means of legal protection in the areas our mandates cover. Finally, our local and regional presence is utilized to dispense the said information. For more details on the latter, please, see our response to the following question.

Please provide more information, including examples of good practice you consider effective.

With the aim of making our institution more accessible to the citizens and the information on both our mandates and procedures as well as the information on other means of legal protection in the areas covered by our mandates more readily available, we opened three regional offices: in the cities of Osijek in the Eastern, continental region of the country (opened in in 2014), Rijeka in the Northern coastal region (opened in 2014) and Split, covering the rest of the coast and its hinterland (opened in 2015).

Apart from the work of the regional offices, our institution achieves its regional presence by other means as well. In 2016 we commenced with field visits to Croatian counties with the aim of reaching all 21 of them, to engage in discussions with the local stakeholders, such as the local and regional governments, local action groups, local representatives of national minorities, social welfare centers, etc. in order to map out the main issues their populations are facing, but also to enable the citizens to get better acquainted with our institution and its work and to meet with the local populations and collect their complaints. So far, we have visited 2/3 of the counties (the process was temporarily halted by the pandemic). The visits were followed by opening new cases based on the information gathered from the stakeholders and the citizens' complaints we had collected.

Furthermore, since 2012 and in cooperation with the local Roma minority councils, civil society organizations dealing with the issues faced by the Roma population in the Republic of Croatia and the representatives of the Government Office for Human Rights and the Rights of National Minorities, our staff has been conducting visits to the Roma settlements in Croatia. Along with gaining a better insight into the concrete issues faced by the Roma in Croatia and collecting their complaints, the aim is to inform them about our institution and its work as well as the mechanisms they can utilize to get protection from discrimination, but also to encourage them to use these mechanisms and report rights violations.

In several large scale emergency situations that have hit the country or certain of its regions (e.g. a large flood that hit the Eastern continental part of the country in 2014, the large influx of refugees in 2015, the fire that broke out in the coastal city of Split in 2017, the earthquakes that struck the capital and several other counties in 2020, the arrival of Ukrainian refugees to Croatia) our office staff was present on the ground, monitoring the situation, providing information to the citizens and giving recommendations to the authorities.

Finally, during our investigation procedures, in cases when we deem it useful and/or necessary, we make visits to the localities the complaints are related to in various areas of the country and both collect and provide information to the stakeholders. One of the examples are investigation procedures we instigate following complaints related to environmental protection.

3. Does your Member State use digital tools to facilitate access to justice?

a. Yes

b. No

If yes, please provide more information on the tools available and your experience on their relevance. Please provide examples of good practice you consider effective.

The Ministry of Justice and Public Administration, as the body in charge of judicial administration, provides for the technical requirements required for the implementation of digital tools in the justice system. Electronic communication is applicable in all commercial, municipal, administrative and county courts and in the High Commercial Court of the Republic of Croatia, the High Administrative Court of the Republic of Croatia and the Supreme Court of the Republic of Croatia.

There are examples of good practice as follows:

- **e-Communication:** Parties to proceedings can gain access to more detailed information on their cases, along with the possibility of downloading documents available in the electronic form. Natural and legal persons can send submissions and attachments to courts, receive court documents and remotely access court files of cases in which they legally represent a party to the proceedings: https://usluge.pravosudje.hr/komunikacija-sa-sudom/index_en.xhtml
- **e-Case:** The service enables the parties in the proceedings, attorneys-in-fact and other interested parties participating in court proceedings to get informed about the course and the dynamics of the regular and appellate proceedings, i.e. provides them with the access to basic information on court cases. Public access to the basic data on court cases or e-Case is a free-of-charge public service. The data available to visitors through this browser comes from the Integrated Court Case Management System — e-Filing, an information system used by municipal, commercial, county, administrative courts, the High Criminal Court, the High Misdemeanour Court, the High Commercial Court, the High Administrative Court and the Supreme Court of the Republic of Croatia: https://sudovi.hr/en/citizens/e-case
- **e-Bulletin Bord:** The service enables viewing of the online bulletin boards of courts and other competent bodies in Croatia: https://e-oglasna.pravosudje.hr/
- There is a separate system for land registers available through the One-Stop-Shop Real Property Registration and Cadastre Joint Information System at https://oss.uredjenazemlja.hr/public-services/review-lr-bdc
- **e-Administrative proceedings:** The information system for the monitoring the implementation of the General Administrative Procedure Act – APA IT is an information system that enables parties to monitor the resolution of administrative matters in proceedings they are a party to. The service is available to citizens and business entities as private and business users and provides information on activities and the course of the proceedings initiated by the user or to which the user is a party or a person with representation authority (legal representatives, temporary representatives, joint representatives and proxies): https://gov.hr/en/e-administrative-proceedings/2493
- **e-Enforcement:** The service enables the submission of an application for enforcement on the basis of an authentic document, the submission of subsequent corrections and additions, as well as monitoring the status of the proceedings: https://gov.hr/en/e-enforcement/1120

4. Which of the following measures are available in your Member State to remove language/ cultural/ physical/ financial/ other barriers for people accessing remedies:

a. Interpretation and translation services;

The parties and other participants in the criminal proceedings have the right to use their own language, including sign language used by the d/deaf and the D/deaf-blind. If a particular procedural step is not being conducted in a language that the person speaks and understands, oral translation or sign language interpretation will be provided of their own and the other participants' statements as well as of the documents and other written evidence being presented. The body undertaking the proceedings can order, on its own

motion or following the defendant's substantiated written request, that the evidence or part of it be translated in writing if this is necessary for the exercise of the procedural rights of the defense. Upon his/her request, the defendant has the right to the translation of his/her conversations and correspondence with the defense attorney necessary for the preparation of the defense, for the submission of legal remedies, or for the undertaking of other procedural steps, if this is necessary for the exercise of the procedural rights of the defense. A court decision cannot be based on the evidence obtained by violating the right to translation. If this does not violate the procedural rights of the defense, translation and interpretation can be carried out via telephone or an audio-video device. A defendant who has been deprived of his/her liberty may submit submissions in his/her own language to the body conducting the proceedings.

Pursuant to Art. 102 of the Civil Procedure Act, the parties have the right to follow the oral proceedings before the court in their own language with the help of an interpreter. They can waive this right if they declare that they know and understand the Croatian language. In the event that the party choses to follow the proceedings in his/her own language, he/she will be provided with oral translation by an official interpreter of what is said at the hearing as well as of the documents presented as evidence. The costs of the translation shall be borne by the parties or participants concerned.

On the website of the Office of the Representative of the Government of the Republic of Croatia before the ECtHR, the translations into Croatian of ECtHR's documents relevant for the initiation and the undertaking of the proceedings before the ECtHR are published. Translations of judgments and decisions relating to the Republic of Croatia, as well as other judgments significant for the development of the judicial practice of the ECtHR are published regularly as well.

However, language barrier problems are present in certain areas, such as the area of labor rights and the system of international and temporary protection. Therefore, in her 2022 Annual Report the Ombudswoman made recommendations to the competent authorities on the need to provide relevant information in multiple languages, for example to foreign workers in the Republic of Croatia on their rights in the Republic of Croatia, as well as a recommendation on the need to provide translators to irregular migrants and applicants for the international protection during their deprivation of liberty.

b. Measures to facilitate access by persons with disabilities, such as measures relating to accessibility of court houses and other resources for people with disabilities;

c. Legal aid;

The free legal aid system is targetted to aid low-income persons. The provisions of **The Free Legal Aid Act** prescribe that the legal aid can be approved in all proceedings before courts, administrative bodies and other legal entities vested with public authority. Croatian regulations distinguish between primary legal aid and secondary legal aid. Primary free legal aid includes legal advice, preparation of submissions to state bodies, representation in proceedings before state bodies, legal assistance in peaceful resolution out of court. Secondary legal aid includes drafting pleadings in court proceedings and representation in court cases. It also includes exemption from the payment of court fees and of litigation costs. Beneficiaries can obtain legal aid for a limited group of legal matters, such as matters regarding personal status, matters arising from pension and invalidity insurance, social welfare rights, employment, family law disputes and enforcement proceedings.

According to the Free Legal Aid Act, free legal aid shall be granted to Croatian citizens and certain categories of foreigners (asylum seekers, persons on temporary or permanent stay, etc.):

1. If the legal aid applicant does not have sufficient knowledge and ability to exercise his right,
2. If legal aid is not granted under the provisions of special regulations,
3. If the legal aid application is not manifestly ill-founded,

4. If the applicant's financial situation is such that the payment of court costs would threaten their livelihood or the livelihood of their household members.

Applicants can request primary legal aid by directly approaching the authorised legal aid providers. The procedure for the approval of secondary legal aid has to be instituted by submitting an application to a state administration office in a county or to one of the authorized CSOs or legal clinics.

According to **The Law on the Legal Profession**, the Croatian Bar Association provides free legal assistance for the victims of the 1990s war and other deprived persons in legal issues that such persons realize as a matter of rights connected with their position, as well as in some other cases provided for by the enactments of the Association.

d. Arrangements to refer vulnerable victims, such as victims of domestic or gender-based violence, to support services;

Victims of criminal offences have free-of-charge access to the dedicated services.

Support services are provided by the Departments for Victim and Witness Support (currently available at seven county courts in the RC), by a network of CSOs with financial support from the Ministry of Justice and Public Administration and a number of other service providers (legal clinics, public health care institutions, etc.). The Association for the Support to Victims and Witnesses runs a toll free telephone line in cooperation with the Ministry of Justice and Public Administration available 24 hours a day.

e. Fast-track proceedings available for certain vulnerable parties, such as in cases involving sexual violence or children;

- proceedings conducted in employment-related litigation - the court shall always pay special attention to the necessity of resolving employment disputes urgently – Article 434 of the Civil Procedure Act
- litigation for trespass - while fixing time limits and scheduling hearings upon complaints for trespass, the court shall always pay special attention to the necessity of resolving disputes urgently, according to the nature of each particular case – Article 440 of the Civil Procedure Act
- enforcement and security proceedings - the court is obliged to act urgently – Article 13 of the Enforcement Act
- anti-discrimination court proceedings - the court and other bodies conducting the proceedings shall urgently undertake actions within the proceedings, endeavouring to investigate discrimination-related statements as soon as possible – Article 16 of the Antidiscrimination Act
- court proceedings for the protection of persons who report irregularities (whistleblowers), and especially when setting deadlines and hearings, the court will always pay special attention to the need for an urgent resolution of disputes for the protection of whistleblowers - Article 28 of the Act on the Protection of Persons Who Report Irregularities

In the process of amending the Civil Procedure Act in 2022, the Ombudswoman proposed to prescribe procedures in lawsuits for the termination of lifetime and lifelong support contracts as special procedures in which the court is obliged to act urgently, taking into account the recipient's age and state of health condition, however, the proposal was not accepted.

f. Other measures.

Please provide more information on the measures available and your experience on their relevance. For instance, please provide examples of good practice you consider effective.

Legislative framework regulating the area of victim support in the Republic of Croatia is aligned with Directive 2012/29/EU establishing minimum standards on the rights, support and protection of the victims of crime, formally guaranteeing victims a wide spectrum of rights. Pursuant to the Criminal Procedure Act, the victims undergo individual assessment in order for an estimate to be made on whether any special measures for the protection of the victim and the reduction of the risk of retraumatization and secondary victimization need to be undertaken.

Individual assessment is undertaken by all of the bodies involved in the criminal proceedings that encounter the victim – the police, state attorneys, judges, expert witnesses. The victim participates in the process and her/his wishes, including the wish for no special protection measures to be undertaken, are taken into account, as well as her/his dignity, mental and physical status and all of the relevant elements of the case. Persons/bodies performing the assessment may request the necessary information from the social welfare centers and other bodies, organizations and institutions that offer support to victims of criminal offences as well as from the County Courts' Departments for Victim and Witness Support. The assessment needs to take into account the recommendations of the said bodies, organizations and institutions pointing to the need for the introduction of protection measures.

In contrast to what has been said above, in our work we have noted certain gaps in the implementation of the normative framework.

Although the protection of the interests of the victims should be among the main tasks of the criminal justice, the criminal prosecution bodies and the criminal courts do not allways take their rights into consideration to a sufficient degree, focusing on the rights of defendants instead. In some cases, inquests, inquiries and investigations take too long, first hearings are not called for months and the proceedings can last for years. It is the obligation of the state to reinforce the regulations intended to deter offenders from committing crimes with mechanisms ensuring their systematic implementation.

Furthermore, in the course of preliminary criminal investigation and criminal proceedings, victims are often interrogated several times, which considerably augments the risk of new emotional and psychological trauma.

Although the Criminal Procedure Act and the Ordinance on Carrying out an Individual Assessment of the Victims stipulate the procedure for interrogating victims, including the preliminary actions to be taken, individual assessment is in practice carried out by police officers, state prosecutors and judges, some of whom are not adequately educated about victim support, and the collaboration with the bodies, institutions, CSOs and the department for support-provision to the victims and witnesses could be improved. In addition, according to the information received from CSOs and the complaints submitted to the Ombudswoman, the bodies carrying out individual assessments of the victims' need for protection typically conclude that there are no risks of inflicting damage and/or re-traumatisation, and, accordingly, do not propose and/or implement special protection measures. Thus, we have continually been recommending training sessions to be organized for the employees in the judiciary on these topics.

Departments for Victim and Witness Support are still only organised at seven county courts and seven municipal courts and the reorganisation of the court network has not been accompanied with further development of the support network. Thus, we have been recommending that the Ministry of Justice and Public Administration set up such departments in the rest of the courts. In the counties where no support

departments have been set up services are being provided by CSOs with the financial support of the Ministry of Justice and Public Administration. However, they are faced with difficulties, such as the lack of separate rooms for victims/witnesses in court buildings, which can result in the victims being forced to meet the perpetrators in court hallways. Additionally, some of the courts lack the equipment necessary for the victims to be able to testify without physically meeting the perpetrators.

In contrast to what has been said so far, 2022 was marked by a certain level of progress in the development of the support system for victims and witnesses, through the improvement of the implementation of individual assessments of victims and the better implementation of the special protection measures to reduce the risk of further damage and additional traumatization, through the expansion of the Support Network, trough the enhanced production and distribution of information packs and enhanced media visibility, and the launch of the Support Network's website. The toll free line of the National Call Center for the Victims of Criminal Offenses run by the Association for the Support to Victims and Witnesses in cooperation with the Ministry of Justice and Public Administration is available 24 hours a day and starting from February 2022, the National Call Center and the Ministry of the Interior have been implementing a pilot project whereby police officers, with the victims' consent, can forward their contact information to the National Call Center, whose officers will contact the victims within a 48 hour period and offer information and support. In September 2022, the Ministry of Justice and Public Administration established a working group to draft the amendments to the legislative framework for the protection of violence against women and domestic violence (the Criminal Procedure Act, the Criminal Code, the Law on Protection from Domestic Violence, the Law on Courts, the Rulebook on the Implementation of Precautionary Measures and the Rulebook on the Methods of Undertaking Individual Victim Assessment), which we commend.

In the future amendments to the Criminal Procedure Act the expansion of the list of the criminal offenses for which the victim has the right to anonymity should be considered, since the complaints we receive point to situations in which the perpetrator has access to the address of the individual testifying in court against him/her, which can lead to the latter feeling unsafe and suffering additional traumatization.

5. Which measures has your Member State taken to ensure the justice system's responsiveness to the needs of vulnerable and marginalised groups? Please provide examples of good practice you consider effective.

An efficient mechanism for the monitoring hate crimes has been established in the Republic of Croatia. Precisely for the purpose of adequately suppressing hate crimes a working group was set up in which the Office of the Ombudswoman also participates.

The system established in the Republic of Croatia, as well as the Protocol on Handling Hate Crimes, was evaluated as an example of good practice among the OSCE member states.

The Protocol defines special forms for the statistical data collection on cases of hate crimes, namely the Form for the statistical monitoring of criminal offenses in connection with Article 87, paragraph 21 of the Criminal Code, the Form for the statistical monitoring of hate speech and the Form for the statistical monitoring of offenses motivated by hate, which are an integral part of the Protocol.

The key laws for combating hate crimes in the Republic of Croatia are the Criminal Code, the Law on the Prevention of Disorders at Sports Competitions, the Anti-discrimination Act, the Law on Public Gatherings, the Law on Offenses Against Public Order and Peace, the Rulebook on the Method of Carrying Out Individual Victim Assessments and the Protocol on Handling the Case of Hate Crimes.

6. Does your Member State have in place arrangements to facilitate access to justice by children? Please provide examples of good practice you consider effective.

7. Does the justice system provide the possibility for stakeholders to bring cases on behalf or in support of victims? If yes, in which areas of law is this possible? Please provide examples of good practice you consider effective.

Pursuant to Art. 24 of the Antidiscrimination Act, in the court proceedings instituted in antidiscrimination cases associations, bodies, institutions or other organisations having a justified interest in protecting collective interests of a certain group, or those which within their scope of activities deal with the protection of the right to equal treatment, may bring a legal action against a person that has violated the right to equal treatment, if they make plausible that the defendant's conduct has violated the right to equal treatment of a larger number of persons who predominantly belong to the group whose rights the plaintiff defends. In the proceedings they can request that the court: establish that the defendant's conduct has violated the right to equal treatment in relation to members of the group; prohibit the undertaking of activities which violate or may violate the right to equal treatment, or to carry out activities which eliminate discrimination or its consequences in relation to members of the group; publish in the media the ruling establishing violation of the right to equal treatment, at the defendant's cost.

As an example of good practice, in 2011 two prooceedings for protecting collective interests on the ground of sexual orientation were initiated by civil society organizations dealing with the issues of LGBTIQ community. The cases concern public statements by prominent people in sport. The claims requested that the courts establish that the defendant's conduct has violated the right to equal treatment in relation to members of the LGBTIQ community, prohibit the undertaking of activities that violate or may violate the right to equal treatment and publish in the media the ruling establishing violation of the right to equal treatment.

The Supreme Court, in the proceeding following the complaint and the proceeding following the revision of the first instance courts, ruled in favor of the plaintiffs. The Supreme Court explained the basic principles of antidiscrimination law and, in one of the cases, referring to the *Feryn* case, explained that it is not necessary for there to be a victim *per se*, as well as a directly comparable situation and that the statement about homosexual people lacking certain qualities for a successful football player could encourage discrimination. Due to the importance of protecting the rights of sexual minorities, the fact that discrimination was committed through the media and that the perpetrator was a publicly known person, the ombudsman decided to get involved as an intervener on the side of the prosecutor in one of the aforementioned court proceedings

8. Which challenges or points of development have been identified in your Member State regarding effective legal protection?

The legal aid system is aimed at achieving the principle of the rule of law - equality of all before the law and access to court for all citizens, regardless of their material status. Due to the difficult social situation and the high rate of poverty, many citizens are not able to hire an attorney and the inaccessibility and ineffectiveness of the legal aid system undermines the foundations of equality of citizens before the law and the right of access to court and to the public authorities.

Citizens often contact us in relation to problems outside of the competences of our institution and ask for free legal aid, which we are not allowed to provide. We therefore refer them, after they present their problems, to other bodies they should contact, and clarify the legal and institutional options at their disposal.

Citizens with low social-economic status are able to request free legal aid from state bodies and other authorized providers (legal clinics, registered CSOs, attorneys), but they are still insufficiently informed about the procedure for exercising this right. They are not acquainted with the fact that they can refer directly to the authorized providers of the primary legal aid, nor with the requirements for exercising the right to representation by an attorney and exemption from the costs of court proceedings and court taxes.

Despite the Ombudswoman's recommendations regarding the need for greater accessibility of the information on free legal aid, citizens are still not sufficiently informed, so systematic information should be provided through the media, but also through the distribution of leaflets in police stations, courts and other authorities.

In the light of the fact that primary legal aid may be provided in various fields of law, it is necessary to conduct continuous training of the civil servants employed for these tasks in the state administrative offices, to enable them to provide citizens with timely and professional legal aid.

9. Is there any significant, recent case-law from your Member States on ensuring effective legal protection, which you would like to mention?

10. Are there any significant, recent decisions by equality bodies or other non-judicial remedies on ensuring effective legal protection, which you would like to mention?

At the end of June 2023, the Office of the Ombudswoman submitted to the Constitutional Court a request for an evaluation of the constitutionality of certain provisions of the amendments to the Mandatory Health Insurance Act. It is a specific legal submission that can be filed only by authorized persons prescribed by law, such as the President of the Republic, a fifth of the representatives of the Parliament and the Ombudsperson.

According to the disputed provisions, some citizens must personally visit the premises of the Croatian Health Insurance Institute once every three months in order not to lose their health insurance. Assuming that these changes were intended to determine the number of insured persons and prevent misuse, the same could have been done in a less restrictive way. A personal visit every three months should not be the only way to verify the living circumstances of the beneficiaries in the 21st century, and when introducing this obligation, some citizens were forgotten, such as those for whom movement is impossible or difficult due to their health status or disability. An additional problem is if they live in places that do not have public transport or it is not well organized to the place where the nearest CIHI office is located. Citizens in these situations will be at risk of being discriminated against on the basis of disability and health status, as well as financial status, and will be placed in an unequal position before the law. Currently, the issue of mandatory health insurance for students who study outside Croatia and the EU is also unclear, although the Republic of Croatia has a constitutional obligation to protect young people, and it should be expected that it supports young people who are getting an education and has an interest in maintaining a relationship with them during their studies and encouraging their return after studying in Croatia. A special problem is that the CIHI will not issue decisions to citizens that they have been deregistered from health insurance, unless they request it themselves. However, it is questionable how many of them will have information about this possibility, and since without a decision it is not even possible to file an appeal, this means that in practice they will be denied the right to appeal. Finally, instead of the periodic personal visits, the Ministry of Health could have utilized data exchange between various public bodies and facilitated their stronger cooperation. For example, it would have been possible to enhance the cooperation between the Croatian Institute for Health Insurance and inspections and to use the

records of the Ministry of Finance - Tax Administration (regarding tax residency) and the Ministry of the Interior (to control the status of Croatian citizens residing and working abroad without registering a change or cancellation of residence in Croatia).

The Ombudswoman has therefore pointed out that all legislation , for the sake of legal certainty, should be designed in detail in advance and clearly prescribed and explained, and the lack of this type of forethought cannot be made up for by subsequently allowing individual exceptions. At the same time, when designing new legislation, it is always necessary to keep in mind the effects on individual groups of citizens, not forgetting those most vulnerable.

In her request for constitutional review the Ombudswoman proposed that the Constitutional Court issue a temporary suspension of the implementation of these provisions until a final decision is reached. Furthermore, given the various types of information available in the public domain regarding this topic, she proposed that the Constitutional Court decide on the matter based on a public debate in which representatives of the Ministry of Health, as the expert body responsible for the amendments to the Mandatory Health Insurance Act and of the Croatian Institute for Health Insurance, as the implementing body, would be invited to participate. This is particularly important taking into account the fact that the amendments to this piece of legislation failed to clearly define the intended objective and to specify whether less burdensome measures, such as data exchange between public bodies, were considered and, if so, why they were not chosen.

Odgovor Ministarstva pravosuđa i uprave na Upitnik Europske komisije za prikupljanje podataka iz država članica u svrhu izrade Izvješća Europske komisije o Povelji Europske unije o temeljnim pravima 2023.

Ministry of Justice and Public Administration
Croatia

Questionnaire:

1. Which judicial and non judicial remedies are avaliable in your Member State:

a. In criminal, civil and administrative cases;

b. in cases of discrimination;

c. in the field of consumer legislation;

d. in the field of employment legislation;

The right to a legal remedy is a constitutional right of a person, prescribed and guaranteed by the Constitution of the Republic of Croatia (Art. 18, paragraph 1 and 2) the terms of which are elaborated in detail in the Criminal Procedure Act (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, 130/20, 80/22), in Articles 463-519.

The Criminal Procedure Act stipulates: 1) ordinary legal remedies, 2) extraordinary legal remedies. Regular legal remedy is an appeal (Art. 463-496), which can be filed against: (a) a judgment of a court of first-instance (Art. 463-489), (b) a judgment of a court of second instance (Art. 490) and (c) an order (Art. 491-496).

As regards the appeal against a judgment of a court of first-instance (a), the Criminal Procedure Act prescribes, in details, a right to appeal, contents of an appeal, grounds for appeal, appellate proceedings, scope of first-instance judgment review, decisions on appeals of the court of second instance. As regards the appeal against a judgment of a court of second instance (b) the Criminal Procedure Act prescribes the grounds for appeal.

As regards the appeal against an order, the Criminal Procedure Act prescribes that, unless the appeal is explicitly barred by that Act, the parties and persons whose rights have been violated may file an appeal against an order of the State Attorney or the judge of investigation as well as against other orders of the court of first instance. Orders issued for the purpose of preparing a trial and judgment may be challenged only in the appeal against the judgment.

Extraordinary legal remedies are: (1) renewal of criminal proceedings (Art. 497-508), in the case when the criminal proceedings have been completed by a final decision or a final judgement, it can be renewed at the request of an authorized person only in cases and under the conditions prescribed by law (2) request for protection of legality (Art. 509-514) which can be submitted against final court decisions, by the Attorney General, if the law has been violated and (3) a request for extraordinary review of final judgment (Art. 515-519), due to a violation of the law in cases provided for by the Act or if a convict person has been legally sentenced in

procedure in a manner that represents a violation of fundamental human rights and freedoms guaranteed by the Constitution, international law or the law.

This kind of system of legal remedies in croatian criminal procedural law represents an appropriate and effective system of additional protection of rights and freedoms in criminal proceedings, being consistent with constitutional and international principles in this area.

The Civil Procedure Act (Zakon o parničnom postupku) (OG 53/91, 91/92, 112/99, 129/00, 88/01, 117/03, 88/05, 2/07, 96/08, 84/08, 123/08, 57/11, 25/13, 89/14, 70/19, 80/22 and 114/22; hereinafter: the ZPP) provides for the possibility to the parties to lodge an appeal against the court judgement or a writ. An appeal can be lodged on the account of a significant violation of the provisions of the civil procedure, on wrongly or incompletely established factual situation and due to incorrect application of substantive law. The appeal is submitted to the first-instance court in a sufficient number of copies for the court and the opposing party. An untimely, incomplete or inadmissible appeal will be rejected by the court of first instance. The second-instance court examines the first-instance judgement within the limits of the reasons specified in the appeal, while also paying attention ex officio to certain essential violations of the provisions of the civil procedure and to the correct application of substantive law, except in relation to the application of substantive law in the decision on the costs of the procedure.

Another legal remedy is the extraordinary legal remedy of revision of the judgement of the second instance court. The parties may submit a revision against the judgement rendered in the second instance if the Supreme Court has allowed the submission of a revision. The revision is then submitted within 30 days from the date of delivery of the revision court's decision on the admissibility of the revision. As an exception to the above rule, the parties can submit a revision against the judgement in the second instance without the permission of the Supreme Court (within 30 days from delivery) in a dispute regarding: about the existence of an employment contract, termination of employment or to establish the existence of an employment relationship, about the determination of maternity or of paternity, for protection against discrimination and for publication of corrected information.

A motion for permission to revision may be filed because of a legal issue that is important for the decision in a dispute and for ensuring the uniform application of law and the equality of all in its application, or for the development of law through judicial practice. Furthermore, a motion for permission to revision can be submitted against a second-instance judgement confirming a first-instance judgement due to a procedural legal issue related to essential violations of the ZPP only if the applicant disputed the first-instance judgement for those reasons or if these violations were committed only in the second-instance proceedings.

In the decision rejecting the proposal, it is enough to refer to the lack of presumptions for submitting the revision, and a legal remedy against the decision regarding the proposal for permission to revise is not allowed.

A revision against the decision of the second-instance court can only be filed if the procedure on the subject of the dispute has been legally concluded with the decision of permision of revision.

Article 66 of the Administrative Disputes Act ("Official Gazette", number 20/10, 143/12, 152/14, 94/16, 29/17 and 110/21; hereinafter: ZUS) prescribes that the parties can file an appeal against the judgment of the administrative court due to:

1. significant violations of the rules of court procedure,

2. incorrectly or incompletely established factual situation in the dispute,

3. wrong application of substantive law.

Article 76 of the ZUS stipulates that a dispute concluded by a judgement will be renewed at the party's proposal:

1. if the final judgment of the European Court of Human Rights decided on a violation of a fundamental human right or freedom in a different way than the judgment of the court,

2. if the judgement is based on the previous question, and the competent court or other public law body later decided differently on the important points on that question,

3. if the court's decision was due to a criminal offense committed by a judge or court official,

4. if the court's decision is based on a document that is falsified or in which untrue content is certified, or if the court's decision is based on a false testimony of a witness, expert or party,

5. if a judge who had to be exempted according to Article 15 of this Act took part in making the decision,

6. if the party finds out about new facts or finds or acquires the possibility to use new evidence on the basis of which the dispute would have been resolved more favorably for her/him if these facts, i.e. evidence had been presented or used in the previous court proceedings,

7. if the interested person was not given the opportunity to participate in the administrative dispute.

Article 78 of the ZUS stipulates that the parties to an administrative dispute may, due to a violation of the law, propose to the State Attorney's Office of the Republic of Croatia the submission of a request for an extraordinary review of the legality of final judgment and decision of the administrative court or the High Administrative Court.

e. In other fields, including as regards non-judicial remedies;

The legal framework governing the ethical conduct of civil servants consists of the Civil Servants Act (hereinafter: CSA) and the Code of Ethics for Civil Servants (hereinafter: Code of Ethics) adopted by the Government of the Republic of Croatia on the basis of the CSA.

The Code of Ethics sets out the rules of conduct and ethical principles on the basis of which civil servants act when performing their official duties and establishes an institutional framework that allows cases of unethical conduct to be reported, envisages formal and informal consultation and guidance regarding the application of ethical principles and strengthening of ethical standards in the civil service.

Institutional framework consists of Ethics Commissioners, Ethics Committee and The Ministry of Justice and Public Administration’s Service for Ethics and Integrity.

In all state bodies, Ethics Commissioners have been appointed to promote ethical conduct in the interrelationship of civil servants as well as in the conduct of civil servants towards citizens and also to deal with complaints about unethical conduct of civil servants. In June 2023, there are 263 ethics commissioners appointed. Ethics commissioners are obliged to complete a specialized education programme implemented by the Service for Ethics and Integrity in cooperation with the National School of Public Administration that provides them with all the skills needed to successfully handle complaints but also to be able to advise civil servants on the application of ethical principles such as avoiding conflicts of interest, prohibiting the acquisition of benefits, preserving the personal reputation and reputation of the civil service, respecting the integrity and dignity of citizens and civil servants, conduct in public appearances when representing a state body and ethical principles in relation to civil servants and citizens.

The Government of the Republic of Croatia has established the Ethics Committee for Civil Servants as a second-instance independent working body for dealing with complaints and promotion of ethical standards in the civil service. The Ethics Committee consists of 6 members, three of whom have been selected from the ranks of civil servants, two from trade unions and one from NGOs, and are elected for a term of office of 4 years.

As a central organisational unit for coordinating activities related to civil service ethics and cooperation with the Ethics Commissioners and the Ethics Committee, Service for Ethics and Integrity at The Ministry of Justice and Public Administration has been established. It performs administrative and professional tasks related to the application of ethical principles in the state administration.

According to the Code of Ethics, citizens, legal entities and civil servants may file a complaint in writing (post or e-mail), orally or by telephone with the Ethics Commissioner about unethical conduct of civil servants, while complaints concerning the conduct of Ethics Commissioners and heads of the state bodies who are civil servants are the responsibility of the Ethics Committee. If a complaint is well founded, depending on the degree and severity of the breach of the Code of Ethics, the head of the state body may initiate proceedings for serious or minor misconduct/breach of duty or may warn the civil servant to the need to comply with the provisions of the Code of Ethics.

2. Does your Member State provide information on the avaliable remedies, and the steps to be taken during a judicial process/when accessing non-judicial remedies:

c. To parties of administrativce proceedings;

It should be noted at the outset that in administrative procedures based on the rules regulated by the Law on General Administrative Procedure ("Official Gazette", No. 47/09 and 110/21, hereinafter: ZUP) state administration bodies and other state bodies, bodies of local and local (regional) self-governments, legal entities that have public powers (hereinafter: public law bodies), within the scope established on the basis of the law, act and resolve administrative matters. An administrative matter is any matter in which a public legal body decides in an administrative procedure on the rights, obligations or legal interests of a natural or legal person or other parties (hereinafter: parties) by directly applying laws, other regulations and general acts governing the corresponding administrative area. Also, an administrative matter is

considered to be any matter that is determined by law as an administrative matter. So, in the specific case, it is about non-judicial proceedings.

A number of provisions of the ZUP are aimed at protecting and informing the parties about their rights, which results in particular from the following principles of administrative procedure:

The principle of proportionality is expressed in the provision of Article 6 of the ZUP. Thus, in paragraph 3 of the aforementioned article, it is prescribed that when conducting the procedure, public law bodies are obliged to enable the parties to protect and exercise their rights as easily as possible, taking care that the exercise of their rights does not harm the rights of third parties or is not in conflict with public interest.

The principle of helping an ignorant party is expressed in Article 7 of the ZUP, which stipulates that an official person, in each individual administrative procedure, when he/she learns or assesses during the procedure that the party has a basis for exercising a right, will warn him/her of this, as well as on the consequences of her/his actions or omissions in the procedure, and care will also be taken that the ignorance or indolence of the party and other persons participating in the procedure are not to the detriment of the rights that belong to them by law.

The principle of access to data contained in the provision of Article 11 of the ZUP stipulates that public law bodies are obliged to provide parties with access to the necessary data, prescribed forms, the website of the public law body and provide them with other information, advice and professional assistance.

Regarding the availability of information, and in addition to the provisions of the ZUP, it should be noted that the Ministry of Justice and Public Administration publishes information on administrative proceedings on its website, which also contains information on legal remedies in administrative proceedings. Also, on the mentioned page, a brochure on the application of the ZUP is available, which, among other things, contains information on available legal remedies, as well as frequently asked questions and answers.

When it comes to legal protection, in addition to the detailed procedural provisions referred to below, the principle that establishes the party's right to a legal remedy is also referred to (Article 12). According to the aforementioned principle, the party has the right to appeal against the first-instance decision, or, if the public law body has not resolved the administrative matter within the prescribed period, unless otherwise prescribed by law. An administrative dispute can be initiated against a second-instance decision, that is, against a first-instance decision against which an appeal is not allowed. The party has the right to object against an administrative contract or other action of a public law body or public service provider.

Furthermore, Article 98 of the ZUP stipulates, among other things, that the mandatory content of the decision is the instruction on the legal remedy. With the instruction on legal remedy, the party is informed whether he/she can file an appeal against the decision or initiate an administrative dispute, to which body, within what time frame and in what way. The instruction on legal remedies also contains a note that the parties have the right to waive their right to appeal from the date of receipt of the first-instance decision until the expiry of the deadline for filing an appeal.

Also, in Chapter I of the fourth part of that Act, the ZUP prescribed the entire procedure for appeals, where, among other things, it is prescribed in several provisions how to submit an appeal, to which authority and within what time limit.

Thus, it is clear from the cited provisions of the ZUP that the legislator took care to protect the rights and interests of the parties and that legal remedies are available to the parties as a basic way of legal protection against decisions made in administrative proceedings, but also other institutes of the ZUP aimed at assistance and protection of the rights of the parties.

One of the principles of an administrative dispute is the principle of helping an ignorant party.

Article 9 of the ZUS stipulates that the court will take care that the ignorance and indolence of the party and other participants in the administrative dispute does not harm their rights based on the law.

Article 60 of the ZUS stipulates, among other things, that the judgment must contain an instruction on legal remedy, which informs the party whether he/she can file an appeal against the judgment, to which court, within what time frame and in what way.

d. Persons accessing non-judicial remedies;

The information on how to lodge a complaint, what are the steps to be taken and what can be done if a person who filed a complaint is not satisfied with the response received from the state administration body where the civil servant to whom the complaint refers to is employed, are published on the website of The Ministry of Justice and Public Administration. It can also be requested from the Ethics Commissioners directly or from the Service for Ethics and Integrity via telephone, e-mail or post.

Service for Ethics and Integrity prepares and publishes on its website a report on complaints lodged for unethical conduct of civil servants, which also includes information on praise for the good work of civil servants. The number of complaints solved by the ethics commissioners varies, with 253 complaints resolved in 2019, of which 13% were well founded, 187 complaints resolved in 2020, of which 16% were well-founded, 230 complaints resolved in 2021, of which 19% were well-founded and 185 complaints resolved in 2022, of which 15% were well-founded. In relation to the officially received praise, 39 were sent in 2019, 11 in 2020 and as many as 135 in 2021 and 74 in 2022.

These annual reports also include information on measures taken due to violations of ethical principles, and thus 1 decision was issued before the civil service tribunals in 2019, 5 decisions were adopted in 2020, 2 decisions were adopted in 2021 and 6 decisions were adopted for severe breach of duty due to conduct contrary to the Code of Ethics or due to conflicts of interest. In relation to minor breach of duty for conduct contrary to the Code of Ethics, 4 warnings were issued in 2019 and 2020, 3 in 2021 and again 4 in 2022. In 2019, 31 written and oral warnings were issued, 22 warnings were issued in 2020, in 2021 41 warnings were issued and in 2022 20 reminders were issued to the civil servants about the need to comply with the provisions of the Code of Ethics.

The website also publishes annual reports on the work of the Ethics Committee, so in 2019 the Ethics Committee dealt with 64 cases, of which 2 complaints were well founded, in 2020 32

cases were resolved, of which 2 complaints were well founded, and in 2021 39 cases were resolved, of which 4 complaints were well founded and in 2022 43 cases were resolved of which 4 were well-founded.

3. Does your Member State use digital tools to facilitate access to justice? If yes, provide more information on the tools avaliable and your experience on theor relevance.

Amendments to the Criminal Procedure Act in 2022 (OG 80/22) expand the use of information and communication technologies in criminal proceedings, i.e. the introduction of e-communication and the expansion of the possibility of using audio-video link.

Communication with the body leading the proceedings (state attorney's office and court) is introduced through the e-communications information system. The filing of submissions and their attachments that exist in electronic form to the body conducting the proceedings is prescribed as an option, for the participants in the proceedings, primarily the defendants, natural persons who did not agree to the specified method of communication or do not have the opportunity for the specified method of communication, so they can opt to file submission also in other way. Communication with the court via the information system is prescribed as mandatory for certain, categorically listed participants in the procedure, thus state bodies, the state attorney's office, lawyers, court experts, court interpreters and legal entities. This will facilitate communication and reduce the costs of the procedure.

Also, it is possible for participants to the procedure who are not mandatory participants of e-communication to file a submission to the body conducting the procedure via electronic mail or other appropriate means of telecommunication.

Delivery via the information system in relation to state bodies, the state attorney's office, lawyers, court experts, court interpreters and legal entities as mandatory participants in e-communication is mandatory, while delivery via the information system to foreigners or other participants in the procedure may be made with their consent.

Also, through the information system, it is possible to deliver decisions and letters that have originals in physical form, provided that the electronic (scanned) transcript made on the basis of the originals in physical form is certified by a qualified electronic court seal. It should be emphasized that delivery made through the information system will be considered direct delivery, that is, it is presumed that the decision or letter was delivered directly to the person to whom it was addressed.

The parties are allowed to attend the preparatory hearing and the session of the indictment panel with the help of a closed technical device for remote communication (audio-video device) operated by an expert. The president of the council decides on its use, depending on the specific circumstances of each individual case.

New legal changes in the subject area will bring certain positive effects. Namely, the necessary prerequisites will be created for expanding the use of information and communication technologies in criminal proceedings, in order to increase the efficiency and speed up the conduct of criminal proceedings, enable more efficient exchange of letters and faster exercise of rights, and reduce the costs of the proceedings. The introduction of electronic communication in criminal proceedings will enable the sending of letters in electronic form through the

information system, which will shorten the time of sending submissions to the court, as well as the delivery of court documents, but also reduce the costs of the procedure, and the participants of the procedure will facilitate communication with the court.

Following the entry into force of the Rules on forms in enforcement proceedings, the method of e-communication between participants and the assignment of cases to notaries public (Pravilnik o obrascima u ovršnom postupku, načinu elektroničke komunikacije između sudionika i načinu dodjele predmeta u rad javnom bilježniku) (Narodne Novine (NN; Official Gazette of the Republic of Croatia) Nos 43/21 and 94/21) and the publication of the Decision issued by the minister responsible for judicial affairs on the fulfilment of technical requirements for e-communication between participants in enforcement proceedings on the website of the Ministry of Justice and Public Administration (Ministarstvo pravosuđa i uprave), a system has been launched to enable motions for enforcement based on authentic instruments to be sent in electronic, machine-readable form via the e-Ovrha system.

ZPP provides for the possibility of submitting documents electronically via an IT system. This means that action to initiate civil proceedings (or a motion to initiate certain non-contentious proceedings) may be filed via a separate IT system. In addition, courts may use the IT system to deliver their decisions to a secure electronic mailbox. In this manner, a two-way communication channel has been established through a dedicated IT system.

Article 106a(5) of the ZPP establishes that the submissions of state authorities, the Public Prosecutor's Office, lawyers, notaries public, expert witnesses, court assessors, court interpreters, insolvency administrators, court commissioners, representatives referred to in Article 434a of the Act, commissioners in consumer insolvency proceedings, liquidators, special guardians employed at the Special Guardianship Centre, as well as legal entities and natural persons (tradesmen, doctors, etc.) engaged in a registered activity where the dispute concerns that activity, must always be filed in electronic form.

If any of those persons fail to respond to a claim in electronic form, the court will order them to do so within 8 days. If they fail to file their submission in electronic form by the specified time limit, the submission will be considered to have been withdrawn.

An electronic noticeboard (e-Oglasna ploča) service has been developed and implemented, which makes it possible to serve judicial documents to participants of court proceedings via the court's e-Noticeboard by using IT solutions.

The e-Noticeboard publishes judgments in accordance with the conditions of Article 335 of the ZPP and all documents pursuant to Article 8 of the Enforcement Act (Ovršni zakon) (OG 112/12, 25/13, 93/14 and 55/16, 73/17, 131/20 and 114/22).

Additionally, the e-Noticeboard publishes all documents that are published under the procedural rules on the court notice board.

Furthermore, courts may use the IT system to deliver their decisions to a secure electronic mailbox.

A motion for enforcement based on an authentic instrument can be filed solely through the eOvrha online application. In other words, the procedure to enforce collection of monetary claims based on an authentic instrument can only be initiated electronically.

On the basis of the Law on Amendments to the Law on Administrative Disputes ("Official Gazette", number 110/21), state administration bodies and other state bodies, bodies of local and regional (regional) self-government units, legal entities with public powers, state attorney's office, lawyers, notaries public, court experts, court assessors, court interpreters, bankruptcy trustees, trustees and legal entities are obliged to communicate with administrative courts and the High Administrative Court of the Republic of Croatia by electronic communication, and others, if they agree.

4. The following measures are available to remove legal/ cultural / physical/ financial/ other barriers for people accessing remedies:

a. Interpretation and translation service

According to Courts Act (Official Gazette No. 28/13, 33/15, 82/15, 82/16, 67/18, 126/19, 130/20, 21/22, 60/22, 16/23), permanent court interpreters interpret or translate, at the request of judicial bodies or parties, spoken or written text from the Croatian language into a foreign language, from a foreign language into Croatian, or from a foreign language into another foreign for the purposes of court proceedings or proceedings before other judicial bodies.

The conditions under which permanent court interpreters act in individual proceedings are prescribed by procedural laws (Civil Procedure Act, Criminal Procedure Act, Law on Administrative Disputes).

According to these laws, the parties and other participants in the proceedings have the right to use their own language when participating in hearings and when taking other procedural actions orally before the court. If the proceedings are not conducted in the language of the party or other participants in the proceedings, they will be provided with an oral translation into their language of what is presented at the hearing and an oral translation of the documents used as evidence at the hearing.

The parties and other participants in the proceedings will learn about the right to follow the oral proceedings before the court in their own language with the help of an interpreter. They can waive their right to translation if they declare that they know the language in which the proceedings are conducted. In the minutes, it will be recorded that they were instructed on the statements of the parties or participants.

The translation is done by interpreters.

Translation costs are borne by the party or participant concerned.

The use of languages and scripts of national minorities in courtproceedings is regulated by a separate law and the costs of translation into the language of a national minority arising from the application of the provisions of the Constitution of the Republic of Croatia, procedural laws

and other laws on the right of members of national minorities to use their own language are charged to the courts' funds.

According to the Criminal Procedure Act the parties and other participants in the proceedings have the right to use their own language, including the sign language of the deaf and deaf-blind. If the action in the procedure is not conducted in a language that the person speaks and understands, an oral translation, i.e. a translation or interpretation in the sign language of the deaf and deaf-blind of what he/she or others presents, as well as of the documents and other written evidence presented, will be provided. Deaf and deaf-blind people will be taught about the right to oral interpretation, i.e. translation or interpretation in sign language before the first interrogation.

The defendant who does not speak and does not understand the language in which the proceedings are conducted, or who is deaf or mute or deaf-blind,has the right to translation.

The body conducting the proceedings can by itself or at the reasoned written request of the defendant decide that the evidence or part of it be translated in writing, if necessary for the use of the procedural rights of the defense. Exceptionally, instead of a written translation, an oral translation or an oral summary of the evidence can be provided, if this does not violate the procedural rights of the defense and the defendant has a defense attorney. The defendant has the right to appeal against the decision rejecting the defendant's request to have the evidence or part of it translated in writing, which the defendant considers necessary for exercising the procedural rights of the defense.

The defendant has the right to the translation of conversations and correspondence with the defense attorney necessary for the preparation of the defense, submission of a legal remedy or remedy or taking other actions in the procedure if this is necessary for the exercise of the procedural rights of the defense. Translation will be provided at the defendant's request.

Article 11 of the ZUS stipulates, among other things, that the parties and other participants in an administrative dispute have the right to use their own language in front of the court in the presence of an authorized translator. These parties can waive their right to translation if they declare that they know the Croatian language.

b. Measures to facilitate acces by persons with disabilities, such as measures relating to accessability of court houses and other resources for people with disabilities;

Pursuant to the Ordinance on Notary Public Offices, the notary's office must be provided with unhindered access and movement, stay and work of persons with disabilities and reduced mobility in accordance with special regulations.

c. Legal aid;

An appeal may be filed by the parties, the defence counsel and the injured person. An appeal may also be filed to the benefit of the accused by the spouse or common-law spouse of the accused, his lineal relative, statutory representative, adopter, adoptee, brother, sibling and foster parent. In this case as well the time limit for appeal shall start to run from the date on which a

copy of the judgment is served on the accused or his defence counsel. The State Attorney may file an appeal either to the detriment or to the benefit of the accused.

Unless the accused has been sentenced to long-term imprisonment, an appeal may also be filed by the defence counsel and the persons referred to as above, without any special authorisation from the accused, although not against his will.

In case of the hearing before the court of second instance, upon the appeal of the defendant, the defendant and his defense attorney, amongst others, shall be invited to.

The request for the reopening of criminal proceedings may be submitted by the parties and the defence counsel and, after the death of the person convicted, by the State Attorney and the persons referred to as above.

The request for the extraordinary review of a final judgment may be submitted by the convicted person and his defence counsel.

The Criminal Procedure Act also prescribes for the mandatory legal aid in certain cases, when the defendant must have a defence counsel (Article 66.).

The Law on Legal Aid ("Official Gazette" no. 143/13. and 98/19.) regulates legal aid in civil and administrative matters to economically and socially vulnerable people in the Republic of Croatia. Legal-aid-recipients are entitled to primary legal aid secondary legal aid. Primary legal aid includes providing general legal information, legal advice, writing submissions to public law bodies, European Court of Human Rights and international organizations in accordance with the international agreements and rules of operation of those bodies, legal representation before public law bodies and legal aid in out-of-court amicable settlements. Secondary legal aid includes legal advice, writing submissions and legal representation in civil and administrative court proceedings, legal assistance in amicable settlements and exemption from court proceeding expenses and court fees.

Primary-legal-aid-providers are authorised non-governmental organizations, law-faculty-legal-clinics, county-administrative-bodies and Administrative Body of the City of Zagreb. Primary-aid-users beneficiaries directly contact primary-legal-aid providers, and primary legal aid providers themselves check whether the applicants meet the legal requirements for realizing the right to primary legal aid in informal, discretionary procedure. Ministry of Justice and Public Administration every year carries out public tender in compliance with the provisions of the Law on Legal Aid ensuring that way funds for projects of authorized non-governmental organizations and law faculties that have established legal clinics. Authorized non-governmental organizations and law faculties provide primary legal aid to vulnerable social groups such as victims of violence and domestic violence, victims of sexual violence, minorities, asylum seekers and other vulnerable social groups. Many of primary-legal-aid providers plan their activities in areas with a lower level of development or through field visits to areas with a lower level of development.

Secondary-legal-aid-providers are lawyers. To obtain secondary legal aid an application is submitted to one of the county-administrative-bodies or Administrative Body of the City of Zagreb. Secondary legal aid is granted in the proscribed types of proceedings if the applicant's financial status complies with the conditions proscribed in the Law on Legal Aid. In accordance

with the Law on Legal Aid, secondary legal aid is automatically granted to children in proceedings to exercise the right to maintenance and to victims of criminal acts of violence in civil court proceedings in order to exercise the right to compensation for damage caused by the commission of the criminal acts.

d. Arrangements to refer vulnerable victims, such as victims of domestic violence or gender-based violence to support services;

According to the Criminal Procedure Act, every victim of a criminal offense has, amongst other rights, the right to easily accessible, confidential and free access to services to support victims of criminal offences and the right to effective psychological and other professional help and support from a body, organization or institution for helping victims of criminal offenses in accordance with the law, as well as the right to be accompanied by a trusted person when undertaking actions in which he/she participates.

For especially vulnerable categories of victims, the Act provides for additional rights, as follows: A child as a victim of a criminal offense has, in addition to the rights that belong to the victim in accordance with this article and other provisions of this Act, also the right to: 1) plenipotentiary at the expense of budget funds, 2) secrecy of personal data, 3) exclusion of the public. The court, the state attorney's office, the investigator and the police are obliged to treat the child as a victim of a criminal act in a special way, keeping in mind the age, personality and other circumstances in order to avoid harmful consequences for the upbringing and development of the child. When dealing with a child victim, the competent authorities will primarily be guided by the best interests of the child. A victim of a criminal offense against sexual freedom and a victim of a criminal offense of human trafficking has the right to: 1) talk to a counselor before the examination, at the expense of budget funds, 2) to the proxy at the expense of budget funds, 3) that he/she is interrogated by a person of the same gender in the police and the state attorney's office, and that, if possible, she is interrogated by the same person in the case of re-examination, 4) to withhold answers to questions that are not related to the criminal offense and refer to the strictly personal life of the victim, 5) demand that it be examined through an audio-video device, 6) confidentiality of personal data, 7) demand the exclusion of the public from the discussion.

A victim in relation to whom special protection needs have been determined in accordance with Article 43.a. of the Act, has also the right to: 1) talk to a counselor before the examination, at the expense of budget funds, 2) that he/she is interrogated by a person of the same gender in the police and the state attorney's office, and that, if possible, she is interrogated by the same person in the event of re-examination, 3) to withhold answers to questions that are not related to the criminal offense and refer to the strictly personal life of the victim, 4) demand that it be examined through an audio-video device, 5) confidentiality of personal data, 6) demand the exclusion of the public from the discussion.

e. Fast-track proceedings avaliable for certain vulnerable parties, such as in cases involving sexual violence or children;

As a general clause, the Criminal Procedure Act stipulates that proceedings shall be conducted without unnecessary delays, while in proceedings in which the defendant has been temporarily deprived of liberty, the court and state authorities shall act especially promptly. The court and other state authorities shall prevent any abuse of rights of participants in the proceedings.

Juveniles' Court Act (OG 84/11, 143/12, 148/13, 56/15, 126/19) prescribes that criminal proceedings against a minor, against a younger adult and in cases of criminal protection of children are urgent. Bodies participating in the procedure against the minor and other bodies and institutions from which notifications, reports or opinions are requested are obliged to act as soon as possible in order to complete the procedure as soon as possible.

f. Other measures

Court network system and the system of the electronical communication with courts

The structure and organization of the network of judicial bodies is continuously reviewed and adapted to the specific needs of the system. The most important achievements of these reorganization measures are the multiple reduction of the number of judicial bodies since 2009, the merger of municipal and misdemeanor courts from 2019, the establishment of new specialized judicial bodies (the High Criminal Court of the Republic of Croatia from 2021) and the implementation of specialization within individual judicial bodies established by the law, prescribing special preconditions such as special appointment, mandatory training, security clearance etc. (minor, family, corruption and organised crime and war crime departments).

The network of the judicial bodies always takes into the account the availability of legal protection to citizens. The last substantial map amendements mutually merged municipal and misdemeanour courts in the same seats, and for the same time increased the number of municipal courts for 10 and the number of municipal state attorneys for 4, aiming at the better availability and approach to justice, as well as more efficient administration in judicial bodies as the prior sizes of some judicial areas were determined to be too large. One of the direct consequences of the reduction of the number of courts is that almost all prior courts, which were merged to greater neighbouring court, continued to operate as permanent services, providing for some judicial services, but enabling the parties to submitt any written documents for the court and its other permanent services, no matter where their case is actually being solved.

Some court services are always available no matter of the jurisdiction of courts (for example issuance of certificates that no criminal or misdemeanor proceedings are being conducted for the whole territory of the Republic of Croatia) or within the courts (for example composition and deposit of a will, establishment of other deposits, certification of documents, provision of legal assistance etc.).

The meaning of physical availability of court services is being decreased by the implementation of the electronic communication with the courts.

The alocation of some court cases to a specific court or location where physical presence of the parties is only exceptional and in that case also enabled through the video-conference communucation is primarily preconditioned by the availability and smaller workload of the solvers (for example all county courts are competent for solving all appeal cases regarding appeals lodged against criminal judgments and civil decisions of all municipal courts).

The prescribed obligation of payment acourt fees by the Law on Court Fees and the amount of court fees determined by the Ordinance of the Court Fee Tarrif in our system is not recognized as an obstacle to access to court.

Court Fees Act prescribes wide range of the exemptions from the fee obligations:

1. the Republic of Croatia and state authorities

2. persons and bodies that exercise public powers in procedures resulting from the exercise of those powers

3. workers in disputes and other procedures related to the exercise of their rights from the employment relationship

4. officials and employees in administrative disputes related to the exercise of their rights from official relations

5. persons with disabilities, on the basis of appropriate documents proving their status

6. spouses, children and parents of veterans who died, disappeared and were detained in the Homeland War, on the basis of appropriate documents proving their status

7. spouses, children and parents of those killed, missing and detained in the Homeland War, on the basis of appropriate documents proving their status

8. exiles, refugees and returnees, based on appropriate documents proving their status

9. beneficiaries of social welfare who receive a guaranteed minimum compensation

10. humanitarian organizations and organizations dealing with the protection of the families of those killed, missing and detained in the performance of humanitarian activities and organizations of persons with disabilities

11. children as parties in proceedings for maintenance or in proceedings on claims based on that right

12. parties who initiate procedures to establish motherhood or paternity and procedures for costs incurred by pregnancy and the birth of an illegitimate child

13. parties seeking restoration of business capacity

14. minors in procedures for granting permission to enter into marriage

15. parties in proceedings for the surrender of the child and for the purpose of achieving personal relations with the child

16. parties who initiate proceedings on rights from mandatory pension and mandatory health insurance, on the rights of unemployed persons based on employment regulations and rights in the field of social welfare

17. parties who initiate proceedings for the protection of constitutionally guaranteed human rights and freedoms against final individual acts

18. parties initiating procedures for compensation for damage due to environmental pollution

19. higher-level trade unions and trade union associations in litigation proceedings for court substitute consent and in collective labor disputes, and trade union commissioners in litigation proceedings in the exercise of the authority of the works council

20. consumers as bankruptcy debtors and plaintiffs in proceedings initiated on the basis of a final court judgement for the protection of collective interests

21. other persons and bodies when prescribed by a special law.

Besides that the Law establishes reduction of the fee obligation for submissions in an electronic form in accordance with special regulations through the information system in use in courts when the fee is paid at the time of their submission in the amount of half of the prescribed amount of the fee determined by the Tariff.

Decisions submitted by the court in electronic form in accordance with special regulations via the information system in use in court are also subject to a fee reduction in the amount of half of the prescribed amount of the fee determined by the Tariff if the fee is paid within three days from the date of electronic delivery of the decision.

Pursuant to the Lawyers Act the Croatian Bar Association provides free legal assistance to socially disadvantaged persons and victims of the Homeland War in legal matters in which these persons exercise rights related to their position. This free legal assistance is provided by appointment of attorney for representation without a right to reward.

5. Which measures has your Member State taken to ensure the justice system's responsiveness to the needs of vulnerable and marginalised groups?

In accordance with the Rules of Court, victim and witness support work is performed in a special department under the direct supervision of the president of the court or a person authorized by him.

The Victim and Witness Support Department provides emotional support and provides general procedural (in accordance with the provisions of the Criminal Procedure Act), technical and practical information to victims and witnesses and their family members.

The department refers victims and witnesses to specialized institutions and organizations of civil society depending on their needs, provides support for elderly, disabled and immobilized victims and witnesses when they are questioned outside the court building, provides practical assistance in navigating the court building with the aim of avoiding the possibility of testimony causing additional negative consequences, new suffering or trauma to the victim or witness.

The department appropriately contacts all victims and witnesses in war crimes cases, and in other cases by order of the judge or the state attorney, for the purpose of determining information about the state of health, needs and possibilities of the victim's or witness' attendance for questioning.

Support can also be provided outside the court premises, depending on the needs of victims and witnesses and cooperation with other state bodies (police, state attorney's office).

The subpoena contains a notification about the existence of the Department, with a brief description of the work performed by the Department and contact information.

Volunteers can participate in the work of the department, as direct support providers. The department also has a waiting room for victims and witnesses.

In order to ensure stability and availability of legal aid system regulated by the law on Legal Aid funds for providing legal aid in 2023 are planned in the amount of 1.183.508 euros, which is an increase of 118% compared to the previous year.

Financial resources in 2023 for projects providing primary legal aid increased by 100% compared to 2022. In Public Tender for financing projects of authorized non-governmental organizations and legal clinics for the provision of primary legal aid for 2023 (hereinafter: Public Tender for 2023) financial support could be requested in three groups. For providers of primary legal aid with the most experience in the system of free legal aid, a maximum amount of 31,200.00 euros is provided annually, which is an increase of 147% compared to the maximum amount that providers of primary legal aid could achieve in previous years. Priority in financing have applicants who in their projects envisage the immediate provision of primary legal aid to vulnerable social groups such as elderly persons, unemployed, members of national minorities, Roma, returnees and displaced persons, persons with disabilities, victims of violence, victims of domestic violence, victims of human trafficking, victims of discrimination, beneficiaries of the social welfare system, applicants for international protection, persons granted international protection, foreigners under subsidiary protection, foreigners on temporary residence and foreigners on permanent residence, children who do not have Croatian citizenship and are found in the Republic of Croatia unaccompanied by an adult responsible according to the law, etc. Also, priority in financing have applicants who will provide primary legal aid through mobile teams and field visits to the areas affected by the earthquake, areas that are rural, less urban, isolated, or in communities with a lower level of development (areas of special state concern, islands, rural and less urban environments). In addition, unlike previous years when one-year financing of projects was applied, Public Tender for 2023 provides for three-year financing of projects for the period from January 1, 2023 to December 31, 2025. This should enable primary-legal-aid-providers to stabilize and strengthen their capacities to ensure the provision and availability of their services to beneficiaries. A decision on the projects to be financed and the payment of funds to primary legal aid providers is expected in July.

Furthermore, in 2023 it is planned to adopt a regulation regulating the compensation for the provision of secondary legal aid, according to which remuneration for secondary legal aid provided by lawyers and the remuneration for expert opinions and interpretations will increase by 60% compared to 2022.

6. Does your Member State have in place arrangements to facilitate access to justice by children?/Which challenges or points of development have been identified in your Member State regarding effective legal protection?

The Law on Amendments to the Law on Courts from 2018 specifically emphasizes the duty of court presidents to ensure respect for the rights and protection of children in court proceedings in accordance with international standards.

Since the internal organizational mechanisms in the courts in the implementation of this task proved to be insufficient, the Law on Amendments to the Law on Courts from 2022 establishes judicial departments specialized in handling cases according to the law governing family relations.

The Law on Amendments to the Law on Areas and Seats of Courts from 2022 stipulates that municipal courts in the seats of county courts and the Municipal Court in Novi Zagreb are competent to handle cases under the law governing family relations for the area of each individual county court.

In order to effectively provide legal protection in this area, it is necessary to carry out the specialization of judges who resolve court cases of this type. Regular specialization is ensured by the establishment of court departments in each court, but in this case it assumes a certain greater influx of cases from one or more related legal areas. Considering the general social interest in ensuring a more effective degree of judicial protection of the most vulnerable social groups in this sphere, such specialization must be established by law.

Since this kind of specialization affects the quality of the judicial protection provided, as well as its effectiveness in the area to which it relates, but at the same time it reduces the general efficiency of the work of the courts because it requires judges to act only or primarily in one type of court cases, regardless of the actual influx of such cases, it is not possible to secure it in all courts. For this very reason, the establishment of special family courts in our judicial system is neither rational nor appropriate, nor is the establishment of specialized family departments in all municipal courts.

Family law protection must be available to citizens, so in view of all the above, between the requirement to ensure availability and the requirement to ensure efficiency, the most balanced solution was found to be the one that ensures family law protection in every judicial area, i.e. the area of jurisdiction of every county court.

Only judges with a strong preference for the upbringing, needs and well-being of children, who have basic knowledge in the fields of social pedagogy, youth psychology and social work for young people, and regularly attend professional training in these areas, can be assigned to work in the aforementioned departments. Special professional associates who provide the necessary professional assistance to the court are also employed in these departments.

In order to increase the availability of legal protection to citizens, the president of the county courts in whose area the municipal courts are responsible is specifically required to ensure the conditions for taking procedural actions in these cases and, in the specified manner, enable the holding of hearings and the implementation of other procedural actions in parties closer to the municipal courts**.**

Juveniles' Court Act, as lex specialis, regulates the provisions for young perpetrators of criminal offenses (minors and younger adults) in substantive criminal law, provisions on courts, on criminal procedure and on the execution of sanctions, and regulations on the criminal protection of children.

The Criminal Procedure Act, as lex generalis, provides for many provisions as regards the rights of the child, such as special rights of the child as the victim and making of the individual assessment of the victim which includes special protection measures (Article 43.-44.), provisions on representation of the child, special provisions on the interrogation of the child (Article 292.) etc.

7. Does the justice system provide the possibility for stakeholders to bring cases on behalf or in support of victims?

If yes, in which areas of law is this possible?

Procedural instruments for the protection of collective rights and interests in Croatian law were first passed in the Act for Protection of Consumers and in the Anti-Discrimination Act, while later they were integrated in the ZPP which now serves as a general legal framework for collective procedures. Plaintif is entiteled to ask:

- to establish that the collective interests and rights of persons protected by law, which the plaintiff is authorized to protect, have been violated or threatened by certain actions, including the omission of the defendant,

- to prohibit the taking of actions that violate or threaten the interests or rights of persons that the plaintiff is authorized to protect, including the use of certain contractual provisions or business practices,

- that the defendant be ordered to take action to eliminate the occurring or possible general harmful consequences of the defendant's illegal actions, including the establishment of a previous state or a state that will, if possible, best correspond to that state or a state in which a possible violation of protected collective interests or rights could not occur,

- that the judgment accepting any of the requests from the previous points of this paragraph be published at the defendant's expense in the media,

- to award remedial measures/or compensation of damages in accordance with the special regulation on representative actions for the protection of the collective interests of consumers.

8. Which challenges or points of development have been identified in your Member State regarding effective legal protection?

One of the main challenges of the legal aid system established by the Law on Legal Aid ("Official Gazette" no. 143/13. and 98/19.) was to ensure adequate financial resources for the system of legal aid. Although the funds for financing the projects of authorized non-governmental organizations and law faculties for the provision of primary legal aid have increased steadily since 2018, non-governmental organizations and the Ombudsman gave recommendations to further increase financial resources for legal aid. Having regard to these proposals, funds for providing legal aid in 2023 are planned in the amount of 1.183.508 euros, which is an increase of 118% compared to the previous year. Another challenge was the timely resolution of the appeals against the decision on refusal secondary legal aid, as well as to informing citizens about the system of legal aid. The Ministry of Justice and Public Administration has improved human resources by filling vacancies in the organizational unit responsible for handling appeals filed against decisions on refusal of secondary legal aid. In addition, it is planned to allocate additional funds for informing citizens about legal aid system through leaflets in institutions where citizens turn to exercise certain rights (e.g. social welfare centres).

10. Are there any significant, recent decisions by equality bodies or other non-judicial remedies on ensuring legal protection, which you would like to mention?

With Public Administration Quality Management Guidelines (OG 65/2023 - https://narodne-novine.nn.hr/clanci/sluzbeni/2023_06_65_1078.html), that sets objectives, principles, requirements and obligation for quality management implementation in public administration of Croatia, Government of Republic of Croatia strengthened importance of implementation in public administration work when dealing with citizens of article 41 of Right to good administration of the EU Charter of fundamental rights.

2023 REPORT ON THE APPLICATION OF THE EU CHARTER OF FUNDAMENTAL RIGHTS:
EFFECTIVE LEGAL PROTECTION AS A PRECONDITION FOR THE FULL APPLICATION OF FUNDAMENTAL RIGHTS
CROATIA

The European Commission organises targeted consultations with the main actors involved in guaranteeing access to justice. Member States, including their judicial authorities, equality bodies and ombudspersons, are the primary actors in charge of ensuring that fundamental rights are effectively respected and protected in accordance with national legislation and international human rights obligations.

The Government Office for Human Rights and Rights of National Minorities, the Croatian Charter focal point, invited representatives of ministries, ombuds institutions and public bodies implementing activities related to the promotion and implementation of the Charter in the national context to contribute and share their views to the targeted questionnaire on the effective legal protection as a precondition for the full application of Fundamental Rights.

Therefore, the Government Office for Human Rights and Rights of National Minorities has prepared a compilation of the answers/views received from the Ministry of Labour and Pension System, Family and Social Policy, Ministry of the Interior, the Government Office for Gender Equality, the Ombudsperson for Gender Equality, and the Ombudsperson for Persons with Disabilities.

The Ministry of Labour and Pension System, Family and Social Policy:

1. Which judicial and non-judicial remedies are available in your Member State:

a. In criminal, civil and administrative cases;
b. in cases of discrimination;
c. in the field of consumer legislation;

d. in the field of employment legislation;

Judicial protection of the rights arising from employment relationship
According to article 133 of the Labour Act (Official Gazette, no. 93/14, 127/17, 98/19, 151/22 and 64/23), a worker who considers that his or her employer has violated a right ensuing from an employment relationship may, within 15 days from the delivery of the decision violating his or her right, or from the knowledge of the violation of rights, request the employer to exercise that right.

If the employer fails to comply with this request within 15 days from the submission of the worker's above-mentioned request, the worker may request the protection of the violated right before the competent court within a further period of 15 days.

The protection of the violated right before the competent court may not be requested by a worker who has not previously submitted the above-mentioned request, except in the case of a worker's request for indemnity or other monetary claim arising from an employment relationship.

If the law, other regulation, collective agreement or working regulation provides for a procedure for the amicable settlement of the dispute, the period of 15 days for filing of an action with the court shall run from the date of completion of that procedure.

The provisions of this Article shall not apply to the procedure for protecting the dignity of workers referred to in Article 134 of the Labour Act.

Unless otherwise provided by the Labour Act or other act, the competent court, within the meaning of the provisions of this Act, is the court competent for labour disputes.

A worker may not be put at a disadvantage because of the submission of a request for the exercise of the rights of workers prescribed by the Labour Act, another act or regulation, a collective agreement, an agreement concluded between the works council and the employer, an working regulation or an employment contract, because of the use of these rights, or because of the submission of a request and participation in the procedure for the protection of the rights of that worker.

Appeal against Judgment

According to article 348 of the Civil Procedure Act, (Official Gazette, no. 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 96/08, 123/08, 57/11, 148/11, 25/13, 89/14, 70/19, 80/22 and 114/22), parties may lodge an appeal against a judgment rendered by a court of first instance within 15 days from the date when a copy of the judgment is served, unless this Act provides for another time limit.

An appeal against judgment shall be decided by a court of second instance.

Legal remedies against legally effective decisions

According to article 382 of the Civil Procedure Act, parties may seek revision against a second instance judgment if the decision in a proceeding depends on the decision on some substantive or procedural point of law relevant for ensuring uniform application of the law and equality of citizens.

The protection of workers' dignity

According to Article 134 of the Labour Act (Official Gazette, no. 93/14, 127/17, 98/19, 151/22 and 64/23), the procedure and measures for protecting the dignity of workers from harassment and sexual harassment shall be regulated by a special act (The Anti-Discrimination Act, Official Gazette, no. 85/08 and 112/12), a collective agreement, an agreement concluded between the works council and the employer or an working regulation.

An employer who employs at least 20 workers shall, with the prior written consent of the person for whom he or she proposes the appointment, appoint one person, and an employer who employs more than 75 workers shall appoint two persons of different sexes who, in addition to him or her, are authorised to receive and resolve complaints related to the protection of the dignity of workers.

The employer is obliged to inform the workers about the appointment within eight days from the date of appointment of the person authorised to receive and resolve complaints.

The employer or the person authorised to receive and resolve complaints shall, within the period laid down in the collective agreement, an agreement concluded between the works council and the employer or an working regulation, and no later than eight days from the submission of the complaint, examine the complaint and take all necessary measures appropriate to the individual case in order to prevent the continuation of harassment or sexual harassment, if he or she determines that it exists.

If the employer fails to take measures to prevent harassment or sexual harassment within the above-mentioned deadline, or if the measures taken by the employer are evidently inadequate, the worker

who is harassed or sexually harassed shall have the right to stop working until protection is provided, provided that he or she has requested protection before the competent court within a further period of eight days.
If there are circumstances for which it is not justified to expect that the employer will protect the dignity of the worker, the worker shall not be obliged to submit a complaint to the employer and shall have the right to terminate work, provided that he or she has requested protection before the competent court and notified the employer thereof within eight days from the date of the interruption of work.
During the interruption of work, the worker shall be entitled to salary compensation in the amount of salary he or she would have earned if he or she had worked.
All information determined in the procedure for the protection of the dignity of workers shall be kept secret.
The conduct of workers that constitutes harassment or sexual harassment is a violation of the obligation arising from employment relationship.
Opposition of workers to conduct which constitutes harassment or sexual harassment shall not constitute a breach of an obligation arising from an employment relationship, nor shall it constitute grounds for discrimination.

Inspection supervision

According to Article 223 of the Labour Act (Official Gazette, no. 93/14, 127/17, 98/19, 151/22 and 64/23), inspection supervision over the implementation of the Labour Act and the regulations adopted on the basis thereof, as well as other acts and regulations governing relationships between employers and workers, shall be performed by the state administration body competent for labour inspection, unless otherwise prescribed by another act.
The worker, the works council, the trade union and the employer may require the labour inspector to carry out inspection supervision.

Complaining to an Ombudswoman

Any individual who believes that the state bodies, the bodies of the local and regional self-government units or legal persons vested with public authority have jeopardized or violated, through their illegal or irregular work, their constitutional or statutory rights and freedoms and anyone who suspects that they have been discriminated against may lodge a complaint with the Ombudswoman.
The Ombudswoman of the Republic of Croatia is a commissioner of the Croatian Parliament responsible for the promotion and protection of human rights and freedoms, the performance of the mandates of the National Equality Body, as well the National Preventive Mechanism for the protection of the persons deprived of their liberty and is also entrusted with external reporting of irregularities within the Whistleblowers' Protection Act. She is independent and autonomous in her work.
Ombudsman work is regulated by the Constitution of the Republic of Croatia, the Ombudsman Act, the Act on the National Preventive Mechanism, the Anti-discrimination Act, the Act Promulgating the Act Amending the Anti-discrimination Act, the Act on the Protection of Persons Who Report Irregularities, the Rules of Procedure of the Ombudsman, the Organizational Chart of the Ombudsman and the Budget of the Ombudsman.

4. Which of the following measures are available in your Member State to remove language/ cultural/ physical/ financial/ other barriers for people accessing remedies:

d. Arrangements to refer vulnerable victims, such as victims of domestic or gender-based violence, to support services;

In relation to point d., we emphasize that within the framework of the Ministry of Justice and Administration, there is a Support and Cooperation Network for victims and witnesses of criminal acts, which consists of 10 civil society partner organizations. The network operates on the territory of 17

counties, i.e. in 13 counties where there are victim and witness support departments at the county courts, and in 4 counties where there are none. Users can receive emotional support, information about rights, legal and psychological counselling services, escort to court, escort to the police, state attorney's office and/or social welfare centres, support if no criminal offense has been reported, and support after the end of court proceedings.

Furthermore, we point out that in December 2022 the Government of the Republic of Croatia adopted the National Plan for Suppression of Sexual Violence and Sexual Harassment, for the period until 2027. The purpose of the National Plan is to achieve a coordinated social reaction to sexual violence and sexual harassment, to ensure effective action to protect victims, promote their rights, and develop public awareness of the unacceptability and harmfulness of this type of behaviour.

In addition to the National Plan, an action plan for the period up to 2024 has been prepared, in which measures are distributed through 3 specific goals related to:
- Prevention of sexual violence and sexual harassment
- Improving care and ensuring the availability of support services for victims of sexual offenses
- Achieving a deterrent effect for perpetrators of sexual offenses.

Within the framework of the second special objective, improving care and ensuring the availability of support services for victims of sexual offenses, measures are foreseen to further strengthen the existing Network of support and cooperation for victims and witnesses of criminal offenses and the development of a network of specialized services for working with victims of gender-based violence with a special emphasis on sexual violence as a prerequisite for their better and faster recovery. The goal is to provide a coordinated system of support for victims of sexual violence with clearly developed service provision criteria and a defined type of service, initially in 4 regions (Zagreb, Osijek, Rijeka and Split), and later in other areas according to needs.

e. Fast-track proceedings available for certain vulnerable parties, such as in cases involving sexual violence or children;

In relation to point e., it should be noted that the National Plan in question also prescribes certain measures aimed at protecting child victims. Special attention has been provided to measures of psychological counselling of child victims of sexual offenses and criminal offenses on the Internet in order to provide the child with professional help in surviving and recovering from victimization, measures to adapt specialist clinics to child examinations, the establishment of a children's home based on the Barnahus model, and changes to the legislative framework in order to make it impossible to establish an employment relationship for a person who is under criminal proceedings or has been legally convicted for one of the criminal offenses against sexual freedom, sexual abuse and exploitation of a child.

In addition, we emphasize that the preparation of the National Plan for protection against violence against women and domestic violence, for the period until 2028 is underway. National plan will include measures aimed at protecting women victims of gender-based violence and victims of domestic violence.

6. Does your Member State have in place arrangements to facilitate access to justice by children? Please provide examples of good practice you consider effective.

The National Plan for Children's Rights in the Republic of Croatia, for the period from 2022 to 2026, aims to effectively protect the rights of children in the Republic of Croatia, while at the same time

promoting an integrative approach to children's rights through interdepartmental cooperation, primarily in the areas of social policy and family, justice, health, education, sport and culture.

One of the goals of the National Plan relates to efficient and effective justice in procedures related to children. The creation of a child-friendly judiciary improves the protection of children, increases the possibility of their participation, and at the same time improves the work of the judiciary. Judicial bodies are obliged to treat the child victim of a criminal offense with special consideration, bearing in mind the child's age, personality and other characteristics and circumstances to avoid harmful consequences for the upbringing and development of the child.

As part of this special goal, measures aimed at improving the work of specialized court departments for family cases, training of lawyers in work for children and families in social welfare centres and training of special guardians for child representation in the protection of personal and property rights have been determined. The implementation of the specified measures aims to improve efficient and effective justice in proceedings against children, especially child victims of criminal acts and criminally irresponsible children.

The Government Office for Gender Equality

4.d. Arrangements to refer vulnerable victims, such as victims of domestic or gender-based violence, to support services;

Office for Gender Equality is in the process of drafting the third edition of the Procedure in Cases of Sexual Violence, a document prepared by representatives of the Ministry of Labour, the Pension System, Family and Social Policy, the Ministry of Health, the Ministry of Croatian Veterans, the Ministry of the Interior, Ministry of Science and Education, Ministry of Justice and Administration, Office of the Ombudsperson for Gender Equality, Office of the Ombudsperson for Children and civil society organizations. The document contains the obligations of competent authorities and other stakeholders involved in detecting and suppressing sexual violence and providing assistance and protection to persons exposed to sexual violence, as well as the forms, manner and content of cooperation between the aforementioned competent authorities.

Based on one of the priority of the National Plan for Gender Equality: Suppression of Violence Against Women, the Action Plan for the Implementation of the National Plan defines measures aimed at creating prerequisites for the elimination of gender-based violence. These measures concern the establishment of a system of statistical monitoring of data on court cases in which women are victims of gender-based violence, improving the competences of experts working in the field of protection against violence, raising the level of awareness of the public and victims about the reasons and methods of combating all types of gender-based violence, raising the level of expertise and awareness of stakeholders in the justice system about gender-based violence, raising the level of expertise and awareness of stakeholders in the justice system about sexism and stereotypes, raising the level of expertise and awareness of police officers about gender-based violence, ensuring appropriate treatment by institutions in cases of sexual violence based on instructions from the Procedure in Cases of Sexual Violence, analysis of the legislative framework for protection against violence against women and domestic violence with the aim of drafting proposals for changes of relevant regulations, revising precautionary measures within criminal procedural legislation, revising the rights of victims of criminal acts of violence against women and domestic violence within criminal procedural legislation, revising descriptions of criminal offenses and misdemeanours and prescribed sanctions within

criminal material legislation and misdemeanour legislation, and amending organizational regulations to provide for the licensing of judicial officials for work on domestic violence cases.

The Office, as a part of the implementation of the National Action Plan of UN Security Council Resolution 1325 (2000) on Women, Peace, Security, and Related Resolutions, for the period from 2019 to 2023, specifically Measure 2.: Provide information on services available to refugees and asylum seekers and persons who have been granted international protection, especially in the case of gender-based violence printed an information leaflet "Sexual and Gender-based Violence - Information for migrants, refugees and asylum seekers" in cooperation with the Ministry of Internal Affairs and the UNHCR. The leaflets were widely distributed to competent services working on the reception of refugees and migrants through the Ministry of the Interior. It has been printed, in addition to Croatian and English, in seven other languages (Farsi, Urdu, Arabic, Turkish, Kurdish, Ukrainian and French).

The Ministry on Interior

1. Which judicial and non-judicial remedies are available in your Member State:

a. In criminal, civil and administrative cases;
b. in cases of discrimination;
c. in the field of consumer legislation;

ln line with Article 5 of the Police Act ("Official Gazette", no. 34/L1, 130/12, 89/14, 151/14, 3i/15, 121/L6, 66/19), a natural or legal person who considers that his or her rights or freedoms have been violated by the actions or omissions of o police officer in the exercise of police powers, has the right to file a complaint with the Ministry of the Interior within 30 days of learning of the violation.
The complaint is reviewed by the head of the organizational unit of the Ministry of the Interior to which the police officer to whom the complaint refers to is deployed, or the police officer they authorized in order to establish the facts. The head informs the complainant of the result of the review. The complainant who is dissatisfied with the content of the received information and the reviewed situation can, within 75 days of the date of receipt of the response, submit an objection to the organizational unit competent for internal control of the Ministry of the Interior, which is obliged to reply to the complainant within 30 days from the receipt of the objection.
lf, within 15 days of the date of receipt of the response of the organizational unit responsible for internal control, the complainant expresses dissatisfaction with the procedure of performed review and the content of the response, the case file shall be delivered without a delay to the Complaints Committee, and the complainant shall be informed thereof. A Committee is established for handling complaints about the work of police officers. The Committee is comprised of nine citizen representatives appointed and dismissed by the Croatian Parliament on the proposal of the Committee on Human Rights and Rights of National Minority within the Croatian Parliament, who were proposed by civil society organizations, professional and non-governmental organizations upon public call, or who responded personally to the public call.
This complaint procedure does not exclude the use of other legal means to protect rights and freedoms.

2. Does your Member State provide information on the available remedies, and the steps to be taken during a judicial process / when accessing non-judicial remedies:

a. To parties of criminal proceedings;

b. To parties of civil proceedings;

c. To parties of administrative proceedings;

d. Persons accessing non-judicial remedies

All decisions issued by the Ministry of the Interior within its work competences, concerning parties in proceedings under the competence of the Ministry of the lnterior, contain an instruction on judicial remedy.

4. Which of the following measures are available in your Member State to remove language/ cultural/ physical/ financial/ other barriers for people accessing remedies:

a. Interpretation and translation services;

Pursuant to Article 14 of the Act on international and Temporary Protection ("Official Gazette", no. 70/15, 127/17 and 33/23), in the procedure of granting international protection, applicants for international protection are provided with an interpreter for a language of which they are justifiably assumed to understand and in which they can communicate. Pursuant to Article 196 of the Aliens Act ("Official Gazette", no. 133/20, 114/22 and 751/22), in the procedure for issuing of decision on expulsion, of decision on return, of decision on withdrawing and shortening an entry and stay ban, of decision on extending the time limit for voluntary departure, the decision on forcible removal, a decision on the application of less coercive measures, a decision on imposing stricter police supervision, a decision on the temporary suspension of forcible removal, or a decision on withdrawing the temporary suspension of forcible removal, a third-country national staying illegally and a third-country national on short-term stay who does not understand the Croatian language shall be provided with translation in the language they understand. Pursuant to Article 217 of the Aliens Act, an unaccompanied minor and his/her special guardian must be notified in writing in a language which they are reasonably expected to understand and in which they are able to communicate, about the method of examination and its potential consequences on health, potential consequences that the results of medical testing may have on the return procedure, as well as the consequences of denying the consent regarding the age assessment procedure. lf necessary, during medical testing, the unaccompanied minors shall be provided with on interpreter for the language which they are reasonably expected to understand and in which they can communicate.

c. Legal aid;

Article 60 of the Act on International and Temporary Protection provides for the right to free legal aid for applicants for international protection and for an alien in transfer who does not have sufficient means for it, and Article 72 provides for free legal aid for asylums and aliens under subsidiary protection. Article 798 of the Aliens Act stipulates free legal aid for third-country nationals. Furthermore, the Ordinance on free legal aid in the return procedure ("Official Gazette", no. 132/21) regulates the manner of providing free legal aid to third-country nationals in the return procedure, manner of determining sufficient financial means as well as the layout and content of the notification form on free legal aid and the declaration form on the financial situation.

d. Arrangements to refer vulnerable victims, such as victims of domestic or gender-based violence, to support services;

Article 170 of the Ordinance on the manner of procedure of police officers ("Official Gazette", no. 20/22) stipulates that the Police must act with special consideration towards victims of criminal

offences and take appropriate care of the rights and interests of the victim, of the protection of privacy as well as of the specific needs of the victim. When first coming into contact with the victims, the police officer is obliged to inform them in on understandable and appropriate way about the rights to which they are entitled by laws, and the manner in which they can exercise their rights. When informing victims about their rights, special attention needs to be paid to individual victim categories whose rights are specifically prescribed (child victim, victim of criminal offence against sexual freedom, victim of a criminal offence of human trafficking, victim of a criminal offence of violence, victim who is an alien, victim who is a person with disabilities, victim of terrorism, victim of a hate crime, victim of gender-based violence). After informing the victim orally, the police officer provides the victim with a written notice of rights as well as of available information on victim protection and support services and of a cost-free telephone number for victim support, regardless of whether the victim wants to report a crime or not. The police officer shall carry out an individual assessment of the victim to determine specific needs of protection and shall undertake victim protection measures according to the assessment.

The Ombudsperson for Persons with Disabilities

4. Which of the following measures are available in your Member State to remove language/cultural/physical/financial/other barriers for people accessing remedies:

b. Measures to facilitate access by persons with disabilities such as measures relating to accessibility of court houses and other resources for persons with disabilities:

In seven county courts in Croatia there are departments for supporting victims and witnesses, while where such departments have not been formed, support for victims and witnesses is provided by civil society organizations. Despite ongoing efforts to make court houses accessible a significant number of them is still inaccessible.

5. Which measures has your Member State taken to ensure the justice system's responsiveness to the needs of vulnerable and marginalised groups? Please provide examples of good practice you consider effective.

In the survey of departments for supporting victims and witnesses as well as civil society organisations which provide such support conducted by the Disability Ombudsman the introduction of trusted person was highlighted as an example of good practice in accessing justice when it comes to persons with disabilities, in particular those with intellectual and mental disabilities. Some persons with disabilities pointed out that the biggest help for them in attending court proceedings was being accompanied by a trusted person who explained how exercising rights in court works in practice and who read and clarified for them all written documents.

According to the Criminal Procedure Act, a person of trust is a legal representative or another person with legal capacity chosen by the authorized person on the basis of the right to be accompanied. In other words, a trustworthy person is a person whom the victim trusts, who provides her/him with emotional and psychological support during court proceedings. It can be a family member, friend or other person with whom the victim feels safe with or a support worker or, for example, a social worker. The trusted person is present throughout the procedure, from the first step when submitting criminal charges to the presence in court until the verdict is passed. However, in practice, it happens that some judges at the request of the defendant's attorney do not allow the presence of a trusted person at every stage of the procedure. An example was given that during the audio-video interrogation, the victim was alone in the room because the defendant's attorney requested that the trusted person leaves the room which significantly destabilised the victim in their testimony. Persons with disabilities are often not informed about the right to the presence of a trusted person.

8. Which challenges or points of development have been identified in your Member State regarding effective legal protection?

The Disability Ombudsman conducted survey of departments for supporting victims and witnesses as well as civil society organisations which provide such support to get information about the position of persons with disabilities in court proceedings. The replies have common emphasis on accommodations related to the needs of persons with physical disabilities while only a few departments mention accommodations for persons with sensory and intellectual impairments. Accommodations for persons with mental disabilities are not mentioned at all. If court houses are not accessible, accommodation is done in the way that the examination is conducted on the ground floor, a person is accompanied by a court employee who can provide the required assistance during stay in the court house or the interrogation is conducted in the witness'/victim's home, while a sign language interpreter is hired for deaf people. Only one department mentioned accommodation for a person with an intellectual disability: the court engaged an employee of the Department for supporting victims and witnesses to prepare questions in the easy to understand format. The information on the victim's rights is not accessible to persons with blind persons.

Civil society organisations which provide support to victims and witnesses highlighted further points about the position of victims and witnesses with disabilities.
Repeated interrogations regardless of whether carried out via audio-video devices, have an aggravating effect on all victims and expose them to re-victimization throughout the duration of the procedure, which can take several years. It is especially aggravating if the victim has some form of disability (for example intellectual impairment) that affects the ability to testify.

Websites of judicial institutions are not accessible for blind persons. Regarding the quality of legal representation, it was pointed out that attorneys funded by the state do not devote enough time to victims of criminal offences, do not provide them with information and they often do not even appear at scheduled hearings. Victims get most of the necessary information from the support services.

Persons with disabilities who are usually of poorer financial status, as beneficiaries of the right to free legal aid encounter difficulties in finding a lawyer who will represent them in court proceedings.

Complaints to the ombudsman for persons with disabilities show the difficulty of contacting lawyers when obtaining from them the information about the course of the proceedings as well as its outcome. The ombudsman for persons with disabilities therefore recommended that the fee for legal assistance of attorneys paid from the state budget should be equalised with the lawyer's fee prescribed by the lawyer's tariff. The recommendation was not accepted. Although the fee has been increased it is still lower than prescribed by the lawyer's tariff We believe that it is one of the reasons for lack of motivation of lawyers for representation on the basis of free legal aid which affects the effectiveness of legal protection.
This increases inequality between people of lower and higher wealth status.

Replies by CSO indicated that the individual assessment of the victim, according to their experience, is carried out inconsistently, sometimes only formally without determining specific individual needs. It is necessary to work on standardization of practice to ensure more consistent compliance with the Ordinance on individual needs assessment.
Certain organizations highlighted that they had no experience with persons with disabilities or it was rare which is concerning because it points at dark figures and leads to the conclusion that persons with disabilities find it even more difficult to decide to report some forms of violence or it is very difficult or impossible for them to reach services for support and help.

The Ombudsperson for Gender Equality

1. Which judicial and non-judicial remedies are available in your Member State?

Institution of the Ombudsperson performs duties of an independent body authorized to combat discrimination in the scope of gender equality. Speaking of the scope of gender equality, the Ombudsperson covers the following scope: discrimination based on gender, marital or family status, pregnancy and motherhood and sexual orientation. According to the Article 4 of the Croatian Gender Equality Act, provisions of that Act cannot be interpreted or applied in a way that would limit or minimize guarantees about gender equality which are deriving from general rules of international law and other international documents. That means that the Ombudsperson covers some other scopes which are not explicitly prescribed in the Act such as scope of gender based violence and scope related to transgender people. Speaking of the authorities of the Ombudsperson, she is receiving complaints from any natural persons or legal entities regarding discrimination in the area of gender equality, she monitors the enforcement of the Gender Equality Act and other regulations on gender equality and she advocates for gender equality in all areas. Also, the Ombudsperson investigates cases of infringement of the principle of gender equality, cases of discrimination against individuals or groups of individuals by public bodies, units of local or regional self-government or other bodies with public authority, by employees of these bodies or other legal or natural persons. It is very important to emphasize that the Ombudsperson is active in various areas of social life such as area related to work and recruiting process, access to goods and services, education, media, political participation, reproductive health, gender based violence, parental care and area related to maternity leave and parental leave as well as other areas linked with social security including social care, pension and health insurance etc. Also, procedure of the Ombudsperson takes special place in the context of our independence. Namely, our institution has a special procedure which can be labeled as non-administrative procedure.

This procedure is specific because there are no strict rules and strict deadlines hence the Ombudsperson has big discretion while deciding is she going to initiate a procedure, which actions will she take and in which manner. Main goal of such informal procedure is in achieving effectiveness while taking actions. Namely, if the Ombudsperson decides that certain institution or body commit discrimination, she can render recommendation, warning and proposal (hereinafter: decisions) for that institution or body. It is important to emphasize that these decisions are not mandatory which means that institution or body is not obliged to act in a way that is ordered in decision, but it is also important to say that, despite that, decisions of the Ombudsperson are fully accepted by the institutions and bodies in 96% because institution of the Ombudsperson has vast respect and reputation in Croatia. However, if some institution or body does not want to act according to decisions, the Ombudsperson can demand supervision from the institution or body which is higher than the institution or body that received decision. Also, the Ombudsperson is allowed to initiate charge for misdemeanor. Considering all the above mentioned, we can conclude that all these actions that the Ombudsperson has at her disposal are certain non-judicial remedies, specific for our institution. Also, it is obvious that our institution has wide authority and that is a very strong mechanism for protection of particular rights from the Chart.

2. **Does your Member State provide information on the available remedies, and the steps to be taken during a judicial process/when accessing non-judicial remedies?**

Institution of the Ombudsperson provides information about its authorities and procedure on the website of the institution, but also via communication with parties and via annual reports. The Ombudsperson uses this opportunity to emphasize that we also provide legal advice for parties, and in cases in which we are not competent, we instruct parties that they can address other institutions or bodies which are competent to solve their problems. Considering the above mentioned, the Ombudsperson provided legal advice in 529 cases (96%) from the total amount of 551 cases which are opened during 2022.

3. **Does your Member State use digital tools to facilitate access to justice?**

Our institution does not use special digital tools for access to justice. Parties can address us via e-mail, via special form on our website, via phone but they can also come in person to our institution. Special form on our website is useful for parties due to its structure. Namely, the special form is structured in order to navigate parties so they can be able to identify type of discrimination and fill in a form properly, providing the Ombudsperson with necessary information, which are crucial in order to take further steps.

4. **Which of the following measures are available in your Member State to remove language/cultural/physical/financial/other barriers for people accessing remedies?**

We, as an institution, do not have power to maintain specific measures in order to force someone to do something. As we mentioned above, decisions of our institution are not mandatory and

cannot become enforceable.

We can provide legal aid in order to help parties that are affected by gender inequality, but, also, we can seek reports and documentation from institutions and bodies if there is certain amount of possibility that they commit discrimination based on gender. Also, the Ombudsperson can act in other manners and advocate through other channels such as being part of certain working group for making national plans/programs, participation in making of laws by providing opinion about certain matter related to gender equality, providing education about gender equality. Likewise, the Ombudsperson is collecting statistical data from other institutions and bodies in order to detect problems in our community so we can react properly. It is significant to mention that our institution also participates in various EU projects and also, by doing so, it advocates about gender equality. Also, the Ombudsperson has a right to act as an intervener in a court proceeding, but only if there is legal interest and alongside the party which is a victim of discrimination and with her/his permission. It is significant to mention that our office, on an annual basis, receives several complaints in English, that we are solving such complaints and that we are communicating with parties in English while solving such complaints. Also, there are no additional costs related to translation while working on such complaints. Speaking of costs, the Ombudsperson emphasizes that procedures taken by our office are completely free of charge for the parties. When we are speaking of gender based violence, our institution has been very active e.g. the Ombudsperson established "Femicide Watch" in 2017 and is presiding over that body. Femicide Watch is body which supervises murders from the aspect of gender perspective and also, it collects data in order to perceive crucial mistakes of the bodies which are working with victims in early phases. Related to the gender based violence, it is also important to point out that we provide victims of the gender based violence, with information regarding counseling, but also, we have up-to-date information on our website bttps://www.prs.hr/cms/eng and https://prs.hr/cms/page/43. Likewise, when a victim is in danger, the Ombudsperson is authorized to contact police officer/s of a higher rank in the Ministry of the Interior, due to prompt coordination and reaction. Also, the Ombudsperson provides education for police officers and workers from social welfare centers in order to point out crucial problems regarding status of victims of gender based violence.

5. **Which measures has your Member State taken to ensure the justice system's responsiveness to the needs of vulnerable and marginalized groups? Please provide examples of good practice you consider effective.**

We are not a judicial body and our procedure is not judicial proceeding such as e.g. litigation, criminal proceeding or administrative dispute. In such proceedings there are certain measures which are helping victims to overcome fears and insecurities e.g. in criminal proceeding there is possibility for a victim to use a person of trust (person of trust can be any person that can make victim feel comfortable during the proceeding, and is helping a victim to avoid (or minimize) secondary victimization), than, on Croatian county courts there are special departments which are specialized to provide information for victims, ensure emotional support, help in organization of arrival in court etc. Although above mentioned is example of good practice, the Ombudsperson is of opinion that our community has to make a lot of effort to change some practices and to enhance our legal system. In order to achieve that, the Ombudsperson is advocating for stronger cooperation between police, social welfare centers, state attorney and courts but also for establishment of departments specialized in gender based violence in police, state attorney's office, courts and social welfare centers. Alongside with above mentioned, the Ombudsperson is advocating that police, state attorney and courts should have more sensitivity for victims of gender based violence and avoid every act that can lead to secondary victimization including stalling of proceeding.

6. **Does your Member State have in place arrangements to facilitate access to justice by children? Please provide examples of good practice you consider effective.**

This question is primarily in domain of the Ombudsperson for children. However, the Ombudsperson is strongly advocating for better position of girls and young women in our community as they are in more vulnerable position than boys and young men, and have specific problems.

7. **Does the justice system provide the possibility for stakeholders to bring cases on behalf or in support of victims? If yes, in which areas of law is this possible? Please provide examples of good practice you consider effective.**

In our institution, there is possibility that other person files a complaint on behalf of the victim (our Gender Equality Act prescribes that "any person" is allowed to address the Ombudsperson). However, in order to take concrete steps meaning initiate our non- administrative procedure, the Ombudsperson has to seek for explicit consent from the victim.

Also, as we mentioned, the Ombudsperson has a right to act as an intervener in a court proceeding, but only if there is legal interest and alongside the party which is a victim of discrimination and with her/his permission.

8. **Which challenges or points of development have been identified in your Member State regarding effective legal protection?**

Speaking about challenges regarding effective legal protection, the main problem in Croatia is stalling of proceeding. Victims of gender based violence sometimes point out that problem to

our institution and in such cases the Ombudsperson is reacting. Our possibilities are, of course, limited. We can only advocate to the president of the competent court and ask him/her to take into consideration the fact that victims should be treated in a special manner and that the proceeding should be completed as soon as possible. Also, one of the problems is soft penal policy and lack of dissuasive penalties. However, courts in Croatia are independent and have special position meaning that any institution or body is not allowed to directly interfere in their work and authority. Speaking of our institution, the Ombudsperson has its office only in the City of Zagreb (capital of Croatia) meaning that our citizens in other parts of Croatia can address the Ombudsperson only via e-mail, special form on our website or via phone.

9. **Is there any significant, recent case-law from your Member States on ensuring effective legal protection, which you would like to mention?**

We are not familiar with any recent case-law that would involve effective legal protection, and that would be linked with our scope of activity.

10. **Are there any significant, recent decisions by equality bodies or other non-judicial remedies on ensuring effective legal protection, which you would like to mention?**

During last three years, the Ombudsperson was pointing out to a competent bodies and institutions, that she received complaints from mothers which were, at the same time, employees of the companies that were subject to bankruptcy proceedings while they were on their maternity and/or parental leave. In one case, one mother filed a complaint to the Ombudsperson about the fact that during her maternity and parental leave, the employer was in bankruptcy and the company was removed from the Court register, and she did not know nothing about it. Due to above mentioned, Croatian Health Insurance Fund (CHIF) claimed that this mother is obliged to return money which she received on the basis of her maternity and parental leave. In her proceeding, the Ombudsperson stated that such circumstances are in correlation with trustee in bankruptcy's negligence. Considering that the Ombudsperson was of opinion that this is misdemeanor, she gave recommendations to the CHIF and Croatian Pension Insurance Fund (CPIF), that, in similar future cases, they observe provision for misdemeanor from the Pension Insurance Act and Health Insurance Act, in correlation with duties of trustee in bankruptcy which are deriving from the Article 89 of the Bankruptcy Act.

Such duties of trustee in bankruptcy are involving the duty of delivering documents related to the working status of the insured person to the CHIF and CPIF. Considering that, in this period, duty of the trustee in bankruptcy was only aimed to delivery of documents to the CPIF, the Ombudsperson was investigating opinion of the CPIF regarding charge for misdemeanor for trustee in bankruptcy, but, CPIF waited for support of such opinion. Soon after that, opinion of the Ombudsperson was supported by the State Inspectorate of the Republic of Croatia which, after the inspection against trustee in bankruptcy was completed, filed a charge for misdemeanor against trustee, for offence from the Article 112 of the Pension Insurance Act.

This is one of the cases in which we can see that other institutions did not act according to their authorities and that a charge for misdemeanor would not be filed if the Ombudsperson did not take proper actions. Likewise, it is important to emphasize that this case is part of educations which are given by the Croatian Judicial Academy. Also, this is one of the cases, from the aspect of our institution, in which we can see how certain group of people (in this case, women which are using maternity and/or parental leave) was stripped from their rights so we can state that this can be identified as infringement of the Article 34 of the Charter. Also, we can see how such situation, indirectly, can lead to ineffective legal protection.

The Government Office for Human Rights and Rights of National Minorities

1. Which judicial and non-judicial remedies are available in your Member State:

a. In criminal, civil and administrative cases:

The Constitution of the Republic of Croatia guarantees the right to legal remedy under Article 18 Paragraph 1, and this right is the fundamental element of the protection of fundamental human rights and freedoms of every man and citizen.

b. in cases of discrimination;

In the Republic of Croatia, human rights are guaranteed by the Constitution of the Republic of Croatia, by the international agreements the Republic of Croatia has signed and by Croatian laws. In Article 3 of the Constitution of the Republic of Croatia, the protection of human rights is established as the highest value of the constitutional order of Croatia, Article 14 prohibits discrimination and Title III guarantees the protection of human rights and fundamental freedoms. People whose rights of freedoms have been violated can seek protection of their rights at courts or out of court.
One can contact the General Ombudswoman: When believe ***their constitutional and legal rights and freedoms are threatened or violated*** *because of unlawful or incorrect actions by: state bodies; bodies of local or regional government, i.e. of counties, cities or municipalities; legal persons of public authority such as the Croatian Pension Insurance Institute or the Croatian Health Insurance Fund; when they believe that the basis for the discrimination they are facing is race, ethnicity or skin colour, language, religion, political or other belief, national or social background, economic status, union membership, education, social status, age, health status and/or genetic heritage.*
One can also submit a complaint to the General Ombudswoman if they want to report irregularities they found out about at work that are regulated by the Protection of Persons Reporting Irregularities Act (Article 4).

Antidiscrimination legislation - Croatian Antidiscrimination Law (ADL). Croatia's Anti-Discrimination Act (ADA) came into force in 2009. This Act provides for the protection and promotion of equality as the highest value of the constitutional order of the Republic of Croatia,

creates prerequisites for the realisation of equal opportunities and regulates protection against discrimination on the grounds of race or ethnic affiliation or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, native identity, expression or sexual orientation.

Legislation provides protection against both direct and indirect discrimination, harassment, sexual harassment, encouragement to discrimination, segregation, multiple discrimination, and victimization. The legislation protects against discrimination in the following fields: work, education, social security and social welfare, health, judiciary and administration, housing, public information and media, access to goods and services, membership in trade unions, NGOs, political parties and other organizations; and access to culture and art.

In addition to existing laws, the Republic of Croatia also strengthens the special protection of human rights and fundamental freedoms in the national order with strategic public policies.

4. Which of the following measures are available in your Member State to remove language/ cultural/ physical/ financial/ other barriers for people accessing remedies:

c. Legal aid;

The Law on Legal Aid established the system of legal assistance to economically and socially vulnerable categories of citizens in civil and administrative matters. This Law, proscribed the types and scope of legal aid, beneficiaries of legal aid, jurisdiction, procedure and conditions for obtaining legal aid, providers of legal aid, financing of legal aid and supervision over the implementation of the Law. The purpose of the Act was to enable consistent application of the provisions of the Constitution of the Republic of Croatia, which regulate the right to access the court, and guarantee the equality of all before the court, as well as harmonization with the acquis of the European Union. A system of legal aid was created, the goal of which is to enable citizens whose financial situation does not allow them to hire a lawyer and obtain legal aid and equal access to court and administrative procedures.
The Law stipulated lawyers, NGOs and law faculties as legal aid providers, while defining the forms of legal aid that these providers provide. The system of legal aid enabled NGOs to provide primary legal aid under the legal aid system, given that NGOs provided legal aid to a significant number of users of legal aid who belonged to vulnerable groups and already existing practice has shown the need for such a form of legal assistance.
The request for approval of legal aid was submitted to the office of the state administration in the county, that is, to the office of the City of Zagreb. After verifying the fulfilment of property requirements, the offices issued a referral approving primary or secondary legal aid to the user. NGOs and legal clinics provided primary legal assistance based on referrals to those beneficiaries whose right to use primary legal aid was established by issuing a referral. Funds for the work of NGOs and legal clinics were provided based on the project. Every year, a competition was announced where projects were evaluated based on established criteria. The referral was part of the accompanying financial documentation on the expenditure of the funds obtained based on the

project. At the same time, it was proof of the number of cases of legal assistance provided and one of the elements for approving the project in the following year.
The Ministry of Justice and Administration has improved human resources by filling vacancies in the organizational unit responsible for handling appeals filed against decisions on the provision of secondary legal aid.
The total funds for providing free legal aid in 2023 are planned in the amount of EUR 1,183,508, which is an increase of 118% compared to the previous year.
Financial resources in 2023 for projects providing primary legal aid increased by 100% compared to 2022. In accordance with the terms of the Public Tender for financing projects of authorized associations and legal clinics for the provision of primary legal aid for the year 2023 (hereinafter: Public Tender for 2023) providers of primary legal aid can request financial support in three groups, with the fact that the individual maximum amounts in all three groups are higher than the individual maximum amount that was foreseen in previous years.
Also, in the terms of the Public Tender for 2023, it was determined that priority in financing will be achieved by applicants who in their projects envisage the immediate provision of primary legal assistance to vulnerable social groups (elderly persons, unemployed, members of national minorities, Roma, returnees and displaced persons, persons with disabilities, victims of violence, victims of domestic violence, victims of human trafficking, victims of discrimination, beneficiaries of the social welfare system, applicants for international protection, persons granted international protection, foreigners under subsidiary protection, foreigners on temporary residence and foreigners on permanent residence, children who do not have Croatian citizenship and are found in the Republic of Croatia unaccompanied by an adult responsible according to the law, etc.) and who will provide primary legal assistance, apart from the headquarters, and in their branches, through mobile teams, field visits to the areas affected by the earthquake, areas that are rural, less urban, isolated, or in communities with a lower level of development (areas of special state concern, islands, rural and less urban environments).
In addition, three-year project financing is foreseen for the period from January 1, 2023 to December 31, 2025to, which should enable providers of primary legal aid to stabilize and strengthen their capacities in order to adequately ensure the provision and availability of their services to users. A decision on the projects to be financed and the disbursement of funds to primary legal aid providers is expected in July.

e. Fast-track proceedings available for certain vulnerable parties, such as in cases involving sexual violence or children;

The Amendments to the Criminal Procedure Code (Official Gazette, number: 70/17) ***from 2017*** *transposed into national legislation the Directive of the European Parliament and the Council of October 29, 2012 on the establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Its transposition broadened the definition of a victim, which now includes, in addition to a physical person who suffered physical and mental consequences, property damage or a significant violation of fundamental rights as a direct consequence of a criminal offence, his or her spouse, partner, informal life partner, brother, sister of those persons whose death was directly caused by a criminal offence and the person whom they were obliged to support based on the Code. The implementation of the aforementioned Directive means a careful approach to every victim,*

including the victim of violence, with the aim of creating his/her secondary victimization, adequate information about the rights of competent authorities about his/her rights in procedural actions.
The introduction of the institute of individual victim assessment, which ***particularly includes victims of hate crimes****, into the criminal procedural legislation of the Republic of Croatia ensured an individual approach of competent authorities towards* ***victims****. The aim of the individual assessment of the victim is to determine whether there is a risk of secondary and repeated victimization of the victim, as well as a risk of intimidation and retaliation during the criminal proceedings, and if this risk exists, what specific measures should be applied (special method of interrogation, use of communication technologies to avoid visual contact with the perpetrator and other measures prescribed by law). In this regard, the minister responsible for judicial affairs also adopted the* ***Regulation on the method of implementing individual victim assessment*** *(Official Gazette: No. 106/2017), which* ***entered into force on November 1, 2017****.*
The Government Office for Human Rights and Rights of National Minorities (GOHRRNM) is keeping a Hate Crimes Protocol, a record system in which hate motivated crimes are being recorded. This provides data on the number of hate crime offences that are reported to the police, on the number of cases that are prosecuted, on the reasons for not prosecuting and on the outcome of cases prosecuted. Revised Hate Crimes Protocol entered into force at beginning of 2022 and it will provide better quality and more comprehensive data of 2022 records. The revised Protocol contains the obligations of the competent authorities and the manner and content of cooperation between the competent authorities participating in the detection, treatment and monitoring of the results of proceedings conducted due to hate crimes. It also includes other activities of competent authorities and refer to education on the suppression of hate crimes. The revised Protocol represents a significant step forward as it regulates the monitoring of cases from the moment the crime is committed to the final conclusion of the proceedings. In this way, it is possible to monitor the course and outcome of each case, as well as to collect data on the characteristics that caused the crimes to be committed.

5.Which measures has your Member State taken to ensure the justice system's responsiveness to the needs of vulnerable and marginalised groups? Please provide examples of good practice you consider effective

Following Article 60 of the Act on International and temporary protection, applicants and foreigners under transfer have the right to free legal assistance in the implementation of the mentioned Act, and they can exercise this right at their request if they do not possess sufficient financial resources or things of significant value. Also, under the same conditions as applicants, under *Article 60 of this Act, persons under international protection - asylees and foreigners under subsidiary protection, have the right to free legal assistance.*
Free legal aid can be primary or secondary. Primary legal aid is provided by administrative bodies, authorized associations, and legal clinics (a list of providers can be found on the website of the Ministry of Justice and Public Administration), while secondary legal aid is provided by lawyers. Some of the associations providing free legal aid are the Association for Helping and Educating Victims of Mobbing, the Law Clinic of the University of Zagreb Faculty of Law, the Croatian Law Centre, the Centre for Peace Studies, the Jesuit Refugee Service, and others.
To receive free primary legal aid*, one can directly contact the associations and bodies that provide primary legal aid.*

***To receive secondary legal aid**, one can submit a written request to the state administration office in the county corresponding to your place of residence or sojourn or the City Office for General Administration of the City of Zagreb using the appropriate form.*