

TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT
UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

CROATIA REVIEW

I Justice System

B. Quality of justice

Accessibility of courts (e.g. court fees, legal aid, language)

In its 2022 concluding observations, the UN Committee on the Rights of the Child recommended to consistently apply the right of the child to have their best interests taken as a primary consideration in all legislative, administrative and judicial proceedings and all decisions concerning children, including in custody disputes, in placing unaccompanied migrant and refugee children in institutions, and regarding children labelled as having behavioural problems and child victims and witnesses of crimes, as well as in all policies, programmes and projects that are relevant to and have an impact on children. The Committee, further, recommended Croatia to ensure that all cases of abuse of children, including sexual abuse, bullying and online violence, are promptly reported and investigated, applying a child-friendly and multisectoral approach with the aim of avoiding the revictimization of the child, that perpetrators are prosecuted and duly sanctioned, and that reparations are provided to victims.

With regard to asylum-seeking, refugee and migrant children, including undocumented and separated children, Croatia was recommended to uphold the best interests of the child as a primary consideration and provide free legal aid, interpretation services and other appropriate forms of assistance and to ensure that children's views are duly taken into account in all decisions concerning them ([CRC/C/HRV/CO/5-6](#); paras 17, 25, 41).

Resources of the judiciary (human/financial/material)

In its 2022 concluding observations, the UN Committee on the Rights of the Child noted the legislative work undertaken by Croatia in several areas of the UN Convention on the Rights of the Child. The Committee recommended Croatia to ensure its full compliance with the Convention, including by allocating sufficient human, technical and financial resources and by improving accountability and the monitoring of children's rights ([CRC/C/HRV/CO/5-6](#), para. 6).

Following his 2021 visit to Croatia, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, recommended to provide the judiciary with continued financial, material and human resources to undertake effective, prompt and adequate criminal investigations and prosecutions of war crimes, crimes against humanity and international crimes. ([A/HRC/51/34/Add.1](#), para. 91).

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

The Committee on the Rights of the Child recommended Croatia in its 2022 concluding observations to ensure that all professionals working with and for children, in particular the judiciary, social workers, law enforcement officials, health-care personnel, teachers, immigration and asylum officers, professionals and staff working in all forms of alternative care, as well as the media, receive mandatory training on children's rights. The Committee, furthermore, recommended Croatia to develop procedures and criteria

to provide systematic training and guidance for all relevant professionals to assess and determine the best interests of the child in every area, particularly regarding education, disability, alternative care, migration and asylum, and justice, and to give this principle due weight as a primary consideration ([CRC/C/HRV/CO/5-6](#); paras 12, 17).

In 2022, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in the report on his visit to Croatia recommended that Croatia train public officials, the judiciary and security personnel on human rights and historical memory, including an examination of comprehensive and accurate accounts of violations committed, on the responsibilities of State institutions, as established by domestic and international courts, and on narratives of victimhood ([A/HRC/51/34/Add.1](#), para 91).

Other – Administration of child justice

Noting the adoption of the Juvenile Courts Amendment Act in 2020, the Committee on the Rights of the Child in its 2022 concluding observation expressed concern at: prolonged court procedures and insufficient training of professionals; the increased number (between 2014 and 2019) of children in prisons or closed correctional facilities, which generally suffer from inadequate accommodation and insufficient professional and psychiatric treatment; separate reformatory institutions for children to serve their detention not having been established; not sufficiently using in practice non-judicial measures, such as diversion, mediation and counselling. To this end, the Committee urged Croatia to: expedite court procedures involving children and provide appropriate education and training to all professionals working with and for children in the administration of child justice; ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal; for the few situations where deprivation of liberty is justified as a measure of last resort, ensure that the children are never detained together with adults, in accordance with the Juvenile Courts Act, and that detention conditions are compliant with international standards, including with regard to access to education and to health services; promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service; and provide adequate resources for organizations offering diversion. With regard to child victims and witnesses, the Committee recommended Croatia to allocate adequate resources and provide training to all professionals involved in the criminal justice system for the implementation of the new legislation; ensure that child witnesses or victims are promptly and adequately informed about the judicial process, and that they receive all appropriate psychological, social assistance and other support; ensure that all interviews, examinations and other forms of investigation involving children are conducted by trained professionals, in a child-sensitive and respectful manner, in a language that the child uses and understands, in a suitable environment that accommodates the special needs of children, according to their abilities, age, intellectual maturity and evolving capacity, and that the necessary procedural accommodations are in place to enable children with disabilities to participate in the judicial process ([CRC/C/HRV/CO/5-6](#), paras 44 - 45).

Other – Transitional justice

In the report on his visit to Croatia, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, called for a renewed transitional justice process after the 1991-94 armed conflict. He [expressed concern](#) that progress appears to have stalled in the last seven years, particularly as a result of mounting instances of hate speech, glorification of war crimes, and the relativization of the decisions of the ICTY and national tribunals. In his 2022 report, the Special Rapporteur recommended Croatia to accelerate the processing of pending cases, ensure that all alleged perpetrators of war crimes, crimes against humanity and international crimes are investigated and prosecuted in a non-discriminatory manner, regardless of the ethnicity of the victim or the perpetrator or the circumstances in which they were committed, and ensure full cooperation with the countries in the region affected by the war. Croatia was also recommended to ensure that the existing framework for witness protection is fully implemented and adhered to by the relevant judicial and police authorities ([A/HRC/51/34/Add.1](#), para. 91).

IV Other institutional issues related to checks and balances

B. Independent authorities

Independence, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions⁷

In its 2022 concluding observation the UN Committee on the Rights of the Child recommended that Croatia: strengthen the legislative framework governing the Ombudsman for Children including with a focus on its independence, in particular by amending the 2017 Ombudsman for Children Act, which stipulates that the rejection by Parliament of the annual report of the Ombudsman for Children may result in the early impeachment of the Ombudsman for Children; and ensure adequate monitoring, implementation and follow-up of the recommendations issued by the Ombudsman for Children. Moreover, the Committee recommended Croatia to further strengthen and promote the Network of Young Advisers to the Ombudsman for Children and implement monitoring and accountability mechanisms relating to child participation ([CRC/C/HRV/CO/5-6](#); paras 11 and 19).

D. The enabling framework for civil society

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

In the report on his visit to Croatia, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence expressed surprise at insufficient resources and support available to civil society organizations working on transitional justice issues. Moreover, since the accession of Croatia to the European Union, civil society initiatives have received less attention and support from

the international community and international donors, which compounds matters further and hampers the scope of support that those organizations are able to provide to the transitional justice initiatives that are still acutely needed in the country to redress the legacy of the war. The Special Rapporteur recommended Croatia to provide institutional, financial and administrative support to the work of civil society institutions working on transitional justice issues, including victims' organizations supporting civilian victims and victims belonging to ethnic minorities ([A/HRC/51/34/Add.1](#), paras 80-81; 91).