



**REPUBLIC OF CROATIA**  
**OMBUDSMAN**

**SUMMARY REPORT ON DISCRIMINATION OCCURRENCES IN 2012**

**Zagreb, June 2013**

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## INTRODUCTION

This is a summary of the fourth Report which the Ombudsman submits to the Croatian Parliament as the Central equality body, in charge of suppression of discrimination in the Republic of Croatia, pursuant to the Anti-Discrimination Act (ADA). The report has a two-fold purpose: it presents the work of the Office on handling citizens' complaints, on involvement in court proceedings and on the organization of special promotional activities. It also gives an overall insight into discrimination occurrences in the Republic of Croatia for the reporting period.

During 2012 in the Office of the Ombudsman 202 new discrimination cases were opened, out of which 137 were resolved while 65 are still in the working process. The Ombudsman continued to monitor three previously started court proceedings related to discrimination and intervened on behalf of the plaintiff in two new cases before the civil courts. Furthermore, the Ombudsman conducted a comprehensive survey, implemented two EU funded projects, organised and co-organised numerous promotional events. Office representatives participated in many public and round table discussions and conferences, and fostered cooperation with civil society organisations, special ombudspersons, ADA duty bearers at the national level as well as with equality bodies in the region and throughout the European Union.

More challenging is the task to provide the Croatian Parliament, and the public at large, an overall review of discrimination occurrences in the Republic of Croatia. Discrimination occurrences have to be interpreted in a very broad manner. Insight into discrimination occurrences encompasses adjudicated court decisions on discrimination, Ombuds offices statistical data on resolved discrimination complaints as well as on the number of initiated cases and submitted discrimination complaints, which indicate the public perception of how widespread discriminatory practices are. Yet, these data refer only to individual cases reported by citizens with enough courage to denounce them. Thus this report, alongside with the statistical overview of the Ombudsman's and special Ombudsperson's discrimination complaints handling and the court statistics, contains observations and opinions on discrimination occurrence based on other sources like reports, surveys, analysis and documents of state bodies as well as information provided by civil society organizations, international institutions and human rights organizations, the media and Internet portals.

In the first part of the Report one may find the statistical data on discrimination complaints addressed to the Ombudsman and special Ombudspersons, broken-down by different criteria, and the statistical data on court cases related to discrimination. In the second part follows the analysis of discrimination occurrences based on some of the grounds stipulated in the Anti-Discrimination Act (ADA), according to the frequency complaint criteria or on our own judgment about the importance of discrimination occurrence related to a particular ground, in 2012. Parts of the Report containing general observations on discrimination occurrences and recommendations in relation to the grounds of sex, sexual orientation and disability as well as discrimination against children were prepared by special Ombuds for the purpose of preparation of this report. The Report also contains the analysis of discrimination in certain fields as well as the analysis of unacceptable and discriminatory speech in the public sphere which may

constitute discrimination or lead to spreading stereotypes and prejudices in the public. At the end of each chapter recommendations are given, which should be implemented according to the Ombudsman's and special Ombudspersons opinion.

Respecting the importance of gender sensitive language, in order to achieve easy reading, the words and expressions used in the Report relate to both masculine and feminine gender.

## 1. OCCURRENCE OF DISCRIMINATION – STATISTICAL DATA

### 1.1. OMBUDSMAN'S ACTIVITIES

During 2012, 202 new files related to discrimination were opened. From the above mentioned cases, 137 were resolved during 2012, while 65 are still in the working process. Apart from that, unfinished cases from the previous year have been dealt with, one from 2010 and 18 from 2011.

During 2012, total of 156 cases related to discrimination were resolved.

#### Case solving procedures in 2012:

MANNER OF RESOLVING	YEAR OF CASE OPENING			RESOLVED CASES TOTAL
	2010	2011	2012	
UPON PROCEDURE COMPLETION OF NO DISCRIMINATION WAS FOUND ESTABLISHED	0	7	35	42
ACTIONS WERE UNDERTAKEN FOR ELIMINATING DISCRIMINATION ACCORDING TO ADA	0	2	2	4
CASE CONCLUDED BY ANSWERING TO GENERAL INQUIRY	0	0	4	4
CASE CONCLUDED BY GIVING RECOMMENDATION OR WARNING	0	3	4	7
CASE PROCESSED AS FALLING WITHIN REGULAR OMBUDSMAN'S COMPETENCE	0	1	7	8

COURT DECISION MADE	0	0	1	1
FREE ASSESSMENT ART. 12	1	0	4	5
PARTY INFORMED ON LEGAL REMEDIES, COURT AND OTHER PROTECTION POSSIBILITIES	0	1	14	15
PARTY REQUEST WITHDRAWAL	0	1	11	12
COURT PROCEDURE UNDERWAY	0	0	9	9
ACTING AS AN INTERVENOR IN COURT PROCEDURE	0	1	1	2
LAW AMENDMENT OR SUBORDINATE LEGISLATION INITIATIVE FILED	0	1	2	3
FORWARDED TO SPECIAL OMBUDSPERSONS	0	1	35	36
RETROACTIVE LAW APPLICATION PROHIBITION	0	0	4	4
OTHER	0	0	4	4
<b>TOTAL</b>	<b>1</b>	<b>18</b>	<b>137</b>	<b>156</b>

We emphasize the fact that during 2012 Ombudsman continued to monitor three previously initiated court proceeding related to discrimination (two civil procedures as an intervener on behalf of the plaintiff and one instigated on his/her own initiative), and intervened on behalf of plaintiffs in two new cases before the civil courts.

**Number of complaints in 2012 according to discrimination grounds:**

<b>DISCRIMINATION GROUNDS</b>	<b>NUMBER OF COMPLAINTS</b>
RACE OR ETHNIC ORIGIN, SKIN COLOUR, NATIONAL ORIGIN	60
SEX	19

AGE	18
POLITICAL OR OTHER BELIEF	11
EDUCATION	10
DISABILITY	9
HEALTH CONDITION	9
TRADE UNION MEMBERSHIP	7
SOCIAL STATUS	5
RELIGION	5
PROPERTY STATUS	4
MARITAL OR FAMILY STATUS	3
SEXUAL ORIENTATION	1
SOCIAL ORIGIN	1
NO GROUNDS	40
<b>TOTAL:</b>	<b>202</b>

Like in previous years in 2012 as well, the most frequent ground found in discrimination complaints was race or ethnic origin, skin colour and national origin which constitutes 29,7% of the total number of received complaints.

**Number of complaints in 2012 according to fields of discrimination:**

<b>FIELD OF DISCRIMINATION</b>	<b>NUMBER OF</b>
WORK AND WORKING CONDITIONS	94
JUDICIARY AND ADMINISTRATION	38
ACCESS TO GOODS AND SERVICES	16
SOCIAL SECURITY	13
EDUCATION	10

HOUSING	10
DISCRIMINATION IN GENERAL	9
PUBLIC INFORMATION AND MEDIA	8
HEALTH PROTECTION	2
TRADE UNION MEMBERSHIP	1
CULTURAL AND ARTISTIC WORK	1
<b>TOTAL:</b>	<b>202</b>

The majority of complaints (46, 53%) are still related to the field of work and employment. Citizens often feel discriminated against due to the protracted court and administrative proceedings as well. However, in general this is not a matter which falls under the Ombudsman's anti-discrimination mandate but rather it is a personal perception of discrimination caused by non-satisfaction with the court decision.

## 1.2. AGGREGATED DATA OF ALL OMBUDSPERSONS

In order to enable the insight into complaints handling work of all of the Ombudspersons and to a certain extend into discrimination occurrences data on complaints (according to the discrimination grounds and fields) received by Ombudsperson for gender equality, Ombudsperson for persons with disabilities and Ombudsperson for children, are presented here as well. These data were delivered by the special Ombudspersons to the Ombudsman together with accompanying description.

### Complaints according to discrimination grounds

GROUND	OMBUDSPERSONS			
	OMBUDSMAN	FOR PERSONS WITH DISABILITIES	FOR CHILDREN	FOR GENDER EQUALITY
RACE OR ETHNIC ORIGIN OR SKIN COLOUR	60	-	7	-
SEX	19	-	-	287
LANGUAGE	0	-	-	-
RELIGION	5	-	-	-
POLITICAL OR OTHER BELIEF	11	-	-	-
NATIONAL OR SOCIAL ORIGIN	1	-	1	-
PROPERTY STATUS	4	-	1	-
TRADE UNION MEMBERSHIP	7	-	-	-
EDUCATION	10	-	2	-

SOCIAL STATUS	5	-	-	-
MARITAL OR FAMILY STATUS	3	-	-	3
AGE	18	-	1	1
HEALTH CONDITION	9	1	1	-

DISABILITY	9	5	1	-
GENETIC HERITAGE	-	-	-	-
GENDER IDENTITY OR EXPRESSION	1	-	1	1
SEXUAL ORIENTATION	0	-	-	25
NO GROUNDS	40	-	1	-
<b>TOTAL:</b>	<b>202</b>	<b>6</b>	<b>16</b>	<b>317</b>

### Complaints according to fields of discrimination

FIELDS	OMBUDSPERSONS			
	OMBUDSMAN	FOR PERSONS WITH DISABILITIES	FOR CHILDREN	FOR GENDER EQUALITY
WORK AND WORKING CONDITIONS	94	-	-	97
EDUCATION, SCIENCE AND SPORTS	10	1	13	3
SOCIAL SECURITY, PENSION AND HEALTH INSURANCE	13	1	1	118
HEALTH PROTECTION	2	1	-	3
JUDICIARY AND ADMINISTRATION	38	-	-	51
HOUSING	10	-	-	3



PUBLIC INFORMATION AND MEDIA	8	-	-	21
ACCESS TO GOODS AND SERVICES	16	3	-	4
TRADE UNION, NGO AND POLITICAL PARTY MEMBERSHIP	1	-	-	16
CULTURAL AND ARTISTIC WORK	1	-	-	1
DISCRIMINATION IN GENERAL	9	-	2	-
<b>TOTAL:</b>	<b>202</b>	<b>6</b>	<b>16</b>	<b>3</b>

### 1.2.1. Ombudsperson for gender equality

During 2012 the Ombudswoman for gender equality worked on 317 discrimination cases out of which 270 were citizens' complaints and 37 were based on Ombudswoman's initiatives, all of them related to discrimination based on sex, marital or family status, sexual identity, expression and sexual orientation, against individuals or groups of individuals.

During 2012 the Ombudswoman continued monitoring 6 commenced court proceedings, in which she intervened in 2011. Four court decisions were made and three of them are final judgments. In three decisions discrimination was determined and sanctioned, while in one case discrimination claim was rejected, so the Ombudswoman actively involved herself in the review process related to this judgment. During 2012 the Ombudswoman has intervened in two new court proceedings.

### 1.2.2. Ombudsperson for persons with disabilities

In 2012 Ombudswoman for persons with disabilities received in total 37 complaints related to discrimination. Office of the Ombudswoman for persons with disabilities has found a suspicion to discrimination in six cases and acted in line with the ADA. Comparing the year 2012 with the year 2011, the data shows that the number of complaints related to discrimination has risen.

### 1.2.3. Ombudsperson for children

Office of the Ombudswoman for children acted according to the ADA in 16 cases. In addition, in 2012, two cases from the previous year were also dealt with, and in relation to these cases the Office kept receiving information on actions taken by the authorized bodies upon its request. In all 16 cases adult persons filed complaints on behalf of children. In comparison to previous years, in 2012 the number of complaints related to discrimination has doubled.

### 1.3. JUDICIAL CASES RELATED TO DISCRIMINATION

According to the Art. 17 of the ADA all judicial bodies are obliged to keep records of court cases related to discrimination and discrimination grounds for conducting the proceedings, and submit them to the Ministry of Justice which is then obliged to forward them to the Ombudsman.

For this purpose the Ministry made special Forms for keeping statistical records of court cases related to discrimination and discrimination grounds based on which these proceedings are being conducted (hereinafter: Forms). During previous years we have noticed problems in collecting statistical data gathered through these Forms and insufficiency thereof. In order to upgrade the existing statistical system of court cases recording in cooperation with the Ministry of Justice a new statistical model was agreed upon. It is envisaged that as of January 1<sup>st</sup> 2012 new Forms become parts of individual files and are aggregated on quarterly basis, and annually at the end of the year. Unfortunately, the agreed model did not become functional in practice due to the fact that these new Forms were not published in the Official Gazette, and thereby the courts were not obliged to use them. That is why still in this Report we present the Ministry of Justice's statistics of cases conducted during 2012, in the old forms from the year 2010.

According to the received data during 2012 total of 227 different court cases were conducted - civil, criminal and misdemeanour - related to discrimination out of which total of 57 final court decisions were reached. Data on the number of court cases and final court decisions from 2010 to 2012 show a visible increase of the number of civil and misdemeanour proceedings related to discrimination. Detailed presentation of all mentioned data can be found in the integral text of the Report on discrimination occurrences in 2012.

#### 1.3.1. Civil cases

According to the Ministry of Justice's statistics during 2012 total of 116 civil procedures on the grounds of discrimination were conducted out of which 52 were upon charges pressed in the previous period and 64 upon charges pressed during 2012.

In the year 2012 total of 16 final court decisions were reached out of which 8 within a year time period, 8 during extended period of time when one charge was admitted, three were rejected and 12 cases were resolved in another manner, i.e., they were concluded due to procedural reasons and with no decision on a merit. 100 civil procedures remain unfinished. Dominantly, cases were related to the field of work, although the verdicts we have received from the courts refer mainly to mobbing. Perceiving it as discrimination, in fact, the complainants file lawsuits against maltreatment in the workplace i.e., mobbing, which is not caused or linked to any of discrimination grounds and therefore it is different from discrimination, which mostly is recognized properly by courts. It is evident that mobbing as a socially unacceptable behaviour should be separately regulated within the civil law and the public should be additionally educated on legal remedies and court protection.

### **1.3.2. Criminal cases**

During the year 16 criminal procedures related to discrimination were conducted out of which 11 proceedings were in continuation from the previous period and 5 were initiated in 2012. We have no exact data on which criminal offences were procedures based (violation of citizens' equality, race and similar discrimination, torture and other cruel, inhuman or degrading treatment) due to the fact that the existing Forms do not envisage such criteria.

In four criminal cases final court decision was reached, in a way that one decision was acquitted and three cases were concluded in other manner. 12 criminal proceedings still remain unfinished.

#### **1.3.2.1. Hate crime**

Government Office for Human Rights and Rights of National Minorities, which according to the Protocol on procedure in cases of hate crime, is the central body for gathering and publishing data on hate crime, provided us with data on hate crime for 2012 recorded only by the Ministry of Justice. According to that data in the period from January 1<sup>st</sup> 2012 until December 31<sup>st</sup> 2012 total of six criminal cases were instigated due to criminal acts committed out of hatred, two of them related to hatred based on sexual orientation, while other related to race or skin colour, ethnic origin, national origin and other grounds. During 2012, 21 criminal proceedings on hate crime from the previous period were dealt with (14 related to sexual orientation, 5 related to national origin and one related to religion and political or other belief). In the period from January to December 2012, 19 criminal cases on hate crime were resolved, out of which 15 ended up with a conviction. Sentences on prison sanctions (one convicted person) and suspensions (16 convicted persons) were pronounced.

### **1.3.3. Misdemeanour cases**

During 2012 in total 95 misdemeanour proceedings were conducted (32 from previous years) out of which 37 were concluded with final judgment. 58 procedures still remained unfinished. 26 condemnatory judgments were pronounced in which 23 persons were convicted, 7 judgments were acquitted and four proceedings were concluded in other manner. Regarding duration of these proceedings 34 were finished in 12 months period and 3 lasted longer than that.

The ADA stipulates several misdemeanour acts linked to discrimination: harassment, sexual harassment, failure to submit to the Ombudsman and special Ombudspersons relevant statements, data and documentation and sanctions for victimization. But, misdemeanour acts linked to discrimination can be found in other acts like: Gender Equality Act, Law on Prevention of Violence on Sporting Events, Law on Offences against Public Order and Peace. From the available data, delivered by the Ministry of Justice, one cannot grasp on what kind of misdemeanour and on which misdemeanour acts the above numbers exactly refer. This should be corrected in the future as well.

Our analysis of judgments from misdemeanour courts indicates that ADA mechanisms are being insufficiently or unevenly applied. For example the Ministry of Interior initiated charges (among others) for committing misdemeanour harassment acts, pursuant to the ADA, even in cases of mockery directed towards the policemen done by mainly juvenile persons, claiming that there was harassment based on their social status.

On the other hand, for verbal insults of Gay Pride participants in Split 2011, which had to be interrupted due to open unfriendly, glowing hot atmosphere which ended up with physical attacks on participants, the Ministry of Interior did not initiate charges according to ADA, but the perpetrator was sued and sanctioned merely for violation of public order and peace. Therefore it is necessary to further strengthen the capacities and train the Ministry of Interior officers on how to recognize discrimination and what constitutes a discriminatory act. We also deem that there is a room for more efficient cooperation of the Ombudsman as the central body for suppression of discrimination, together with special Ombudsperson, with the police, regarding the initiation of misdemeanour procedures related to discrimination cases.

#### **1.3.4. Administrative cases**

Administrative court in Rijeka registered two disputes in which plaintiffs claimed discrimination but both charges were dropped.

### **RECOMMENDATIONS:**

- 1. In order to improve statistical records, it is necessary to change the existing Forms for statistical recording of court cases related to discrimination and publish them in the Official Gazette as well as to continuously provide courts with instructions and support for using/filling in the Forms.**
- 2. Standardise the conduct practice of all police units regarding misdemeanour acts and especially those linked to discrimination and intensify the capacity building for identifying discrimination.**

#### **1.4. UNDER-REPORTING OF DISCRIMINATION**

Under-reporting of discrimination is one of the major problems of the discrimination protection system. According to the Survey on the attitudes and awareness on discrimination and on discrimination occurrences in 2012 the majority of citizens (61%) did not take any steps in order to protect their rights. The number of discrimination complaints addressed to the Ombudsman and special Ombudspersons as well as the number of court procedures related to discrimination also indicate the trend of keeping secret and under-reporting of discrimination.

Reasons why citizens do not report discrimination are various, from not recognizing discrimination and not being aware that discrimination is legally prohibited, the lack of confidence and knowledge about available protection instruments, to the acceptance of discrimination as regular and normal pattern of behaviour and ultimately to the fear of

victimization. Problem of discrimination under-reporting exists prevalently among the most vulnerable minority social groups. Especially problematic fields are the ones related to the access to services; where potential victims are in the inferior position in relation to service providers since they depend on them – examples of these field are health protection system, social care system and similar.

During previous years the Ombudsman lead several public campaigns and other activities targeted the public at large in order to inform on the provision from the ADA, its role as the Central equality body and legal protection possibilities in case of discrimination.

### **RECOMMENDATIONS:**

- 1. Government of the Republic of Croatia should provide for means for organizing and conducting public raising awareness campaigns regarding discrimination as prohibited behaviour by the law as well as on the existence of discrimination protection system.**
- 2. Programs of vocational training for civil servants on how to recognize discrimination should be included in the State School for Public Administration, Institute for Public Administration and Judicial Academy educational curricula.**

## **2. OCCURRENCE OF DISCRIMINATION ACCORDING TO THE GROUNDS**

### **2.1. DISCRIMINATION ON THE GROUNDS OF RACE OR ETHNIC ORIGIN OR SKIN COLOUR AND NATIONAL ORIGIN**

Race or ethnic origin (namely “race”, ethnic origin or skin colour”, i.e. “national origin”) is the most frequent discrimination ground on which citizens complained against to the Ombudsman in 2012.

#### **2.1.1. Migrants**

Although Republic of Croatia is still not a country in which large number of immigrants arrive, with the entry in the EU the situation will surely change. The Government of the Republic of Croatia in 2012 adopted the Migration policy of the Republic of Croatia for the period from 2013 to 2015, which contains measures to be undertaken in visa policy regime, aliens’ status regulation, Croatian citizenship acquisition, asylum, integration policy, irregular migrants and Croatian Diaspora. However, this policy is not woven into all public administration sectors but only to the activities of the Ministry of Interior. Apart from that, many questions are still open related to the lack of expert, administrative and other capacities for responsible management of the migration system, especially concerning integration of refugees.

Numerous every day’s examples indicate to the fact that the Croatian society is still not open enough towards refugees and aliens in general. Especially unfavourable atmosphere is being created by scarce and negative media coverage of asylum seekers and irregular migrants, since the media portrays mainly focus on the questions of security, prejudices and unwelcome attitude, while human dimension, human rights protection and aid to people in need are largely ignored. Number of asylum seekers in Croatia continues to rise and, according to the Ministry of Interior

data, in total 1193 persons sought asylum in 2012, which makes 50 percent more than in the year before. In the Republic of Croatia there are two asylum reception centres: in Kutina and Zagreb in which over 350 persons are placed. Distrust and opposition on behalf of citizens in local communities, reflected in an unwillingness and very restrained attitude towards asylum seekers, render more difficult their integration. Therefore it is necessary to make additional efforts towards their better inclusion in the society, supported by the coordinated action on behalf of the relevant state bodies.

### **2.1.2. National minorities' members**

Discrimination against national minorities' members based on their national origin is in practice the most frequent occurrence of race discrimination in Croatia. The census' results from 2011 show that the percentage of Croats in the national population structure is 90,42%, Serbs 4,36%, Bosnians 0,73%, Italians 0,42%, Albanians 0,41%, Roma 0,40%, while the percentage of other national minority members is under 0,40 % .

Republic of Croatia is among the first in the region which introduced in its legislation the establishment of so called national minorities councils. However, the mandate of minorities' councils and individual representatives on the county, city and municipality level remains very general and vaguely defined. Their powers are still of consultative nature, the obligation of the local self-government units to finance the councils is very broadly defined thus the councils find it difficult to get in a position to make proposals to the local government of measures for the improvement of national minorities' status. Additionally, the Ministry of Administration very restrictively interprets its control powers over the implementation of the Constitutional Act on the Rights of National Minorities and does not use sanctions against local self-governments' units which do not provide means for the minority councils' work.

#### **2.1.2.1. Roma national/ethnic minority**

According to the 2011 census in total 16.975 persons declared themselves as Roma minority and their average age was 21,9 and thus they are evidently the youngest ethnic group in Croatia. However, the official state bodies and NGO's estimate that the population of Roma minority in Croatia constitutes, in fact, around 30.000 to 40.000 persons.

The majority stateless Roma arrived from other republics of the former Yugoslavia and very frequently encounter problems in collecting documents necessary for obtaining the Croatian citizenship; they face difficulties especially when accessing state bodies. It is estimated that in Croatia lives around 500 Roma without citizenship and 1,000 more are at risk of not being able to realize the right to citizenship because they cannot meet the requirements prescribed by relevant regulations.

The Office of the Ombudsman therefore intervened when National Strategy for Roma inclusion for the year 2013 to 2020 was being drafted, and recommended the improvement of the legal framework for regulating the civil status of the Roma national minority members, with due respect of their specific social and material position. To the vast majority of Roma, in spite of

their wish to finally regulate permanently their civil status in the country of their birth or in which they live for decades, the existing conditions present an insurmountable obstacle.

Notwithstanding the free of charge and compulsory elementary education, the Roma children face serious problems in education both with discrimination and the lack of the family support. Segregation of Roma children in elementary schools in the Međimurje region, requires further attention since in March 2012 there was an attempt to prevent them from attending the pre-school preparatory programme. This was a clear indicator of the necessity to further undertake efforts towards the integration of Roma minority into the school system.

This important problem of discrimination of Roma children in the field of education was recognized by the Ombudsman as a field which requires special monitoring and measures for fighting discrimination. In 2011 the Ombudsman acted as a third-party intervenor in the law suit on behalf of two students from a secondary vocational school in Čakovec, members of Roma minority, for establishing discrimination. The first instance court in 2012 took a stand that it was discrimination and adjudicated compensation and in April 2013 the second instance court approved this judgement.

Furthermore, the Roma inclusion should be strengthened by the measures for suppression and sanctioning discrimination against Roma, widely spread among the public. Therefore, in 2010 the Office of the Ombudsman brought a proposal for charges due to the suspicion on misdemeanour act of harassment. Namely, in the visible place at the main Bus station in Zagreb the inscription appeared stating “Don’t touch the Roma, they are infected”. The first instance proceedings ended up in a way that the court acquitted the perpetrators. In March 2012 the Ombudsman lodged the appeal against this judgement. Our appeal was approved, the first instance decision was quashed and the law suit was sent back to a repeated proceeding.

The National Strategy for Roma Inclusion from 2013 to 2020, adopted in November 2012, states that the local and regional self-government units proved to be the weak points since none of strategic documents is binding for local authorities, thus each of them autonomously decides whether and to which extent will the envisaged measures be implemented. That is why a continuous and sustainable result was not completely achieved. Therefore it is necessary that the role and responsibilities of both national and local authorities with this respect is clearly indicated.

Important factor for the improvement of the Roma minority social status is improving the housing conditions since the existing ones do not meet the basic standard of living, especially regarding the infrastructure facilities. There are still illegal settlements where living conditions have not been improved during the last 20 years.

Residence Act stipulations additionally aggravate the situation prescribing that is not possible to obtain the residence registration on an inexistent address. Namely, certain number of citizens is not able to register the residence since their house or flat is not recorded in the Spatial Registry. Under such circumstances it is possible that people living in Roma settlements may not be able to regulate their residence permit.



#### 2.1.2.2. Serb national/ethnic minority

2011 census shows that an average age of a Serb nationality member in the Republic of Croatia is 53, 1 year and that of ethnic Croat is 41 years. In total 186.633 persons declared themselves as Serbs. Poor economic situation in the region, high level of unemployment and protracted proceedings for obtaining housing rights of the former tenancy rights bearers are the major obstacles for their return.

Housing proceedings of the former tenancy rights bearers, mainly related to Serbs, are being conducted very slowly. According to the UNHCR data, during 2012 the Government has successfully resolved only 1/10 of housing cases in comparison to 2011 while until November 2012 out of 1.284 applications for the flat's purchase only two were resolved.

Slow and inefficient implementation the Program of return is likely to continue hindering the return of the Serb minority in the Republic of Croatia.

Apart from swollenness, citizens complain against other difficulties they encounter while exercising their rights in relation to the return, for example, in requests for (re)purchase of the state/public flats, caused by the Decision on sale of flats owned by the Republic of Croatia from 2011 since the sell criteria are less favourable in comparison to the Law on sale of flats from 1992. This fact causes unjustifiable effects on the returnees – the former tenancy rights bearers – in comparison to the citizens, mainly of Croatian origin, who purchased flats earlier. Therefore it is necessary to review the existing purchase criteria.

In addition civil society organizations also publicly pointed out to the uneven treatment based on national origin towards the Serb returnees. They claim that the Ministry of Regional Development and EU Funds, on behalf of the State prosecutors' Office, started pressing charges against Serbs in the Western Slavonia region, but not against Croats, who received the aid for reconstruction of their damaged houses during the War, but who do not live in those houses or sell the renewed objects.

Finally, we indicate to the warring discrimination practice linked to granting dual citizenship. Namely, returnees of the Serb nationality may acquire citizenship according to the Citizenship Act which stipulates the acquirement of the citizenship by naturalization, for what a dismissal from his/her foreign citizenship is conditioned. By contrast, members of the Croatian nationality acquire citizenship under other conditions (beneficial naturalization) for which a dismissal from foreign citizenship is not prescribed. Such legal procedures for acquiring of a dual citizenship open a question of uneven treatment based on national origin since they put the Serb returnees to the Republic of Croatia in unfavourable position, although these two groups are in a comparable position, i.e. either they are born on the territory of the Republic of Croatia or they are married to the Croatian citizen and live in Croatia. Such discriminatory treatments affect the implementation of the Contract on dual citizenship between the Republic of Croatia and Bosnia and Herzegovina, as well.



## **RECOMMENDATIONS:**

**1. State bodies which are duty bearers and implementers of the Migration Policy of the Republic of Croatia for the period 2013 – 2015 should pay special attention to the implementation of the following measures and activities:**

- a. establishment of intersectoral body and smaller working expert groups for operational activities related to solving integration problems of aliens in the Croatian society**
- b. additional capacity strengthening for asylum procedure implementation and continued additional trainings of civil servants working on asylum**
- c. establishing an appropriate system for accommodating asylum seekers and aliens under the subsidiary protection of the Republic of Croatia**
- d. establishing the asylum seekers reception centre on a permanent location**
- e. strengthening the partnership with civil society and private sector in fostering cultural diversity promotion**
- f. implementation of a proactive preventive policy for suppression of discrimination, xenophobia and racism through the media and public campaigns**
- g. nomination of the Standing commission for implementing the alien's integration policy in the Croatian society**
- h. providing Croatian language lessons for adults granted protection at the level of all counties**

**2. Ministry of Administration should change its interpretation of its control powers over local self-government and should start sanctioning local government units who do not provide means for the national minority council's work**

**3. The Government Office for Human Rights and the Rights of National Minorities should invest additional efforts in education of the local government officials and civil servants on the role of national minorities' councils**

**4. Ministry of Interior should improve the normative framework for the status regulation of the Roma national minority members, especially citizenship and residence with respect to their specific social and material circumstances**

**5. State body which are duty bearers and implementers of the National Strategy for the Roma Inclusion from 2013 to 2020 should consequently and evenly conduct activities targeted to:**

- a. raising the share of employed Roma and decreasing their unemployment rate within the population's working capacity**
- b. raising an average number of years Roma spend in school system with special emphasis on the increase of Roma female students**
- c. increasing the number of Roma pupils who finish elementary schools**
- d. clearly define the role and responsibility of national and local government with respect to providing means for Roma inclusion**
- e. specifying monitoring implementation measures**

**f. improving Roma housing conditions**

**6. Ministry of Interior should improve the procedure for granting the Croatian citizenship to persons who are not of the Croatian nationality but have a valid link with the Republic of Croatia since there is a discrepancy between the conditions they must fulfil in order to acquire the Croatian citizenship in comparison to persons of the Croatian nationality.**

**7. Ministry of the Regional Development and EU Funds and the State Office for Reconstruction and Housing should invest additional efforts in order to achieve:**

- a. a faster and more even resolution of the housing requests**
- b. a consequent implementation of the Programme for flat purchase granted to returnees within the Housing programme**
- c. a change of the Decision on sell of flats owned by the Republic of Croatia in order to eliminate unjust and unfavourable effects on returnees – former tenancy rights bearers, mainly of Serb nationality – in a manner which recognizes them as ex tenancy rights bearers and enables them to purchase a flat under the same conditions under which other citizens, mainly of Croatian nationality had an opportunity for purchase**
- d. a review of uneven treatment at the territory of the Western Slavonia regarding charges pressed exclusively against Serbs who received aid for reconstruction of demolished objects during the War, but who do not live in those objects or sell the renewed objects.**

## **2.2. DISCRIMINATION ON THE GROUND OF AGE**

Age based discrimination encompasses the largest number of citizens since persons of any age can be discriminated based on this ground, but the most vulnerable are persons under the age of 30 and those older than 50 years. Like in previous years, in 2012 as well, a significant number of complaints has been received which indicates to age based discrimination in the field of work and employment (more information on that can be found in Chapter 3 - Discrimination in the field of work and employment). Special problem is discrimination of elderly persons in the field of access to goods and services. Numerous services for citizens are based on modern technologies which in most cases do not meet the beneficiaries' needs. Automatic telephone operators' installations hinder individual access giving an impression that the systems build communication walls to hinder the information citizens need. Formalised and recorded automatic replies and switching the communication to an e-mail prevents the older citizens especially, in exercising their rights. Although the Ombudsman has already warned about the problem of centralized system for making appointments of patients so far nothing has been done in order to adjust the system according to the beneficiaries' needs. The instructions for making an appointment in this system state: "In order to make an appointment it is necessary to send by e-mail or fax a copy of physician's refer to specialist together with relevant documentation regarding the history of illness". This has the adverse effect on the older population – namely the majority of citizens do not possess fax machine or scanner and elderly persons to a large extent do not use the Internet either.

We have specially dealt with the system of added tax payment on behalf of citizens who receive foreign pensions. Namely, there is a very complicated procedure, which we dealt with, requiring both great physical and expert engagement which puts in an unequal position older persons who worked abroad.

Age based discrimination on also was noticed due to the lack of insufficient receptive capacities in homes for old and frail persons. Namely, some homes introduced discriminatory criteria for the potential beneficiaries in their internal acts. The Ombudsman in cooperation with the Ministry of Social Policy and Youth undertook actions under his/her competence in order to suppress this kind of discrimination. Lack of hospices remains a big problem still.

Due to uneven regional development the problems of elderly people have been additionally multiplied in rural and areas of special state concern and on islands. Traffic and communication isolation makes the access to health and social care services more difficult, as well as to the information on how to realize rights.

### **RECOMMENDATIONS:**

- 1. Ministry of Health should, through activities for better organization of units responsible for centralized system for making appointment, provide for a possibility of making appointments via phone.**
- 2. Public bodies should, in addition to using phone services, be obliged to enable direct communication with the information service when working with citizens, in order to provide personalized information and help to the citizens.**
- 3. Through amending the Tax Act or through considering entering into a contract with the Croatian Pension's Insurance Institute, simplify the pension's taxation of the residents.**
- 4. By optimisation of the institutional and out-of-institution care capacities within the health and social policy, it is necessary to ensure sufficient capacities for accommodation of old and frail person.**
- 5. Ministry of Health should undertake activities with the purpose of establishing the institution of hospice.**

### **2.3. DISCRIMINATION ON THE GROUND OF RELIGION**

Discrimination based on religion is manifested as unfavourable treatment of individuals because of stereotypes or prejudices as well as through different possibilities of participation in social life faced by entire communities of believers, atheists or persons who are not affiliated to any religion. According to the 2011 Census the majority of inhabitants declared themselves as Catholics followed by persons who, in a largely smaller number (less than 5%), declared themselves as Orthodox, then as non-believers/atheists and as Muslims. In 2012 The Ombudsman has received discrimination complaints based on the ground of religion which

indicate to the unfavourable position of minority religious communities, to which they have been exposed for years, as well as discrimination complaints from non-religious persons. In the process of preparation of this report and gathering the data from the civil society organizations, the Ombudsman also received the statement on behalf of the predominant religious community on occurrences they deemed to be discriminatory.

The fact that the number of discrimination complaints based on religion is not large does not mean that the discrimination is non-existent, but rather indicates on the general practice of discrimination under-reporting.

### **RECOMMENDATION:**

**In order to execute the European Court for Human Rights judgement in case of the Church Alliance “A word of life” and others against the Republic of Croatia, the Government should undertake the necessary measures, envisaged for the execution of the judgement.**

## **2.4. DISCRIMINATION ON THE GROUND OF PROPERTY**

In the context of discrimination based on property in access to goods and services the following three occurrences have grown to a disturbing dimension with respect to the spread and consequences for the society as a whole.

### **2.4.1. Enforcements in the context of discrimination on the ground of property**

Enforcements become one of the major problems of the Croatian citizens. Data from the Ombudsman's activity report for 2012 show that the largest number of citizen's complaints from the field of finance, economy and crafts referred to the enforcements, same as in 2011. Citizens were pointing to their poor economic and social position, asked for advices and legal interpretations and, in general, they asked for help since they have found themselves in troubles due to the unpaid bills, which ultimately lead them to the despair and social exclusion. A decrease in living standard is mostly caused by a loss of income but when citizens cannot afford to pay the utility bills because they lost their jobs or their income decreased below the minimum, this problem should be treated as discrimination on the ground of property status.

From the received complaints it is evident that frequently the costs of the procedure related to enforcement surmount the debt in total as well as that the total debt overcomes the principal due to a high arrear of interests.

Means protected legally from the enforcement are barely sufficient or insufficient for a mere survival and that is why inequality in citizens' access to goods and services appears even in the areas seen as a being free of charge. The category of enforcements with the most serious consequences on the citizens is the one which ends up with forced evictions caused by insolvency to pay off the bank credit instalments.

The loss of the entire property causes numerous troubles both for an individual and for the society, since on the long run, the state, instead of providing enough means for education, science, investments, allocates money for social aid and additional health costs. Therefore, it is necessary to improve the existing legal framework in order to pay more attention to the protection of citizens who are debtors. Having in mind the dimension and consequences caused by enforcements, this will be one of the priority areas in our future work.

#### **2.4.2. Free legal aid**

Free legal aid is one of the key instruments important for exercising the right to access to justice under equal conditions. Therefore, the Ombudsman for years now warns that its accessibility to citizens is not only important for exercising the right free legal aid is asked for, but for the real protection from discrimination based on property, as well as on other grounds like national origin, age, religion and so forth. Unfortunately the practice has shown that some Free Legal Aid Act's resolutions, (for example, access to primary legal aid and the property criteria for exercising the right) in fact, do not meet the needs of the socially disadvantaged and contribute to them being under the risk of multiple discrimination in different fields, from health protection to housing.

According to the data on realization of the right to free legal aid and the consumed budget in 2012 of the Government of the Republic of Croatia, there were in total 7,068 applications for a free legal aid out of which 5,877 were approved. 621 applications were inadmissible, 137 were rejected and procedures upon 245 applications were aborted. Until December 31 2012 rest of 190 applications remained under proceedings. According to the State Treasury data 2,278 millions kuna were planned for the free legal aid, but after the 2012 State Budget amendments, the means were decreased for almost double, to the amount of 1,261,500.00 kuna.

Although the statistical data show that the citizens' need and their requests for the free legal aid is on a rise, at the same time, the State Budget allocation for this purpose has been decreasing. Undoubtedly the economic crisis has an impact on the State incomes and expenditures and the budget cuts unfortunately, have the hardest effect on the poor. Therefore, instead of spending money on FLA administration, introducing of IT and similar it is necessary to spend the money on the beneficiaries whose number is, due to the crisis, on the rise. As long as free legal aid is not available to the poorest marginalized society member, it cannot be stated that the FLA system in Croatia is functioning.

#### **2.4.3. Homeless people**

During many years the Ombudsman warns on the problem of the homeless persons. This very vulnerable group of citizens is completely marginalized in the society and left on the humanitarian and charitable organisations' care. Although some positive steps were undertaken, the homeless persons are still discriminated against based on social and property status, left on the social margins and in legal in-secureness, socially excluded and with unpredictable future.

Although big cities and municipalities in the county centres and the City of Zagreb are obliged to provide for means for food in the public kitchens and housing in the reception centres, pursuant to the Social Care Act (Official Gazette No. 33/12), so far no standards and conditions for giving such services have been prescribed. In some places, reception centres and public kitchens the homeless persons enjoy good services during the whole year, though in other places they can enjoy the same treatment only during winter time. Therefore, the homeless persons do not exercise the same rights and the equal service in the same community. The differences are bigger and the unequal access to social services is more evident on the national level, on the entire territory of the Republic of Croatia.

It is not rare that homeless persons are not able to obtain social subsistence or social service, health care, social housing and employment in some public services, because they cannot apply for the residence registry (they have no address) in places where they live. Thus, the problem of residence application still remains after leaving the reception centre (they only have a temporary residence there) which is even worse for those who did not have the fortune to get shelter in the reception centre, but had to stay in the street.

Social Care Act from 2011 and 2012 defines a term of homeless person and stipulates the obligation of counties and big cities to ensure finance for their temporary housing, including the use of public kitchen's service. However, in order to improve social planning and homelessness risk prevention a continuous systemic monitoring of homeless persons problems and their number is necessary. With the new Social Care Act a continuous systemic care of homeless people should be regulated at the national level, though the local self-government units retain the possibility to provide for social care that exceeds the minimum guaranteed by the state.

## **2.5. GENDER AND SEXUAL ORIENTATION (GENDER EQUALITY OMBUDSWOMAN)**

Statistical data of the Gender Equality Ombudswoman indicate to the increase of complaints in comparison to 2011 as well as the number of cases in which the Ombudswoman established discrimination. Complaints were predominantly related to discrimination on the ground of sex and in majority of cases concerned discrimination of women. During 2012 only 4 complaints referred to indirect discrimination which indicates that this guarantee has yet to take hold in practice.

Majority of complaints are related to realization of social and work rights (67, 8 %), then to the judiciary and administration (16, 1 %). Citizens still in large number complain against treatment on behalf of state bodies and local (regional) self-government units and other relevant legal entities (69,4 %) and less on private legal persons and other natural persons (16,3%). Complaints regarding discrimination on the ground of sexual orientation continued the increasing trend in 2012 as in previous years, which suggests that LGBT persons more actively use available legal instruments for protection and are familiar with the possibility to turn to the Gender Equality Ombudswoman for help.

## **RECOMMENDATIONS**

### **Field of employment and labour**

- 1. Investigate in detail the causes of the low rate of working activity of women in Croatia and develop measures for raising this rate.**
- 2. Additionally strengthen the existing programs of women's self employment in order to slowdown the rise of unemployed women in Croatia.**
- 3. Develop measures for stimulating employers to employ women, especially when women constitute less than 30 % of employees.**
- 4. Extend the obligation to undertake positive measures, in order to achieve the legal goal of achieving the gender balance at management positions, to the private sector employers as well.**
- 5. Establish the mechanism of systemic control over employers' treatment of pregnant employees and employees entitled to the parental benefits.**

### **Sexual harassment**

- 6. Change the court rules of procedure in a way that the civil discrimination law suits, and discrimination related law suits, are registered separately.**

### **Domestic violence**

- 7. Ensure the financial means for psycho-social treatment.**
- 8. Continue systemic financial care of domestic violence shelters and advice centres and encourage opening of separate allocation lines in the local (regional) self-governments' budgets.**
- 9. Continuously train police force staff members on gender equality and domestic violence as well as on the correct implementation of the Domestic Violence Protection Act and the Misdemeanour Act.**
- 10. Continuously train civil servants in Social Care Centres on the need to provide the complete aid to the victims of violence.**
- 11. Consequently implement the measures of the National Strategy of Protection against Domestic Violence, especially those relating to housing and employment of victims of violence.**
- 12. Change the Misdemeanour Act relating to the precaution measures, in order to make them efficient.**
- 13. Establish better networking among different bodies, as well as providing and exchanging data for the purpose of early detection of risks in the family, early intervention and undertaking urgent preventive measures and better protection of victims of violence.**

#### **Partner's violence**

**14. Stipulate in the Gender Equality Act that the Ministry of Interior is an authorised prosecutor for all misdemeanour provisions from the Gender Equality Act.**

#### **Free legal aid**

**15. Change the free legal aid application forms in a way that they do not require filling in data on property owned by other family members since a victim of domestic violence is not allowed to autonomously dispose it.**

**16. Re-introduce the possibility for domestic violence victims of getting free legal aid in proceedings related to criminal, civil and land registry cases.**

**17. Shorten the dead-line for granting free legal aid from 30 to 15 days.**

#### **Women raped in war**

**18. Create a legal framework to grant the victims of war rape the same material compensation and status like ones the civilian war victims enjoy.**

#### **Parental care**

**19. Continue the trainings of Centres for Social Care civil servants on implementation of gender equality principles, on equal division of domestic and family activities.**

**20. Promote the usage of parental leave on behalf of fathers.**

#### **Sexual and gender minorities**

**21. Adopt a new legal framework for the improvement of the position of sexual and gender minorities' at the same time aligning the Croatian legislation with international standards and the practice of the European courts.**

**22. Continue the awareness raising and trainings of the police force staff members, state prosecutors on suppression of hate crimes against LGBT persons..**

**23. Upgrade the statistical monitoring of court cases – criminal /misdemeanour and civil procedures related to discrimination based on sexual orientation.**

#### **Risks of multiple discrimination**

**24. Adopt new strategies and policies in order to alleviate the position of women in rural areas, including the local communities which are familiar with their needs and capacities.**

**25. Conduct promotional preventive campaigns for eliminating the stigmatization and discrimination of HIV affected persons, primarily HIV positive women.**



**26. Raise public awareness on the status of women with disabilities in order to eliminate existing stereotypes and discrimination against them and contribute to further strengthening their position in all spheres of life.**

**27. Prosecute the users of sexual services.**

#### **Field of education**

**28. In the health education curricula include the education on sexual and gender motivated violence and on discrimination grounds, according to the Anti-Discrimination Act.**

**29. Harmonise the textbooks of Ethics and Religious education with the Gender Equality Ombudswoman recommendations given during the reporting year.**

**30. Bearing in mind the results of the analysis on men and women participation in education system, take into consideration the criteria of gender under-representation of male teachers and trainers while employing personnel in kindergartens and elementary schools.**

#### **The media**

**31. Systematically train the media workers on sexual stereotypes and sexism in the media contents and on national and international legislation regarding the manner of public portrayal of women and men and oblige the media professionals on the respect of that orders.**

**32. All media are obliged to omit sensationalism while reporting on violence committed against women as gender motivated violence, to eliminate sexism and gender stereotypes.**

**33. County councils for Gender equality should liaise more extensively with NGOs in order to act jointly in cases of sexism and gender stereotypes used in the local media as well as to organize workshops for the local media professionals.**

#### **Asylum seekers**

**34. Continue education and awareness raising of professionals dealing with asylum seekers regarding their reception, housing and integration.**

**35. Recognise and pay special attention to the vulnerable groups as pregnant women, mothers with small children, victims of sexual abuse, domestic and other forms of violence, LGBT persons and similar.**

## **2.6. DISABILITY (OMBUDSWOMAN FOR PERSONS WITH DISABILITIES)**

Occurrence of discrimination on the ground of disability during 2012 manifested itself in failure to make reasonable accommodation for the pupils with disabilities in access to the public school resources which did not represent an un-proportional burden for schools. These accommodations were not done in spite of the proclaimed inclusive elementary education for pupils with developmental disabilities.

One of preconditions for a successful inclusion of the pupils with developmental disabilities is creating conditions for the fulfilment of their individual, specific needs. Here we refer to the ADA's stipulations on the reasonable accommodation. Namely, conditions which should satisfy the needs of pupils with developmental disabilities are provided by reasonable adjustment of premises, equipment, infrastructure, and organization of working process and in other ways which are not un-proportional burden for schools. "Other ways" in which reasonable accommodation could be realized are: creative approach, sensibility, change of personal attitudes, team work of school experts, pupils and parents, etc. Those "other ways" of adaptation very often are invisible but equally important ways as those visible ones with an essential difference – they do not require much money, thus, they cannot be an un-proportional burden for those responsible for providing access to public resource – schools.

Enabling access to constructed environment, transportation, information and communication services to persons with disabilities is necessary for their independent living and full participation in all spheres of life. Accessibility measures which include elimination of barriers, relate among others to buildings, roads, transportation and other closed and open spaces like schools, houses, health institutions as well as working places, information, communication and other services. Failure to make reasonable accommodation of infrastructure, premises, equipment and similar which is not un-proportional burden for the duty bearer constitutes discrimination. Notwithstanding all positive plans and measures and the ministries' public tenders supported by financial means, insufficient is being done in providing reasonable accommodation for persons with disabilities both on local and national level. Reasons for that might be found in difficulties related to ensuring enough financial means for implementation of regulations which define positive measures but in a lack of sanctions as well. We are frequently witnessing the violation of these regulations in building of inaccessible buildings and public spaces for traffic and other public purposes.

Numerous complaints from different regions of the Republic of Croatia refer to the inaccessible housing objects. During 2012 the Office in several cases sent recommendations and warnings to competent bodies in the local self-government units as well as tenants' representatives regarding ensuring accessibility of flats, according to the principles of reasonable accommodation and universal design. The situation is even worse when it comes to housing objects that are private property of families or either persons with disabilities themselves because very often they do not have enough money for making necessary adjustments.

Although, some cases dealt with by the Office in 2012 confirm that there were positive examples it is necessary to raise awareness, change attitudes and to eliminate prejudices and stereotypes towards persons with disabilities.

## **RECOMMENDATIONS**

**1. Proclaimed inclusive elementary school education for pupils with developmental disabilities should be really exercised in practice and stipulations from the ADA on a reasonable accommodation and other international and national regulations implemented.**

**2. In order to enjoy the right to accessibility it is necessary to enable all persons with disabilities irrespective of the kind of disability and the rest of their abilities, an access through a reasonable accommodation and universal design thereby enabling them the same quality of living and equal treatment as other society members. It is necessary to include persons with disabilities in planning of elimination of existing barriers and their influence on public construction projects approval as well as on inspections. Ensuring accessibility should be coordinated by way of common activities on behalf of persons with disabilities, NGOs and governments' representatives at all levels.**

**3. In order to suppress discrimination a strict implementation of regulation is needed, as well as additional assessments in order to bring right decisions, notwithstanding the usual practice, attitudes and prejudices.**

## **2.7. CHILDREN AS SPECIAL GROUP (OMBUDSWOMAN FOR CHILDREN)**

From the practice based on the ADA of the Ombudswoman for Children the most frequent discrimination complaints were in the field of education. Insufficient attention to protection of children from discrimination on behalf of educators and trainers was noted, and their insufficient level of acquaintance with discrimination occurrences, prohibition of discrimination and existing anti-discrimination legislation. Therefore, the Office recommended to the Ministry of Science, Education and Sports and other relevant institutions to include anti-discrimination content (i.e. prohibition of discrimination, anti-discrimination legislation etc.) in all programmes of expert education of all personnel working in the educational system.

In two cases parents reported discrimination to the Office based on children's health condition and/or disabilities. After the investigation procedure suspicion to discrimination according to the ADA was not found but the Office continued to deal with these cases on the basis of the Ombudsman for Children' Act.

In the educational system throughout the country we still encounter a failure to provide reasonable accommodation relating to the content, access to premises and equipment to the needs of children with developmental disabilities or mental health impairments or behaviour disorder. We warned about that in previous years as well.

Especially disturbing was the case in which a suspicion to discrimination of a child, based on gender identity or expression, on behalf of a priest was established. A priest by his comments expressing the gender stereotypes damaged the dignity of a child and caused fear and unfriendly and degrading environment. Upon the Ombudswoman's initiative a relevant state prosecutor's office, irrespective the fact that no elements of criminal offence were established, filed a law suit for misdemeanour act of harassment according to the ADA.

Complaints on discrimination based on ethnic origin, concretely of Roma ethnic minority, make the majority of complaints received in 2012. Characteristic examples of these complaints are those regarding peer juvenile violence in which we found a suspicion that they were motivated by the fact of the Roma ethnic minority origin, which negatively affects physical and psychological state of a child and his/her success at school. In such cases we inquired the school

treatment towards children and turned to competent bodies with suggestion for conducting inspections and undertaking measures for protection of children against violence and discrimination.

However, the year 2012 certainly was marked by an incident of incitement to discrimination (segregation) of Roma children and preventing them to attend the pre-schooling programme on behalf of villagers, gathered in front of a school in Međimurje region. We have informed the public about these events through the media and the Office's website and requested a report on the incident from the Police administration in charge in the Međimurje county and from the Ministry of Science, Education and Sports. While monitoring mentioned events we were informed about the problems in ensuring adequate working conditions and reception of children in pre-schooling programs. In its answer the County stated that during the last two years the pre-schooling program was conducted in all places where the Roma pupils attend elementary school, thanks to the foreign donations and Ministry's funds. The County argued that they did not possess sufficient human and financial resources for the complete inclusion of the Roma minority into the society and pleaded for a greater support on behalf of other institutions. The Ministry of Science, Education and Sports informed us on their efforts invested in the Roma inclusive education programs, especially by co-financing of the pre-schooling programs for Roma children, co-financing of parental participation in the pre-schooling and extended care programs at schools.

Inclusion of Roma children in regular and integrated pre-schooling programs with other children, their peers, is the best way and the most efficient measure for prevention of the negative segregation practice in the educational system. This measure surely will contribute to the improvement of the Roma children schooling achievements, their better social inclusion and to the upgrading of their living standard. We have recommended to the Government of the Republic of Croatia, municipalities, cities and counties to provide enough means for co-financing and implementation of the integrated pre-schooling model for the Roma children, at least two years before their enrolment in the elementary school. Likewise, we have recommended to the Government to take into consideration and target specific activities to the majority community as well when drafting the new National Program for Roma in order to ensure greater inclusion and prevention of discrimination of Roma. We have proposed to the Government Office for Human Rights and Rights of National Minorities several important themes we encountered while monitoring realisation of the Roma children rights. We have also proposed special measures and goals while drafting the Action plan for realization of the National Strategy for Roma Inclusion until 2020, for the period from 2013 to 2015.

## **RECOMMENDATIONS**

**1. The Government and the Ministry of Science, Education and Sports should continuously implement the measures for Roma children inclusion into pre-schooling programs and programs for the Croatian language learning as their preparation for school. They also should ensure adequate school premises and human resources as well as transportation for children living in Roma settlements far away from schools.**

**2. With the purpose of preventing violent behaviour against children of the minority origin, especially Roma, the Ministry, Agency for Education and all relevant institutions, should continuously implement preventive programs focused on learning about tolerance, anti-discrimination and accepting diversity.**

**3. All abovementioned institutions should continuously inform and educate parents and school professionals about the rights of the child and their protection of discrimination and provide professional trainings as well as give expert support to the teachers in their work on developing tolerance among all children.**

### **3. DISCRIMINATION IN THE FIELD OF LABOUR AND EMPLOYMENT**

According to the complaints on discrimination received at the Office of the Ombudsman still predominant ones are those from the field of work and employment. Even more, the number of discrimination complaints in this field during years is on a rise: in 2009 32,55% of complaints out of the total number of received complaints were from this field, 39,58% in 2010 and 34,69% in 2011. In 2012 the number has risen to 46, 53%, surely due to the protracted economic crisis and the increase of unemployment.

#### **3.1. Discrimination grounds in the labour and employment field**

Dominant grounds of discrimination in the work and employment field are age, sex, race or ethnic origin, skin colour, national origin and education. Relatively large number of complaints do not refer to any ground – namely 11 complaints, out of which 4 were related to mobbing, i.e. ill-treatment at work.

The fact that a person is unemployed does not automatically present discrimination although s/he is in a extremely vulnerable position. However, if the case refers to an unemployed woman, who is a textile worker at the age of 57 there is a great probability for her to become a victim of multiple discrimination in employment.

The structure of unemployed persons is in line with the structure of discrimination complaints sent by citizens. According to the Croatian Employment Service at the end of 2012 there were in total 358,214 unemployed persons registered out of which 53% were women and 1,8 % were persons with disabilities. By the end of the year the highest unemployment was among the youth. In the total number of unemployed persons, 10, 7 % were persons from 50 to 54 years old and 10, 3 % from 55 to 59 years.

According to the educational structure of the unemployed persons the majority of them finished three-year secondary vocational schools. The Office of the Ombudsman received complaints related to discrimination based on education, both concerning the degree and a place where education was obtained. Education was highlighted as an obstacle for a professional assignment.

We do not have data on the national structure of unemployed persons since the Croatian Employment Service does not keep record according to this criterion. However, an overall number of unemployed persons of the Roma national minority is available. According to the residence registry, social benefits' claims, Roma language proficiency it is estimated that there are 4,711 unemployed members of the Roma national minority, i.e., 1,3% in the total population out of which 49,5% are women.

### **3.1.1. Age discrimination**

Persons of all age groups can be victims of discrimination on the ground of age: young, middle-age persons, and the elderly.

#### **3.1.1.1. The youth and discrimination**

The Project results from 2012 show that 36 % of young people encountered discrimination based on age while searching for a job, which demonstrates that the domestic labour market is not immune to the spread perception of the youth seen as a social group still in need of additional protection and control. Young people are disadvantaged in the field of employment due to the lack of work experience as well. Pursuant to the ADA, requiring a certain professional experience as well as determining the lowest age, or a school degree as a conditions for getting a job or other benefits linked to the work relations, does not necessarily constitute discrimination. However, if the exception is misused in sense that there is neither a legitimate aim nor that condition is necessary for achieving the aim; discrimination may occur. Typical example for that would be a working experience requirement for an apprentice and beginners' working position.

During 2012 we received a significant number of complaints indicating discrimination based on age, noted in public job vacancies, in which without any legally based reason, an upper age limit was set up before the applicants. Along with negative trends, examples of affirmative policy regarding the youth inclusion in the labour market, with defined priorities in order to achieve their greater employment, were noted also. Although the vocational training for the young unemployed persons is seen as a positive measure, it at the same time creates an indirect discrimination of young people, based on property and social status. Namely, certain young people are due to their property status forced to take jobs in "lower categories" and other than those for which they were educated. Often, those jobs are not connected in any way with their profession. Because of the fact that they are not unemployed they cannot use the vocational training measure available for unemployed persons, according to the Employment Act. Without necessary practice they become uncompetitive and since they do not have working experience in their profession they are not attractive to employers and thus remain restricted to their current job positions.

#### **3.1.1.2. Elderly and discrimination**

Different surveys confirmed the existing prejudices towards the elderly people. For example, the Survey on the attitudes and awareness on discrimination and on discrimination occurrences from

2012 showed that 40% of interviewed persons agree with the statement that older generations are less capable than young people. We have noted in one case that a candidate for lawyer's position was in written notified that he was too old. The case ended up at the court and the Ombudsman intervened in the procedure on behalf of the plaintiff. The first instance court upheld the claim and obliged the business company to damage compensation.

### **3.1.2. Discrimination on the ground of race or ethnic origin or skin colour and national origin**

The Constitutional Act on the Rights of National Minorities (OG 155/02, 47/10 and 80/10) introduced a positive institute which grants employment in the state administration and judiciary to the members of national minorities, according to the special law provisions related to their portion in total population of a respective administration unit as well as to the already acquired rights. National minorities, in case of equal qualifications, enjoy precedence over other candidates in the employment.

Ministry of Administration adopted on May 9<sup>th</sup> 2011 the Plan on the National Minorities' Employment in the State Administrative Bodies for the period from 2011 to 2014 whereby the employment of 802 national minority members' was envisaged. On December 31<sup>st</sup> 2012 there were employed in total 51,362 civil servants, out of which 1,728 were national minority members, including 2 persons of the Roma national minority. The above data do not show any significant increase in national minority members' employment, thus, it is not possible to speak about the success of the positive measures.

With the exception of the Roma national minority, there are no measures targeting other national minority members' employment and the Croatian Employment Service does not register the nationality data of job seekers.

When it comes to the national minority members' employment in the private and public sector, which is not covered by the Constitutional Act, women are in the most difficult position, especially those living in the Area of special state concern, rural areas and in traffic and communication isolation.

### **3.1.3. Trade Unions' membership as a discrimination ground**

According to our insight a small number of the Trade Union's organisations deal systematically with discrimination and initiates court proceedings. However, there are few exceptions. The Independent Croatian Trade Union indicates on a frequent practice of getting dismissal notices because of one's membership in a Trade Union but covered up by disguised and formal reasons like: downsized work load, unsatisfactory probation performance, unfulfilled quotas which already are unrealistically set up for the purpose of easy dismissing persons etc. Out of the existential fear, long lasting and unpredictable court procedures, the workers give up undertaking concrete actions which might prevent or stop discrimination. On the other hand, great number of unemployed persons is resigned to the employers' justification that the crisis is the main cause for non-respecting the labour rights.

### 3.2. Harassment and mobbing at workplace

The problem of ill-treatment or mobbing at workplace is increasingly important in the time when jobs are being cut down on a daily basis, salaries are being reduced and when workers are not protected enough from the employers who act from a position of power just because they pay off salaries. According to the current regulations a civil law protection against mobbing in practice is achieved through the protection of worker's dignity from harassment and sexual harassment provided for in the Obligatory Law Relationship, including availability of damage compensation, based on "the personality rights".

There has been a criminal-law regulation of this behaviour (as of 1 January 2013 according to the Art. 133 of the Penal Act, mobbing constitutes a criminal offence). Notwithstanding the existing legal framework, a sufficient and efficient protection against mobbing has still not been provided for and it is necessary to urgently prepare a specific legal act in order to completely protect workers from mobbing at workplace. When setting up respective norms the concept of harassment as a form of discrimination according to the ADA and the European anti-discrimination legislation which must be linked to one of discrimination grounds should clearly be distinguish from mobbing as ill-treatment behaviour which is not caused or linked to any discrimination ground.

#### **RECOMMENDATIONS:**

- 1. Increasing the employment rate of the vulnerable groups of citizens (young, elderly, women, persons with disabilities) should continue to be one of the Ministry of Labour and Pension Insurance's priorities, especially stimulating their employment in the field of the social entrepreneurship.**
- 2. In order to provide equal access to the labour market, vocational trainings and similar measures should be available to the young high educated persons without work experience in professions they were educated for, but who were forced to take temporary, less qualified jobs only to ensure the existence.**
- 3. In order to ensure an efficient protection against mobbing, it is necessary to urgently prepare a specific legal act which will regulate this field. When setting up respective norms the concept of harassment as a form of discrimination according to the ADA and the European anti-discrimination legislation, which must be linked to one of discrimination grounds, should clearly be distinguish from mobbing as ill-treatment behaviour which is not caused or linked to any discrimination ground.**

### 4. DISCRIMINATION IN THE FIELD OF HEALTH CARE

Health care protection, as one of the fields covered by the Anti-Discrimination Act, is a field closely interlinked with health condition as a discrimination ground and it is often difficult to



separate them. In spite of relatively small number of complaints related to discrimination in the field of health care, while monitoring the situation in the field and due to the increasing financial crisis in the health care system which largely affects the level of the health care protection, as well as because of the reforms already done and announced for the future, we have decided to include this theme in the Report and elaborate it from the discrimination perspective.

As an especially problematic practice we see the introduction of limited number of services – diagnostics and therapies – that the Croatian Health Care Institute pays to each health care institution every month. This limit, imposed due to the austerity measures, results in even longer waiting lists for a single health care service and in uneven health protection of certain groups of patients, depending on their diagnosis. Introduction of limits prevents a large number of persons from obtaining public health care which has especially negative impact on persons with low income, among them very vulnerable long lasting unemployed individuals and pensioners.

Since the Croatian health care system is burdened with numerous reforms we must warn on the necessity that during the health care system reorganizations always should take into account their impact on the most endangered members of the society. For example, the institute of home visits, which is very important to the elderly and persons who have moving difficulties as well as to persons in grave or terminal phase of illness, is not uniquely regulated. What worries especially is that, when choosing the family doctor the patients are not informed if their physician practices home visits or not. Patients get familiar with that fact only when they badly need home visit, but find out that their family physician does not practice that. Such occurrence can be viewed from as discrimination based on health condition, since patients whose family physicians do not practice home visits cannot obtain health care in times most needed, when their health condition prevents them from going to see their physician personally.

### **RECOMMENDATIONS:**

- 1. We recommend the Croatian Health Care Institution to eliminate the limits for medical services (i.e. check-ups) and, instead, to rationalize the costs in a more justly way according the legally prescribed principles.**
- 2. Ministry of Health should by a decree enable other person to be present at birth if a child-bearing woman wants that, not only to the father of the child,.**
- 3. Ministry of Health should prescribe a duty of family physicians to practice home visits at least for very ill, less movable or patients unable to move.**
- 4. Through enhanced control of rational spending of resources allocated to the health care system, ensure an efficient and quality health care to a maximum, adapted to the specific needs of each and every patient.**

## **5. UNACCEPTABLE AND DISCRIMINATORY SPEECH IN PUBLIC SPHERE**

Unacceptable and discriminatory speech in the public sphere includes discriminatory speech according to the ADA; hate speech as a criminal offence and the speech that may lead to discrimination as well.

That kind of speech was present in the Croatian public during 2012, especially on the Internet, football matches but also in discourses of public figures, especially the politicians. Most frequently it was related to national minorities or minority ethnic groups. In comparison to 2011 we registered a notable decrease of this kind of public speech in relation to Gay Pride participants while the occurrence of such speech towards religious groups' members or atheists was on rise.

Unacceptable and discriminatory speech in the public sphere must be seen in the context of a conflict of divergent rights and interests; here freedom of expression as a fundamental human right is protected and at the same time discrimination is prohibited. Thus it is necessary to find a right equilibrium between the two. This field is challenging since both in Croatian society and in the legal system a clear-cut limit between different forms of this kind of expression is not yet drawn.

### **5.1. FORMS OF UNACCEPTABLE AND DISCRIMINATORY SPEECH**

In Croatian public the term "hate speech" is used for all unacceptable and discriminatory speech. From the legal point of view, such conception of hate speech could be regarded as hate speech in a broader sense while hate speech in a narrow sense would be the most drastic form of discriminatory speech which incites the hatred and violence in public and constitutes a criminal offence as such. However, it is not easy to assess when certain speech presents hate speech which is evident from decisions on (none) instigating criminal charges and from the court judgements taken during 2012. It remains to be seen to what extent, the new definition of the hate speech stipulated in Art. 325 of the Penal Code shall increase the number of instigated criminal procedures and/or sentences for the most severe occurrences of discriminatory speech.

Discriminatory speech is sanctioned under other laws, for example the Gender Equality Act or Prevention of Riots at Sport Competitions Act, though here we shall primarily focus on the ADA. Based on the ADA it is possible to initiate a misdemeanour proceeding for certain discriminatory expressions and this power is given to the Ombudsman and special Ombuds as well. Based on the ADA it is possible to file civil law suit in case of discriminatory public speech which should be the prevalent way of court decision making in discrimination cases. Namely, by using hate speech one may commit different forms of discrimination: direct discrimination, incitement to discrimination and, according to the ADA and Croatian court practice, one may offend and belittle a larger group of people as well. .

The Ombudsman is often called to react upon unacceptable speech which, in legal sense may not be hate speech or expression which discriminates pursuant to the ADA, but it may lead to discrimination.

## **5.2. OCCURRENCES OF UNACCEPTABLE AND DISCRIMINATORY SPEECH**

### **5.2.1. Speech of public figures**

Special attention should be paid to the speech of public and influential figures, i.e. politicians, national and local government representatives, since the speech of those individuals has a different impact on creation of the general public climate and incites to similar discourse or discrimination while making decisions. Unfortunately, during 2012 we noted such discourse especially in relation to the Roma ethnic group.

One of the most drastic examples of discriminatory public speech in 2012 was speech and behaviour of villagers of Škabrnja towards the Roma family who were settled in that village. Instead of defusing the tensions one of those responsible for the escalation of conflict was the mayor of this municipality. Statement of the Head of the Osijek-Baranja Police Administration related to the Roma ethnic group was a reason for the Ombudsman's intervention with the Ministry of Interior, arguing his responsibility for the similar statement he gave during the visit to Međimurje County which was largely publicized in the media.

### **5.2.2. Role of the media**

The media plays especially important role in the field of discriminatory and unacceptable public speech. Responsibility of the media exists on one hand while reporting news, stories and services related to the minority groups which may convey stereotypes and prejudices. Responsibility exists also while reporting to the public on allegedly committed discrimination against an individual or minority group in a sensational way, which may harm not only an alleged discriminator but the public perception of the minority, referred to. We consider that the journalists should be provided with additional specific education on these comprehensive matters in order to upgrade their professional reporting to the public.

### **5.2.3. Discriminatory contents on the Internet**

Frequent occurrences of discriminatory expressions were noted on different web pages, in blogs and citizens' comments to the electronic publications, statements on forums and in the social media.

### **5.2.4. Intolerance at sport competitions**

Occurrences of racism are still present at sport playgrounds in forms of chanting, singing, imitating the monkeys' sound etc. Therefore, it is necessary to continue to raise awareness on

racism as unacceptable behaviour in sports and consequently implement the law and to sanction individual racist incidents. Additionally, when necessary, matches as well as their TV broadcast should be stopped in order to send a message to the public that such occurrences will not be tolerated.

### **5.3. Promotion of tolerance**

Apart from reacting to discrimination occurrences *post festum*, the Ombudsman acts in proactive preventive manner by organizing public raising awareness campaigns. Thus, throughout 2012 a national anti-discrimination campaign within the project “Equally Diverse” was conducted. Additionally, Office staff participated in numerous public round table discussions and conferences. The Ombudsman released the public statement on the International Day for Elimination of the Racial Discrimination and organized a public debate on the occasion of the International Day for Tolerance.

## **6. OMBUDSMAN’S ACTIVITIES IN FIGHTING DISCRIMINATION AND PROMOTING EQUALITY**

### **6.1. Survey on the attitudes and awareness on discrimination and on discrimination occurrences in 2012**

In 2012 a follow-up on the Survey on attitudes and awareness on discrimination and on discrimination occurrences from 2009 was conducted. Detailed results presentation is available in the integral Report on discrimination occurrences in 2012. Here we only emphasise that according to this Survey results every fourth respondent claim s/he suffered discrimination. Although the number of persons who know that the Ombudsman is the central equality body has risen, there still is a large number of those who do not know whom to turn to as well as those who do not undertake any actions when they experience discrimination.

### **6.2. Project: Establishing a comprehensive system for anti-discrimination protection**

The Office of the Ombudsman in the course of 2012 conducted the project, financed by the IPA Programme named “Establishing a comprehensive system for anti-discrimination protection”. Twinning partner in the project was the Ludwig Boltzmann Institute for Human Rights from the Republic of Austria, and a partner in this project was also the Government Office for Human Rights and Rights of National Minorities. Series of trainings and workshops on anti-discrimination legislation were held and the data collection system on discrimination cases received by the Ombudsman’s Office was additionally upgraded.

### 6.3. Project: Equally Diverse

In the course of 2012 the Office of the Ombudsman conducted the project financed by the EU Program Progress together with the Croatian Employment Service and Government Office for Human Rights and Rights of National Minorities named “Equally Diverse”. This project additionally strengthened the Ombudsman’s cooperation with civil society organizations on the regional and local level and stimulated private employers to include anti-discrimination principles in their business processes.

### 6.4. Cooperation with civil society organizations

In the course of 2012 the Ombudsman’s Office continued the cooperation with the civil society organizations through already established channels but also through new approaches and mechanisms, introduced to additionally enhance the cooperation. Upon the public call for the establishment of regional anti-discrimination contact points we have selected 5 NGOs as regional anti-discrimination contact points and signed with them an agreement on cooperation. These are: Project on Civil Rights from Sisak, Centre for Peace, Legal Advice and Psychosocial Aid from Vukovar, Centre for Civic Initiatives from Poreč, Censorship Plus from Split and Centre for Peace Studies from Zagreb. The cooperation with our contact points will be continued in working on individual cases as well as on projects.

Within the context of cooperation with civil society organizations it is important to mention that in the course of the year the Office staff participated and delivered expert views in numerous conferences, round table and public discussions organized by civil society organizations related to suppression of discrimination and promotion of equality and joined specific initiatives as well. Nonetheless, this year we have received the smallest number of the civil society organisations’ reports on occurrence of discrimination, which testifies the extremely unfavourable working conditions for NGOs (lack of funding).

### **RECOMMENDATION:**

**In order to ensure a sustainable NGOs’ work on suppression of discrimination, promotion of equality and human rights, we recommend to the Government Office for cooperation with NGOs to continuously stimulate creation of a favourable environment for the work of NGOs and provide fundraising for NGO projects in this field.**

### 6.5. International cooperation

During 2012 international cooperation in the field of suppression of discrimination has continued with the European network of equality bodies (EQUINET) Agency for Fundamental Rights of the European Union (FRA), Council of Europe, Organisation for the European security and cooperation (OESS) and others.

## CONCLUSION

Republic of Croatia is among rare countries where the ombudsman's institution, along with the mandate to protect constitutional and legal rights of citizens in procedures against the state administration and bodies vested with public powers, plays the role of a central equality body. However, from the perspective of an efficient protection of human rights in a broad sense, i.e. from the citizens' perspective who want to turn for help to an independent institution, all these powers are very much interlinked.

The Report is based on the data gathered by the Office while working on individual complaints or on its own initiative, by analysing the legal framework and rights guaranteed in the international treaties to which the Republic of Croatia is a party, following the court practice, both the national and international including ECJ, as well as following the reports of international organizations. The Report contains also the data produced by the state and public bodies, special Ombuds institutions and data collected by NGOs, which are according to the ADA, very important sources of information.

Although the year 2012 was a year of the record number of received complaints on discrimination, the problem of under-reporting of discrimination is still evident.

Among discrimination grounds which fall under the Ombudsman's competence, we point to the high presence of discrimination based on race or ethnic origin which was the most frequent ground in 2012 as well. Having in mind the economic crisis and the fact that the Croatian ADA is one of rare anti-discrimination laws in Europe which includes prohibition of discrimination based on property, we deem necessary to view the occurrences related to the increasing poverty, i.e. drop of living standard, also as discrimination based on property status.

Here we highlight the field of work and employment as an especially problematic field in terms of discrimination. During 2012 we also received a significant number of complaints related to mobbing, where the citizens perceived such ill-treatment at work as discrimination. We also warn to the occurrences of unacceptable and discriminatory public speech which may constitute discrimination but also may lead to spreading stereotypes and prejudices in the public sphere and as such lead to discrimination.

Since the ADA is merely four years in force, in order to make its implementation effective in the future, it must be strengthened by numerous additional activities aiming at raising public awareness on the anti-discrimination protection system, sanctioning promptly discriminatory practices as unacceptable social behaviour, gaining citizens' trust in the Ombudsman's institution as an efficient redress for their complaints against discrimination based on all grounds under the Ombudsman's mandate.

During 2012 special attention was paid to the cooperation with the civil society organisations. Extremely important development was establishment of more efficient cooperation with the offices of the special Ombudspersons in relation to initiating misdemeanour procedures and suppressing discrimination in general, harmonizing proceedings, better data compatibility as well as building capacities in dealing with individual complaints.

Ombudsman was initially defined by the Constitution of the Republic of Croatia as a Commissioner of the Croatian parliament who protects the constitutional and legal rights of citizens in procedures against the state administration and bodies vested with public powers. During the course of time new tasks and powers were assigned to the institution whereby extending its mandate and strengthening its role. Thus, today the Ombudsman is constitutionally defined as a commissioner of the Croatian parliament for promotion and protection of human rights and freedoms. The Ombudsman's mandates stem from the following laws: Ombudsman's Act, Act on National Preventive Mechanisms against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Anti-Discrimination Act.

Since pursuant to all three aforementioned acts the Ombudsman is obliged to submit annual reports to the Croatian parliament, and in order to substantially link different Ombudsman's mandates in one integral unity and provide the Croatian parliament and the public at large an overall insight in human rights situation in the Republic of Croatia, we would like this year to be the last year in which the Ombudsman submitted three separate annual reports.

Hence, suppression of discrimination based on particular grounds has got a new dimension after the Croatian EU accession. Namely, the EU legislation implementation is legally binding and requires additional efforts on behalf of all stakeholders included in fighting discrimination as well as the leadership and competence of the Ombudsman as the central equality body with this respect.

As already mentioned in the Ombudsman's Activity Report for 2012, the room for performance improvement lies also in increasing the Office outreach towards citizens, primarily by opening regional centres in Osijek, Rijeka and Split, which will additionally strengthen the Office capacities for more efficient suppression of discrimination in the Republic of Croatia.