



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States parties under  
article 35 of the Convention**

**Initial reports of States parties**

**Croatia\***

[27 October 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

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- III. Copies of relevant regulations
- IV. Relevant research and scientific studies with short abstracts

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\*\* Annexes may be consulted in the files of the Secretariat.

## Abbreviations

CDWV	Croatian disabled war veteran/s from the Homeland War
CE	Council of Europe
CEAP	Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015
CEI	Croatian Employment Institute
CIHI	Croatian Institute for Health Insurance
CNIPH	Croatian National Institute of Public Health
CPC	Croatian Paralympic Committee
CPDGRC	Committee for Persons with Disabilities of the Government of the Republic of Croatia
CPII	Croatian Pension Insurance Institute
CRC	Croatian Red Cross
CRPD	Croatian Registry of Persons with Disability
CSAOEC	Central State Administrative Office for e-Croatia
CSO	civil society organisation(s)
CUAPD	Croatian Union of Associations of Persons with Disabilities
FERS	Faculty of Education and Rehabilitation Sciences, University of Zagreb
FPREPD	Fund for Professional Rehabilitation and Employment of Persons with Disabilities
GRC	Government of the Republic of Croatia
ICF	International Classification of Functioning, Disability and Health
IFLA	International Federation of Library Associations
IPA	Instrument for Pre-Accession Assistance
JIM	Joint Memorandum on Social Inclusion
LSAU	local self-administration unit(s)
MC	Ministry of Culture
MFVAIS	Ministry of Family, Veterans' Affairs and Intergenerational Solidarity
MHSW	Ministry of Health and Social Welfare
MI	Ministry of the Interior
MJ	Ministry of Justice
MPA	Ministry of Public Administration
MRDFWM	Ministry of Regional Development, Forestry and Water Management
MSES	Ministry of Science, Education and Sports
MSTI	Ministry of the Sea, Transport and Infrastructure
MT	Ministry of Tourism

NFCSD National Foundation for Civil Society Development  
NPPPHR National Programme for the Protection and Promotion of Human Rights 2008-2011  
NSEOPD National Strategy of Equalization of Opportunities for Persons with Disabilities 2007-2015  
OCNGOGRC Office for Co-operation with NGOs of the Government of the Republic of Croatia  
OGEGRC Office for Gender Equality of the Government of the Republic of Croatia  
OHRGRC Office for Human Rights of the Government of the Republic of Croatia  
OOC Office of the Ombudsman for Children  
OOPD Office of the Ombudsman for Persons with Disabilities  
RC Republic of Croatia  
RSAU regional self-administration unit(s)  
SWC Social welfare centre(s)  
UNCRPD Convention on the Rights of Persons with Disabilities  
UNDP United Nations Development Programme Croatia

## I. Introduction

1. As a member of the United Nations and the Council of Europe and as a signatory of all key conventions and standards in the field of social and economic security of citizens, the Republic of Croatia has assumed the obligation to protect and promote human rights of persons with disabilities, especially in the field of equalising opportunities for persons with disabilities so that they may equally participate in civil, political, economic, social and cultural spheres of life. Its commitment to the full realisation of all fundamental human rights of persons with disabilities, the RC has also confirmed by signing the Convention on the Rights of Persons with Disabilities in March 2007, that was then ratified by the Croatian Parliament as at 1st June 2007. The Constitution of the RC directly guarantees special state's care in the protection of persons with disabilities and their inclusion in the social life, and by applying general principles, it determines the right to equal living through adoption of special laws.

2. The UNCRPD and the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015 were the basis for the adoption of the National Strategy of Equalization of Opportunities for Persons with Disabilities 2007-2015 that was adopted by the Government of the Republic of Croatia as at 5th June 2007. The NSEOPD sets 101 measures, defines bearers and co-bearers of the implementation, elaborates activities and deadlines for measures' implementation, sets implementation indicators and foresees the obligation to plan funds for the implementation of each measure. The aim of the NSEOPD is to harmonise all programmes of activities in the field of protection of persons with disabilities with the standards achieved at the global level and all trends aimed at efforts to make all spheres of life and activity open and accessible to persons with disabilities. General objectives of the NSEOPD are as follows: respect for human rights, non-discrimination, creating equal opportunities, full citizen participation, full participation in the life of community and inclusion in global and European policy frameworks for persons with disabilities. The NSEOPD builds on already established frameworks seeking new solutions for ensuring a comprehensive approach in all fields of interest to persons with disabilities, especially in the field of improving the quality of life in the local community. Coordinators of the NSEOPD implementation are the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity and the Committee for Persons with Disabilities of the Government of the Republic of Croatia which is an advisory and professional body of the GRC.

3. For the purpose of improving the NSEOPD measures implementation and a better horizontal and vertical coordination of the implementation and reporting, the MFVAIS, in cooperation with the United Nations Development Programme in Croatia, since 2009, implements the project "Support in Applying Monitoring and Evaluation Mechanisms for the Implementation of the National Strategy of Equalization of Opportunities for Persons with Disabilities 2007-2015". Consequently, the analysis of the NSEOPD was performed, which resulted in identifying challenges, creating new instruments for improving the implementation and monitoring (Framework for monitoring the NSEOPD implementation) and improving the existing ones (Forms for preparing reports on the implementation of the NSEOPD measures); consultative and educational workshops were held that covered bearers and co-bearers of measures on all levels (national, regional and local), representatives of the state administration offices and family centres and representatives of associations of persons with disabilities. The process of improving the implementation, monitoring and valuation of the NSEOPD, aimed at full implementation of the UNCRPD in the national legislation and strategic plans on the national and local levels, will continue in the following period.

4. In the RC, as at 10 January 2011, there were 531,506 persons with disabilities registered, of which 318,169 males (59.9%) and 213,337 females (40.1%), which makes approximately 12% of the total population of the RC. The largest number of persons with disabilities, 292,320 (55%) of them, are of the working age, aged between 19 and 64 years (Table 1 in annex II); there are 33,627 children with developmental difficulties (aged 0 to 18 years), which makes 6.3 % of all persons with disabilities, and there were 205,559 persons aged 65 and above, which makes 38.7% of all persons with disabilities.

5. The most common types of impairments of persons with disabilities are impairments of the locomotion system and impairments of other organs and organ systems. If the difference in prevalence between males and females is analysed, it may be noticed that males have a greater prevalence of all types of impairments other than inborn anomalies and chromosomopathies. Specially notable difference in prevalence between sexes is for mental disorders, impairments of locomotion apparatus and autism.

6. For more information on the above, see tables 2-6 in annex 2.

## II. General provisions of the Convention

### Articles 1-4

#### 1. Definitions

7. The Croatian legislation uses several different definitions related to disability and persons with disabilities. They are contained in the Law on the Protection of the Military and Civilian War-Disabled Persons (1992)<sup>1</sup>, the Law on Social Welfare (1997 and 2011), the Law on Pension Insurance (1998), the Law on the Croatian Registry of Persons with Disability (2001), the Law on Professional Rehabilitation and Employment of Persons with Disabilities (2002), the Law on the Rights of the Croatian Homeland War Veterans and Members of Their Families (2004)<sup>2</sup>, and the Rulebook on the composition and manner of work of the expertise body in the procedure for realising the rights from social welfare and other rights in line with special regulations (2002). These laws regulate various rights that a person with disability may use from individual systems, and this diversity arises from various social risks covered by individual systems, as well as purposes of individual systems, coverage of beneficiaries and type and level of protection within each of them. Upon signing the UNCRPD, in adopting new legal regulations, the definition in accordance with the Convention is applied (e.g. Law on Social Welfare, 2011).

8. In the pension insurance system, in accordance with the Law on Pension Insurance (1998, 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008 and 2010), a physical impairment is considered to be a loss, serious impairment or significant inability of individual organs or body parts, which aggravates normal organism activity and requires greater efforts in performing daily needs, regardless of whether it causes disability or not. The percentage of physical impairment is determined on the basis of a special Physical Impairments List (the

<sup>1</sup> It regulates the rights of military war-disabled persons from the World War II, peace time military disabled persons and civilian war-disabled persons and members of their families. These groups of persons with disabilities are categorised, according to the determined percentage of organism impairment, in 10 groups.

<sup>2</sup> It regulates the rights of persons who participated in the defence of independence, territorial integrity and sovereignty of the RC in the period from 5th August 1990 to 30th June 1996 and the rights of members of their families. In accordance with the Law, Croatian military war-disabled persons are categorised, according to the determined percentage of organism impairment, in 10 groups.

Law on the Physical Impairments' List, 1998). In comparison with the notion of disability according to the UNCRPD, physical impairment and disability are both characterised by (long) duration and existence of a certain impairment, however, every physical impairment does not necessarily have a consequence of preventing full and efficient participation in society or participation on an equal basis with others. The reason for this is that a physical impairment, as a basis for rights from the pension insurance, historically arose and developed within insurance in case of accidents at work and professional diseases, the initial purpose of which was the compensation to employees in relation to occurrence of social risks connected to work, for the damage these employees suffered while working in accordance with the orders and for the benefit of their employer. In this context, the compensation for physical impairment, that is realised in the pension insurance in relation to accidents at work resulting in injuries or professional diseases, for individuals today also has the reparation character. The Physical Impairments' List was primarily developed for the purpose of compensation to employees injured in accidents at work and began to be used in practice for determining disability in general. The percentage of physical impairment determined in this way and the decision from the Croatian Pension Insurance Institute became in a way, in the lack of other confirmation, an official document by which a person may prove his or her status of a person with disability, and based on this decision also realise rights (and privileges) intended for persons with disabilities in various systems. A consequence of this manner of determining impairment is the lack of individual assessment of needs arising from the impairment.

9. Social welfare system performs expert evaluation for the rights under their authority, the results of which, as well as decisions of the CPII, are used in other systems, for instance in the educational system, as a confirmation of disability or in the system of child benefits for realising the right to receive child benefits. Impairment on the basis of which rights to social welfare are realised are determined in that system based on the Rulebook on the composition and manner of work of the expertise body in the procedure for realising the rights from social welfare and other rights in line with special regulations (2002, 2007). The expertise system, conducted by the first-degree and second-degree expertise bodies with Social welfare centres for the purpose of realising rights from the social welfare system, is closest to the social disability model as it takes into account the overall functioning of a person and his or her specific needs at a certain point in life.

10. The Law on the Croatian Registry of Persons with Disability (2001) regulates the manner of collecting data on the cause, type, degree and severity of health impairment of persons with disabilities, the manner of processing and using data and protecting the data about persons with disabilities in the registry. According to this Law, a person with disability is a person with a permanent limitation, reduction or lack of capability to perform some physical activity or psychological function appropriate for his/her age, arisen as a consequence of health impairment.

11. In the Methodology of the 2001 Census of population, households and flats, disability is defined, in the broadest sense, as an organism condition arisen due to illness, injury or inborn defect, the consequences of which are permanent, partial or full reduction of a person's capability for the normal social life, and thereby for earning income.

12. In the Economic Recovery Programme, adopted in May 2010 by the GRC, the Ministry of Health and Social Welfare is the bearer of measure: "Analysis of social benefits system, harmonisation of benefits provided on the same basis and full application of personal identification number (PIN – in Croatian: OIB) as the instrument for directing social policy measures", and of activity: defining a unified manner of determining disability (preparation of a unified list of impairments, overview of effective legal regulations and a list of regulations to be amended, drafting the law on a single expertise body and manner of determining disability). For the purpose of introducing a single definition of persons with



disabilities at the level of the RC, that would be valid in all systems (healthcare, education, social welfare, pension insurance, war veterans, employment), in accordance with the UNCRPD, the following documents were prepared:

- (a) An overview of effective legal regulations with a list of articles and regulations to be amended;
- (b) Proposition of the Unified list of functional abilities on the basis of the ICF (to be implemented by: competent ministries and public institutions in the systems of healthcare, social welfare, education, professional rehabilitation and employment of persons with disabilities, protection of military war-disabled persons and civilian war-disabled persons, pension insurance, Homeland War veterans and members of their families, serving military persons);
- (c) Proposition of the Law on single expertise body and manner of determining disability;
- (d) Proposition of the Ordinance on establishing institution for expert evaluation.

13. For the purpose of assessing the impact of adopting the Law on single expertise body and manner of determining disability and the Ordinance on establishing institution for expert evaluation, in September 2010, the GRC adopted a Conclusion on accepting the trial application of the List, the implementation of which is in progress. Until 30th September 2011, harmonisation of the List with the results obtained from the trial application is foreseen, and until 1st November 2011, submitting the propositions of the Law and the GRC Ordinance for adoption is planned. By harmonising the definition with the UNCRPD and by establishing standardised criteria in the expertise process by introduction of the unified list and the single expertise body, the quality of collecting data in the CRPD will be improved, realising rights on the basis of disability for users will be facilitated as they will be able to use one medical finding in all systems, criteria in the expertise process will be standardised by introducing the single expertise body, and costs of performing expertise will be reduced as one expertise body will work for all systems. In the preparation of the List Proposition, in addition to experts from the systems mentioned above, the representatives of CSOs, advocating the rights of persons with disabilities also participated.<sup>3</sup>

## 2. Communication

14. One of the activity fields of the NSEOPD is Informing, communication and awareness raising, aimed at ensuring accessibility of receiving and sharing information in accordance with specific needs and abilities of persons with disabilities. Activities in this field are directed at increasing the independence in communication and informing persons with disabilities and sensitisation of the public for specific characteristics of communication with persons with disabilities. One of the activities implemented in this field is the long-term GRC programme My administration (*Moja uprava*) (detailed explanation in Article 21).

15. Some of further examples of ensuring the right to communication without discrimination in the RC is printing and using school textbooks in Braille, printing

<sup>3</sup> Croatian Union of Associations of Persons with Disabilities, Croatian Union of Physically Disabled Persons' Associations, Croatian Association of the Deaf and Hard of Hearing, Croatian Association of the Blind, Croatian Association of Societies for Persons with Mental Retardation, Union of Muscular Dystrophy Societies of Croatia, Union of Croatian Multiple Sclerosis Associations, Sja (Shine) – Association for Social Affirmation of People with Mental Disabilities and Autism Association Zagreb.

significant national and international documents in Braille<sup>4</sup>, work of the library for the blind<sup>5</sup>, using Braille on medicine packaging, tactile fields and lines of warning in public transport, audible traffic lights, encouraging the use of new technologies for the purpose of ensuring the right to communication, etc. In medical diagnostics and rehabilitation of persons with impairments of hearing and speech, theoretical postulates, methodological procedures and electro-acoustic equipment of the verbotonal method are used.

16. Communication is basically polysensory, so the approach of the developmental system of rehabilitation, education and communication of persons with hearing impairments is also polysensory. After approaching the remaining hearing by electro-acoustic appliances, persons with hearing impairments acquire communication competence and learn speech and language through other sensory channels. A successful education and rehabilitation process is the one that facilitates the development of speech and language of a person with hearing impairment (and their education) by using the most efficient sensory channel, but also every other resource that may be useful, which is the basis of bilingual rehabilitation and education of deaf persons. Rehabilitation and education programmes for children and persons with hearing impairments in the RC rely on the bilingual approach, as it contributes to cognitive development, it encourages brain development, creates links between auditory and visual information in the brain, encourages intellectual development and increases the child's memory, which has a favourable impact on the increase in his or her vocabulary and development of linguistic skills. For the proper application of the bilingual approach, in the RC, education programmes are applied at the faculty that educates professionals for rehabilitation of hearing and speech and programmes were formed within the Educational centre "Slava Raškaj" which supports this approach and method. Such approach, with the highest possible use of new technologies for the purpose of exercising the right to rehabilitation and communication, mitigates communication problems and barriers related to hearing impairments and their consequences.

### **3. Language**

17. Aimed at recognising the sign language as a minority language and ensuring equal access to information for deaf persons and other persons with communication difficulties, for whom the sign language is the primary form of communication, legal regulation of Croatian sign language is being prepared, in which deaf, hard of hearing and deaf-blind persons participate.

### **4. Disability-based discrimination**

18. In accordance with the Anti-discrimination Act (2008), discrimination is considered to be placing of any person in a less favourable position on all grounds for discrimination defined by this Act. Discrimination is not considered to be only placing in a less favourable position of this person, but also a person related to that person by kinship or other relationship. The Act distinguishes among the following forms of discrimination: direct and indirect discrimination, harassment and sexual harassment, encouragement to discrimination and failure to make reasonable adaptation, segregation, as a forced and systematic separation of persons on any of the discrimination grounds, and more serious

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<sup>4</sup> Convention on the Rights of Persons with Disabilities, Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015, National Strategy of Equalization of Opportunities for Persons with Disabilities 2007-2015, National Strategy of Protection Against Family Violence 2008-2010, National Policy for the Promotion of Gender Equality 2006-2010.

<sup>5</sup> Book collection of the Croatian Library for the Blind consists of books in Braille (2,119 books), audio books (2,693 books) and books in large-print (6,296 books).

forms of discrimination – multiple (for preventing that one form of discrimination remains unnoticed when discrimination is committed on more than one ground), repeated or continued discrimination or discrimination the consequences of which are particularly harmful for the victim. Exceptionally, discrimination is not considered to be placing in a less favourable position in the following cases:

- Positive actions, i.e. when such a conduct is based on provisions of laws, subordinate regulations, programmes, measures or decisions with the aim to improve the status of ethnic, religious, language or other minorities or other groups of citizens;
- Granting of privileges to pregnant women, children, young people, older persons, persons with caring responsibilities who regularly fulfil their caring duties, and disabled persons with a view to their protection, when such a conduct is based on provisions of laws, subordinate regulations, programmes and measures.

## **5. Reasonable adaptation**

19. The need to ensure reasonable adaptation is defined in the Anti-discrimination Act (2008) where, in addition to grounds related to overall population, discrimination against persons with disabilities is defined also as a failure to make reasonable adaptation, i.e. a failure to enable disabled persons the following, in line with their specific needs: use of publicly available resources; participation in the public and social life; access to workplace and appropriate working conditions, by adapting the infrastructure and premises, by using equipment and in another manner which does not present unreasonable burden for the person that is obliged to provide for it.

20. Adaptation of public facilities is regulated by the Law on Physical Planning and Construction (2007) and the Rulebook on ensuring accessibility of buildings to persons with disabilities and reduced mobility (2005). This Rulebook prescribes conditions and manner of ensuring an uninterrupted access, movement, stay and work of persons with disabilities.

21. In order to ensure execution of work tasks on an equal basis with other employees for a person with disabilities, the Law on Professional Rehabilitation and Employment of Persons with Disabilities (2002) regulates manners of ensuring reasonable adaptation of workplaces: adaptation of a workplace and working conditions, compensation of difference due to reduced work efficiency, co-financing of personal assistant costs (helper in work), co-financing of interest on credit funds, co-financing of work therapist costs.

## **6. Universal design**

22. Promotion of application of the universal design principle is one of the measures of the National Programme for the Protection and Promotion of Human Rights 2008-2011, which includes ensuring accessibility of all public services and public transport and ensuring accessible environment in line with universal design principles. The bearers of the implementation of this measure are competent ministries in cooperation with the CPDGRC, civil society organisations and local and regional self-administration units.

## **7. Implementation of the general principles of the Convention**

23. As the Constitution organises the RC as a unitary and indivisible, democratic and social state, all laws and rights guaranteed by laws are equally valid for all citizens on its entire territory. In their scope of work, LSAUs and RSAUs may ensure a wider scope of existing rights usage and other types of assistance to citizens under conditions and in the manner prescribed by their general acts.

24. UNCRPD principles are mainly integrated in the NSEOPD and the NPPPHR as based on them, individual measures were elaborated aimed at ensuring the highest level of modern protection for persons with disabilities with access to all rights and their realisation without discrimination. These principles are also integrated into other relevant documents, laws and subordinate regulations that regulate human rights and rights of persons with disabilities.

25. The Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts (2009) enables the interested public, including representatives from associations of persons with disabilities, to influence, by their knowledge, experience and expertise, the policy of the GRC on behalf of groups and interests they advocate.

26. Persons with disabilities are members of the CPDGRC, a number of professional working groups for the preparation of propositions of legal regulations, national and local strategies and working groups for the assessment of CSO projects in bodies that ensure financial support for their implementation.

27. Office for cooperation with NGOs of the Government of the Republic of Croatia, which is the central state body for the improvement of cooperation with CSOs, continually works on improving the legislative framework in relation with the cooperation with CSOs, ensuring enabling environment for their work and production of programmes, standards and recommendations for financing CSO activities, in which it actively cooperates with their representatives, including representatives of associations of persons with disabilities.

28. Persons with disabilities participate in continuous monitoring and analysis of public policy related to the development of civil society in the RC through their representative in the Council for the Development of Civil Society as the GRC advisory body.

### **III. Special rights (arts. 5 and 8-30)**

#### **Article 5 – Equality and non-discrimination**

29. Equality as one of the highest values of the constitutional system of the Republic of Croatia was additionally strengthened by the adoption of the Anti-discrimination Act (2008) which unifies and summarises provisions on discrimination that were contained in various laws prior to its adoption. The central body competent for the elimination of discrimination is the Ombudsman, and some tasks, when determined by special laws, are performed by special ombudsmen<sup>6</sup>.

30. Discriminated persons may protect and realise their rights also in court in 2 ways, in a proceedings before court where they require protection of some of their rights violated by discriminatory action, or in a special anti-discrimination proceedings initiated by filing an anti-discrimination claim. The law also regulates the institute of collective claim as an instrument that enables various collective groups to realise their right to the protection from discriminatory actions in court. It may be filed by associations, bodies, institutions or other organisations established in accordance with law, which have a justified interest for the protection of collective interests of a certain group. Municipal and county courts in the RC keep records on reported cases of discrimination on the basis of forms for statistical monitoring of court cases related to discrimination (tables 1-5 in annex 2).

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<sup>6</sup> The Ombudsman for Persons with Disabilities, the Ombudsman for Gender Equality and the Ombudsman for Children.

31. Aimed at raising public awareness of the discrimination problem, in 2009, within the European Union employment and social solidarity programme “PROGRESS”, in partnership with the OHRGRC, Office of the Ombudsman and Centre for Peace Studies, the project “Support to the implementation of the Anti-discrimination Act” was implemented. The project related to disability, racial or ethnical background, age, religion and sexual orientation as discrimination grounds, and it consisted of 3 components:

- Education about the implementation of the Anti-discrimination Act *Survey of attitudes of the citizens of the RC on discrimination*, the results of which showed a wide public support to the adoption of the Anti-discrimination Act. As the main challenge in the implementation of the Act, the need for speedy solution of discrimination cases in courts was identified, and the need to ensure a more tolerant environment in the Croatian society.
- Public campaign directed at raising awareness of Croatian citizens on discrimination that included printed media (jumbo posters and billboards) and broadcasting TV and radio clips.

32. Also, a webpage was created – [www.suzbijanjediskriminacije.hr](http://www.suzbijanjediskriminacije.hr), the Guide to the Anti-discrimination Act was published, and the project was completed at the end of 2009 by a two-day conference on the Anti-discrimination Act.

33. The National Plan for Combating Discrimination 2008–2013 also regulates the protection against discrimination on disability grounds, it protects and promotes general provisions of the UNCRPD and foresees a number of measures for the integration of persons with disabilities in society.

34. The Law on Free Legal Assistance (2008) established a comprehensive system of providing free legal assistance to persons of poor material condition in solving their existential problems. In 2009, the institution of free legal assistance was used in 2,644 cases, and in 2010 in 3,283 cases. Legal assistance is most commonly sought in family justice procedures.

35. The Office of the Ombudsman for Persons with Disabilities continually informs persons with disabilities on the importance of the Anti-discrimination Act and emphasises the importance of continuous familiarisation of persons with disabilities with provisions and importance of this Act, i.e. with the fact that any placing of a person in a less favourable position is not discrimination unless such unequal treatment is one of the 17 discrimination grounds defined by the Act. The OOPD also receives complaints regarding discrimination (tables 6 – 11 in annex 2).

## Article 8 – Awareness-raising

36. With the aim to inform the public about objective knowledge on disability and its consequences and on subjective difficulties of persons with disabilities, the campaigns, seminars, conferences, round tables and workshops are continually organised, under the slogan “About us always with us” with active participation of persons with disabilities.

37. As early as in 2006, the campaign “All different/all equal” was carried out, whereby the RC actively joined the implementation of the CE campaign with the same title aimed at the promotion of the value of diversity in society.

38. In 2006, a documentary film “The garden of blue roses” was created, talking about the value of volunteering in the Special hospital for chronic diseases in children, Gornja Bistra, where around a hundred children with the most severe physical and psychological impairments are placed.

39. In 2008, affirmative media campaign “They can do it all” was conducted, aimed at raising awareness of the public about capabilities and achievements of women with disabilities and girls with developmental difficulties, with the emphasis on the recognition of rights and improvement of their status in society.

40. From 2006 to 2008, the National campaign to combat domestic violence against women “There is no justification for violence” was implemented, which also included women with disabilities (one of the results of the campaign was establishing SOS telephone helpline for women with disabilities). Within the project “Support to women with disabilities in preventing domestic violence” implementation, in cooperation with 2 CSOs, with financial support of the MFVAIS, a textbook on the application of the Protocol in Case of Family Violence was also printed.

41. In cooperation with the CE, in 2009, the Campaign against corporal punishment of children was launched, which was also implemented as the National campaign by the RC in 2009, with the aim to draw attention to the presence of children abuse and their corporal punishment as a socially utterly unacceptable form of behaviour, which also included children with developmental difficulties.

42. The Croatian Association of the Deaf and Hard of Hearing in 2008 initiated campaign “Sign language – condition for equality of the deaf”, aimed at promoting the recognition of Croatian sign language as a minority language, while the Association of Deaf-Blind Persons conducted from 2008 to 2010 a campaign for the recognition of the right to the interpreter for deaf-blind persons “My right to communication and information”.

43. Aimed at raising public awareness about the right to life of persons with Down syndrome, MFVAIS in 2010 co-financed a short film, a part of regional omnibus “Some other stories”, which participated in approximately 15 film festivals and was shown in cinemas outside Croatia.

44. Every year on 3rd December, the International Day of Persons with Disabilities is marked by various activities organised by associations of persons with disabilities: round tables, forums, receptions of representatives of persons with disabilities in LSAUs and RSAUs, etc. One of the examples is the event “We remind – we warn” organised by CUAPD, within which persons with disabilities together with the representatives of the state administration and local and regional self-administration, by walking through the city with banners remind of examples of good practice and warn of examples of bad practice in solving accessibility to persons with disabilities. In 2009, this day was for the first time marked in the GRC by a reception of representatives of associations of persons with disabilities. In marking this day, as well as other important national and international dates and various actions, family centres also participate, by appropriate activities on the local level (workshops and lectures, forums, round tables, publishing articles and announcements and reports in local media and on web pages of family centres, printing promotion materials, etc.), including the cooperation with local stakeholders<sup>7</sup>.

45. The text of the UNCRPD was printed in a form of brochure in 5,000 copies and in Braille, and for children, a brochure with child-friendly UNCRPD text was printed.

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<sup>7</sup> Until today, in the RC 18 county family centres have been established, which represent a new institutional form of service intended for the family, which, primarily, have a counselling and preventive purpose, and their work is based on the principle of users’ free will. They are established by the Ministry of the Family, Veterans’ Affairs and Intergenerational Solidarity. The activities of family centres are defined by the Law on Social Welfare and are additionally expanded by the new Law on Social Welfare (2011).

46. The Croatian Paralympic Committee contributes to raising public awareness by encouraging and promoting sports for persons with disabilities and their sport achievements. For instance, three-year project “Paralympic Sport Day” is implemented, within which in primary schools, through interactive games, quizzes and lectures, children are presented with sports for persons with disabilities, sportspersons with disabilities, their achievements, everyday obstacles and determinacy to realise the set goals.

## **Article 9 – Accessibility**

47. Accessibility of buildings to persons with disabilities in accordance with the Law on Physical Planning and Construction (2007) is regulated by the Rulebook on ensuring accessibility of buildings to persons with disabilities and reduced mobility (2005 and 2007). Obligations from this Rulebook relate to all public and business buildings, and to residential and residential-business buildings. Public and business buildings are buildings for trade, hotel/restaurant and/or tourist purposes; postal and/or telecommunication; provision of cash services and other financial services; administration and similar buildings; health and social care and rehabilitation; buildings where persons with disabilities often stay; for education; culture; traffic; sport and recreation; entertainment; religious and sacral purposes; for executing prison sentences; public spaces and areas, and buildings for other purposes such as fairs, public toilets, public shelters, etc. Control of the accessibility provisions implementation is performed in all phases of the construction of a building from its design, through construction and reconstruction, to its use and maintenance. Penalty provisions for non-compliance with buildings accessibility provisions are foreseen for designers, constructors, construction supervisors and the owner of the building. Within the campaign “Together for accessible Croatia”, conducted by the GRC in cooperation with the CUAPD, guides for 9 counties were produced, containing data on buildings and public spaces with assessment of their accessibility to persons with disabilities (an example of accessibility presentation is in Table 3 in annex II).

48. With the aim to ensure accessibility in residential buildings constructed prior to its regulation by the above mentioned Law and Rulebook, the Law on Ownership and Other Proprietary Rights (1996) prescribes that not all co-owners of a building must give their consent for the construction of a ramp or lift in the residential building for enabling accessibility to a disabled person.

49. In cooperation with the associations of persons with disabilities, MFVAIS initiated in 2004 the implementation of the Project for solving facility accessibility for persons with disabilities. Co-financing of projects by funds from the RC state budget is granted to LSAUs and RSAUs, after applying to a public call; the applications are evaluated by a working group consisting of representatives of CDWVs and civil associations of persons with disabilities. In addition to public buildings, other facilities are also included, such as: adaptation of baths and town pools, equipping traffic lights with audible signalisation, construction of tactile warning strips, lowering kerbstones and adaptation of pavements in streets and crossroads. From 2004 to 2010, for the Project for solving facility accessibility for persons with disabilities, a total of HRK 8,731,606.48 were spent for the adaptation of 82 public facilities (Table 1 in annex II), and for 2011, the amount of HRK 1,500,000.00 is ensured for providing accessibility in 23 LSAUs and RSAUs.

50. One of the measures from the NSEOPD is the obligation placed on state administration bodies and LSAUs and RSAUs to ensure a separate budget position where funds spent for removal of construction and other barriers will be planned and recorded.

51. With the aim to encourage awareness-raising about the obligation to ensure accessibility of public facilities, the MFVAIS in cooperation with UNDP launched the initiative for signing the Charter on accessibility of public spaces to persons with

disabilities, that was in the period from September 2009 to March 2011 signed by mayors of 93 towns, of the total of 127 towns in the RC, and the project is still going on. With the aim of introducing accessible vehicles and traffic infrastructure in the RC, the CUAPD held 19 round tables on “Persons with disabilities in traffic”.

52. In 2009, the Ministry of Environmental Protection, Physical Planning and Construction awarded financial support of HRK 50,000.00 to the Croatian Union of Physically Disabled Persons Associations for the project “Accessibility education” which was aimed at familiarising constructors and investors with the way of life of persons with disabilities and warning them of the provisions of regulations on accessibility of buildings and respecting the right to movement. Educational lectures were held in 10 Croatian towns with organisational assistance from the Croatian Chamber of Architects and Croatian Chamber of Civil Engineers. The lectures presented bad examples from practice and focused on the need for a better understanding of the manner in which persons with disabilities use prescribed adaptations so that they can be designed, constructed and maintained in a safe and useful manner.

53. Measures for removing construction barriers within the traffic infrastructure are continually performed<sup>8</sup>, and new traffic infrastructure must be constructed in a way to enable smooth access and movement of persons with disabilities. In addition, accessibility of the public transport for persons with disabilities is also ensured by adaptation of public transport vehicles, certain types of services and targeted benefits and allowances:

(a) Adaptation of public transport vehicles: buses, ships, trains and trams are continually adapted, and it is important to mention here the newly developed Croatian solution of the public city transport accessibility problem – low-floor tram TMK 2200 which is fully adapted to persons with difficulties in movement. 50 Croatian companies participated in the realisation of this project and from 2005 to 2010, 142 low-floor trams were delivered to the City of Zagreb. Due to this, in the vehicle fleet of the City of Zagreb, at the beginning of 2010 there were 83% low-floor buses and 46% low-floor trams. A Croatian company also developed and produced a low-floor electromotor train planned for regional traffic, and with minor adaptations, also for urban and suburban traffic;

(b) Services: An example of ensuring services is the obligation of airports to ensure human and technical capacities for the purpose of assisting persons with disabilities at arrival and return from the flight, such as a transfer by an adapted vehicle, prescribed by the Law on Obligatory and Proprietary Rights in Air Transport (1998). As an example of providing the service of accessible public city transport, we emphasise organising daily transport of persons with disabilities and children with developmental difficulties to work, university, school, to recreational activities and work therapy in the City of Zagreb. This service has been provided since 1994 by a city transport company;

(c) Privileges and benefits: the Law on Road Traffic Safety (2008) prescribes that persons with 80% or more physical disability, and persons with lower extremities’ disability of 60% or more, may have the vehicle in which they are transported marked with the prescribed accessibility sign, which enables them to park the vehicle in parking spaces specially marked for this purpose. Persons with disabilities who may not use services of public road transportation on islands have the right to a cash benefit for reimbursement of expenses of their own transport when they travel to work, school or professional training. Persons with determined physical disability that has as a consequence lower extremities’ disability of 80% or more and CDWVs with 100% physical disability, have the right to be

<sup>8</sup> Installation of audible signalisation on crossroads, installation of platform lifts in pedestrian underpasses, placement of tactile strips and lines of warning and guiding lines for the blind and visually impaired, lowering kerbstones, etc.



exempted from paying tolls (“smart” card) for one personal vehicle in their ownership, and persons with 80% or more physical disability, and persons with determined physical disability that has as a consequence lower extremities’ disability of 60% or more, do not pay the annual fee for using public roads for one personal vehicle in their ownership. Accordingly, on 20th December 2010, 10,416 users of “smart” cards for free highway were registered, as well as 33,566 users of the right to the exemption from paying the annual fee for using public roads. In accordance with the Law on Privileges in Domestic Passenger Transport (2000), persons with disabilities have the right to a privilege in domestic passenger traffic amounting to 75% of the regular ticket price for 4 travels annually by railroad or ship and the right to a free travel for a person travelling with them when using these privileges.

54. The Law on Road Traffic Safety (2008) provides LSAUs and RSAUs with a possibility to regulate traffic on their territories, which includes the possibility of ensuring free parking for vehicles of persons with disabilities, taxes for use of reserved parking spaces on public parking lots or in front of residential buildings regardless of whether these are public parking lots, and the possibility to issue licences for movement and stay of vehicles of persons with disabilities on public spaces on which traffic is limited or prohibited.

55. The existing national strategic documents, relating to human rights in general and rights of persons with disabilities, encourage the application of universal design.

56. Accessibility in the social welfare system is ensured by technical standards prescribed by the Rulebook on the type and activities of social welfare homes, manner of providing care outside one’s own family, conditions for space, equipment and employees of social welfare homes, therapy communities, religious communities, associations and other legal persons and centres for assistance and care at home (2009).

57. In accordance with the Law on Public Procurement (2007), in the tender documents there are requirements relating to technical specifications that describe characteristics required of a product or service, such as design for all requirements (including accessibility for disabled persons). The Law also prescribes that technical specifications must enable to all tenderers and candidates an equal and non-discriminating access to the competition, as well as the possibility that contracting authorities reserve the right to participate already in the contract notice, in a way that they indicate whether the public contract is restricted to candidates or tenderers in accordance with a sheltered employment programme or only to candidates or tenderers where more than 50% of employees are disabled persons.

## **Article 10 – Right to life**

58. The right to life is guaranteed by the Constitution of the RC and additionally strengthened by signing numerous international documents which are integral part of the legal system of the RC<sup>9</sup>. Persons with disabilities are not exposed to arbitrary deprivation of life, and possible denial of immediate medical assistance to an ill person or a person requiring such assistance, due to the immediate danger for their life, is considered in accordance with the Criminal Code (1997) a criminal act with prescribed prison sentence from 6 months to 3 years.

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<sup>9</sup> The Universal Declaration of Human Rights, European Convention on Human Rights, Convention on the Rights of the Child, Declaration of the Rights of the Child, Convention on the Elimination of all Forms of Racial Discrimination

59. According to the Law on Health Care Measures for the Exercising of the Right to Free Decision-Making About Giving Birth (1978) a woman may legally terminate pregnancy without commission permission if this is a pregnancy that lasts for less than 10 weeks, and the abortion may be performed only in authorised healthcare institutions. Currently, no statistical data are kept related to abortions in cases when there were indications that a child will be born with severe inborn physical or mental disabilities, but upon amendments to the legal regulations and adoption of the Plan of statistical surveys for 2011, this will be possible. For this purpose, necessary pre-actions have been taken, i.e. the form *Abortion report* has been supplemented with questions on screening for chromosomopathies and resulting requests for abortions, and as reasons for the abortion other legally prescribed reasons were also introduced, relating to consequences of rape and incest.

### **Article 11 – Situations of risk and humanitarian emergencies**

60. The Protection and Rescue Plan for the territory of the RC determines that civil protection plans of LSAUs and RSAUs regulate lists of vulnerable groups and plan organisation of support in evacuation, among others, for the ill, frail, immobile, persons aged above 75 years and persons with disabilities. In addition, mandatory evacuation of healthcare institutions (hospitals and sanatoriums) and institutions where persons with disabilities reside is also prescribed, which is elaborated in protection and rescue plans of LSAUs and RSAUs.

61. The Law on Humanitarian Assistance (2003) defines humanitarian organisations, humanitarian assistance and conditions for its provision.

62. The Croatian Red Cross in its regular activities takes special care of the protection of persons with disabilities. In the distribution of humanitarian assistance to persons with disabilities, the CRC and its societies in the field apply the principle of individual approach in a way that humanitarian assistance is delivered to their homes, place of residence or stay. Such approach to humanitarian assistance delivery is applied also in situations of risk. In refugee camps (reception centres of the CRC, as tent settlements) the availability and accessibility of sanitary facilities and satisfying basic hygienic needs may partially be ensured by using chemical toilets adapted to the needs of persons with disabilities and by using spaces with running water within tents.

### **Article 12 – Equal recognition before the law**

63. In the RC, everybody is equal before the law, and the Criminal Code (1997) foresees sanctions for a person who denies or limits the freedom or rights of a human being and citizen laid down in the Constitution, law or other regulation, or who on the basis of a difference or affiliation grants citizens privileges or advantages.

64. The Family Law (2003) prescribes that work capacity is acquired when a person becomes of age (reaches the age of 18 years) or by entering into a marriage before the age of majority. Work capacity may also be acquired by a juvenile aged above 16 years who has become a parent, which is decided by court in an extrajudicial procedure, taking into account the juvenile's mental maturity. This Law, through the institution of guardianship, ensures the protection of juveniles without parental care, adults that are not capable of taking care for themselves and persons who for other reasons are not able to protect their rights and interests. This way, the wards are ensured the protection of personality by care, medical treatment and habilitation for life and work, and the protection of proprietary rights and interests. The court decides on deprivation of work capacity and appointment of the

guardians in an extrajudicial procedure initiated by the court under official duty or at the proposition of a social welfare centre, spouse or the person subject to the procedure, his or her blood relatives in a direct lineage, or in the side lineage to the second degree. When making the decision, the court takes into account the expert opinion of the medical court expert. In addition to the full deprivation of work capacity, it may be denied partially, which means that measures, actions and works, that the person is not fit to perform independently, are determined (for example, disposal and management of assets, income, deciding on employment, taking actions related to marriage, parental care and other personal conditions, etc.). The ward, who is partially deprived of work capacity, has the right to a complaint against the decision on appointment or release of the guardian, as well as against decisions by which his or her rights and well-being are decided. Based on the court decision, the SWC places under guardianship a person who is partially or fully deprived of work capacity and appoints his or her guardian. If the person deprived of work capacity has parents who agree to and are capable of caring for the adult child, the SWC may make the decision on parental care after the age of majority. The guardian is obliged to conscientiously take care for the person, rights, obligations and well-being of the ward, and prior to taking any significant measures for the protection of the ward's person or his or her property interests, the guardian is obliged to consider the opinion, wishes and feelings of the ward. Interests and rights of the ward are also additionally protected by the guardian's obligation to request a previous permission from the SWC for taking all significant measures affecting the ward. The SWC is obliged to request at least every three years from the primary healthcare medical doctor the opinion on the health condition of the ward for the assessment of the necessity to request an alteration of the decision on deprivation of work capacity.

65. The procedure of reclaiming work capacity may be initiated by: the court under official duty; the persons who had the right to initiate the procedure for deprivation of work capacity; the guardian with a permission of the SWC or the person subject to the procedure of reclaiming work capacity. In this procedure, the court may reject the request or return the work capacity wholly or in part.

66. The Strategy for the Social Welfare System Development in the Republic of Croatia 2011 - 2016, adopted by the GRC in April 2011, foresees the following measures:

- Reform of family legislation (analysis of the Family Law application in the field of the protection of the rights of the child and guardianship, draft of the proposal for amendments to the Family Law, proposition of regulations that need to be harmonised with the proposed draft of the law, proposition of the organisation of courts and other institutions that participate in law enforcement, and proposition of the education of judges and other professionals who participate in law enforcement) within period 2011 – 2016,
- Improvement in the work of the social welfare system in the family justice protection field within the improvement in the material and procedural provisions of the Family Law, and a more precise determination of competency issues, within which an improvement in the legal provisions related to guardianship of adults, aimed at respecting their human rights, is foreseen, to be implemented until 2012.

67. A working group for the preparation of analysis of the Family Law application impacts with a proposition of recommendations for its improvement has been established with the MFVAIS. Based on the gathered data on the application of the Family Law by courts, social welfare centres and other relevant data from professional and scientific institutions, analyses of the effective legal regulation and previous court practice, recommendations for removing any lack of clarities and doubts in the Family Law application will be made and improvements in certain law solutions will be adopted. The working group noticed the need of improving legal regulations in the field of the

guardianship institute, in order for the protection of rights of persons deprived of the work capacity to be fully harmonised with UNCRPD requirements. The complexity of regulating this field on the normative and institutional and implementation levels will require a systematic long-term work in order to achieve satisfactory impacts of regulations application.

### **Article 13 – Access to justice**

68. Persons with disabilities have the right to access to justice on an equal basis with other citizens, and additionally an independent protection of their rights is ensured through the institution of the Ombudsman for Persons with Disabilities.

69. The Ombudsman for Persons with Disabilities emphasises that in relation to previous years, faster resolution of judicial cases is visible, but she emphasises the problem of slow resolution of administrative disputes, the cause of which she sees in a large number of administrative claims and expects that the application of the new Law on Administrative Disputes (from 1st January 2012) will contribute to their faster and more efficient resolution.

70. The Law on Free Legal Assistance (2008) facilitates to persons of poor material condition the access to courts and other bodies that decide on the rights and obligations of Croatian citizens and foreigners, in a way that expenses of legal assistance are fully or partially covered by the RC. This right may be used, under prescribed conditions, by persons with disabilities on an equal basis with other citizens (Tables 1 and 2 in annex II<sup>10</sup>).

71. During 2010 and 2011, with the aim to ensure appropriate trainings of employees in justice and prison system with regard to the rights of persons with disabilities, a training of judiciary police officers on the topic: persons with disabilities – users of the justice system was conducted.

### **Article 14 – Liberty and security of the person**

72. The Constitution of the RC guarantees that everyone enjoys rights and freedoms, regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other characteristics. Any restriction of the freedoms or rights must be adequate to the nature of the need for the restriction in each individual case. All citizens are guaranteed respect for and legal protection of personal and family life, dignity, reputation and honour.

73. The Law on Execution of Prison Sentence (1999, 2000, 2001, 2003, 2007, 2008, 2009, 2011) prescribes that inmates with disabilities are ensured accommodation appropriate to the type and degree of their disability, whereby it is ensured that persons with disabilities deprived of freedom have appropriate accommodation and enjoy equal process guarantees as other persons.

74. When constructing new facilities of the justice system and reconstructing the old ones, care is taken to ensure their accessibility to persons with disabilities; however, according to the assessment of the Ombudsman, and based on actions upon the request by the Constitutional Court in relation to a claim of an inmate who is a person with disability, for inhuman treatment due to inappropriate accommodation during serving custody and prison sentence in the prison hospital, in the RC prison system there are no appropriate

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<sup>10</sup> These records do not separate persons with disabilities as a special group of rights' beneficiaries.

conditions for accommodation and imprisonment or custody and investigation custody for persons with disabilities that need wheelchairs for movement. In this dispute, the Constitutional Court adopted the constitutional claim by the decision from 3rd November 2010 and ordered the GRC to take measures for enabling uninterrupted movement of the inmate with disability in the prison hospital and establishment and efficient implementation of supervision of the healthcare protection quality in the entire prison system.

75. In accordance with the Law on Misdemeanours (2007), aimed at ensuring equal process guarantees on an equal basis with others for deaf or mute persons deprived of liberty, a sign language interpreter has to be ensured during questioning.

76. Regarding the process of the transformation of social welfare institutions and deinstitutionalisation of persons with disabilities, a detailed report is in Article 19.

### **Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment**

77. In accordance with the Law on Protection of Patients' Rights (2004) for a scientific research on a patient and inclusion of a patient in medical education, the explicit consent of the informed patient is necessary, i.e. a written, dated and signed patient's consent for participation in a certain scientific research or medical education, given on the basis of precise and understandably formulated information on the nature, importance, consequences and risks of the test. For persons deprived of work capacity or juvenile patients, consent is given by their legal representative or guardian, and the consent may be withdrawn at any time.

78. Persons deprived of freedom are treated in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and Standards and Recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). In this regard, the Law on the National Preventive Mechanism for Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment (2011) was adopted, which determines that tasks of the National Preventive Mechanism are performed by the Ombudsman, together with 2 representatives of associations registered for activities from the field of human rights protection and 2 representatives of the academic community; the Ombudsman reports to the Croatian Parliament.

### **Article 16 – Freedom from exploitation, violence and abuse**

79. The Republic of Croatia has taken legislative and other measures aimed at protecting persons with disabilities from all forms of exploitation, violence and abuse, including their aspects related to gender and children. Legal and institutional protection of victims and witnesses of criminal acts and misdemeanours related to domestic violence and the obligation of competent bodies to act in cases of violence, abuse, neglect or exploitation is ensured by a number of regulations<sup>11</sup>, and we especially emphasise the Law on the

<sup>11</sup> The Family Law, the Law on the Police, the Law on Police Affairs and Authorities, the Law on the Protection Against Family Violence, the Criminal Code, the Law on Criminal Proceedings, the Law on Juvenile Courts, the Law on Misdemeanours, the Law on Witness Protection, the Anti-discrimination Act, the Law on Gender Equality, the National Strategy of Protection Against Family Violence 2011-2016, the Protocol in Case of Family Violence and the Protocol in Case of Violence Among Children.

Protection Against Family Violence (2009) which recognised persons with disabilities and children with developmental difficulties as a specially vulnerable group and determined more severe sanctions for the perpetrator if domestic violence is committed against a person with disability, or in his or her presence.

80. The Criminal Code (1997) prescribes a prison sentence for a person who abandons in a situation of distress a family member who is unable to take care of himself/herself, which represents a violation of the statutory family obligations. It also prescribes a fine or imprisonment for a person who enters without authorisation the home of another or into an enclosed or fenced-in area appertaining to such a home and business premises or fails to leave the same at the request of an authorised person.

81. With the aim to prevent gender-based violence, in 2008, the media campaign “Silence is not Gold” was conducted, which consisted of TV clips and billboards with the topic of domestic violence, rape in the relationship and trafficking in human beings.

82. The Ministry of the Interior, Ministry of Justice, MFVAIS, MHSW, Ministry of Public Administration and Ministry of Science, Education and Sports in 2010 signed the Agreement on cooperation in cases of violence that will in its implementation plan determine also the programmes for the prevention of violence, the programmes for assistance to victims of violence and necessary interventions.

83. In 2009, the Commission for Improvement of the Protection against Domestic Violence of the GRC was established as a professional and advisory body of the GRC consisting of experts dealing with issues of domestic violence, representatives of CSOs and representatives of competent state administration bodies. During 2010, based on provisions of the Law on Protection Against Family Violence, an Expert Commission for Monitoring and Improving the Work of Criminal and Misdemeanour Proceedings’ Bodies and Execution of Sanctions Related to the Protection against Family Violence, was established.

84. With the aim to emphasise the importance of considering possible impacts of each individual text related to domestic violence prior to its public presentation, in 2007, the Textbook with Guidelines for Media Reporting on Family Violence was made, which emphasises that when reporting about cases of domestic violence, it is important to start from the value framework which orders not to aggravate in any way the situation for the victims.

85. From the adoption of the National Strategy of the Protection Against Family Violence (2008, adopted for two-year periods), this problem is monitored through Annual reports of SWCs and based on the Form of standard reporting methodology on the implementation of the Protocol in Case of Family Violence (Tables 1-3 in Annex 2).

86. The Protocol in Case of Violence Among Children, as well as the Protocol in Case of Family Violence, prescribes the obligation to act for all competent bodies in cases of violence, abuse, neglect or exploitation. Based on the provisions of the Law on Primary and Secondary Education (2008), the MSES prepares a Rulebook on actions of teachers, staff associates and principals in taking measures for the protection of the rights of pupils and reporting every violation of these rights to competent authorities, that will, using the above mentioned Protocols and Agreement on cooperation, stated in paragraph 82, specially determine actions of employees in the educational system in cases of any violation of the pupils’ rights taking into account commitments from international agreements. The MSES prepared the Programme of Activities for Prevention of Violence among Children and Youth with implementation period 2006-2012 on the basis of which all secondary school institutions have prepared preventive programmes and held workshops, organised lectures and conducted programmes with pupils and parents regarding this issue. Secondary school institutions plan preventive programmes in the Curriculum and report to the MSES about the plan. The majority of foreseen activities is realised in homeroom classes, and in

addition to teachers, staff associates and representatives of associations, social welfare centres or police departments are also included.

87. The OOPD states that measures taken are insufficient for ensuring that all persons with disabilities – victims of violence have an access to efficient services and recovery programmes, rehabilitation and social integration, due to insufficient number of adapted safe houses and a lack of specialised programmes for recovery and psycho-social support for persons with disabilities, and she considers that measures directed at the protection against violence should be intensified in order to provide support to victims with disabilities and prevent violence.

88. The MHSW and MFVAIS ensure financial support to legal persons who perform activities of caring for children and adults victims of domestic violence. For the purpose of ensuring the work of shelters for victims of domestic violence, until the end of 2010, between the MFVAIS, RSAUs and towns, agreements were signed on co-financing the work of counselling facilities and shelters for victims of domestic violence in RSAU areas (Table MFVAIS 4 in annex II). The MHSW also concluded agreements with 9 legal persons who perform these activities, with the total capacities of 134 places. Persons with disabilities – victims of violence are able to use these services.

89. State administration bodies in partnership with CSOs financially support projects aimed at prevention and elimination of various forms of domestic violence into which persons with disabilities are also included (Tables MFVAIS and MHSW 5 in annex II).

90. The MHSW supported the project conducted by the Society for Psychological Assistance in cooperation with Dutch experts from organisation Movisie within the three-year project MATRA. Within the project, in 2009, the programme of professional training was initiated for experts working with victims and perpetrators of domestic violence – employees in social welfare, police, justice, healthcare and CSOs. 13 regional seminars were held in which a representative from the MHSW participated as a lecturer for the programme part related to social welfare activities. The MFVAIS in cooperation with the CUAPD conducts education of civil servants involved in actions under the Protocol in Case of Family Violence on specific characteristics of action in case of individual types of disability.

91. With the aim to improve and harmonise the manner of work and action in family justice and criminal justice protection matters, and to establish coordinators and develop a network of cross-sectoral cooperation on the local level, the MHSW in 2010 initiated seminars “We can do it together”, intended for experts dealing with these issues.

## **Article 17 – Protecting the integrity of the person**

92. The Law on Protection of Patients’ Rights (2004) prescribes the right of each patient to: participation in decision-making; information, acceptance or refusal of individual diagnostic or therapy procedure; access to medical records; confidentiality; maintaining personal contacts; arbitrary leaving a healthcare institution; privacy and reparation. For a patient who is incapable of giving consent for performing individual medical procedures, for persons with more severe mental difficulties and for persons deprived of work capacity, except in case of an urgent medical intervention, non-performance that would jeopardise the life and health of the patient or cause permanent damage to his or her health, the consent is signed by the legal representative or the guardian of the patient. A blind person, a deaf person who cannot read, a mute person who cannot write and a deaf-blind person accept individual diagnostic or therapy procedure by a statement in a form of a public notary act or in front of 2 witnesses by expressed statement on appointing a person, having work capacity, who will accept or refuse such individual procedures on his or her behalf.

This consent may be withdrawn by signing a statement at any time. If interests of such patients and their legal representatives or guardians are contradictory, the healthcare worker is obliged to inform immediately the competent SWC about this.

93. In accordance with the Law on Protection of Persons with Mental Difficulties (1997, 1998, 1999, 2002), if necessary for the protection of their health or safety, or the protection of health and safety of other persons, a person with severe mental difficulties may be placed in a psychiatric institution without his or her consent, and if this is a child, a juvenile or a person deprived of work capacity, they may, for the stated reasons, also be confined without the consent of their legal representative. Further stay or release from the psychiatric institution will be decided by the court decision on the basis of the opinion of a psychiatrist, court expert who is not employed by the psychiatric institution where the person is confined.

94. The Law on Health Care Measures for the Exercising of the Right to Free Decision-Making About Giving Birth (1978) prescribes conditions for performing sterilisation: request of the person who wants to get sterilised and 35 years of age, from which it is obvious that sterilisation of girls is not allowed. Regardless of her age, a woman may be sterilised in case her life would be jeopardised by pregnancy or giving birth, as well as a person for which on the basis of medical science knowledge it is determined that a child would be born with severe inborn physical or mental illnesses. For a person unfit for work, a request for sterilisation may be submitted by her legal representative or guardian with consent from the SWC.

95. The role of the Commission for the Protection and Promotion of Patients' Rights with the MHSW is to monitor the implementation of patients' rights realisation, the work of the commissions of RSAUs, to give opinions, recommendations and propositions to competent bodies and to propose taking measures for the establishment of the full system of the protection and promotion of patients' rights in the RC. The Commission has 7 members (representatives of associations for the protection of patients' rights, media and the MHSW). In RSAUs, the Commissions for the Protection of Patients' Rights have been established, consisting of 5 members (representatives of patients, CSOs and experts in the field of the protection of patients' rights).

## **Article 18 – Liberty of movement and nationality**

96. The Law on Croatian Citizenship (1991) is based on principles of legal continuity of citizenship, exclusivity of the Croatian citizenship, equality of marital, extramarital and adopted children and prevention of statelessness. Persons with disability are fully equal in the protection and realisation of their interests with other citizens and have the possibility to acquire Croatian citizenship under same conditions – by origin; birth on the territory of the RC; by naturalisation and under international agreements, and the decision on the request of the person with disabilities depends solely on satisfying legal conditions. Requests for acquiring and termination of Croatian citizenship by persons with disabilities have a priority in solving, and in administrative proceedings special attention is paid to providing legal and other professional assistance, for the purpose of an easier and more efficient realisation of status rights of persons with disabilities.

97. For the purpose of protection from statelessness of juveniles and children with developmental difficulties, the RC undertakes pre-actions for confirming the Convention on the Reduction of Statelessness of 1961, whereby it will become a part of the internal legal system.

98. Birth of every child, live born or stillborn, is reported to the competent registry offices in accordance with the Law on State Register (1993). The Law prescribes the



deadline for registration and determines persons who are obliged to do this. Simultaneously with entering into the register of births, the child who acquires Croatian citizenship by origin, is entered into the book of nationals.

99. A child's personal name is determined by agreement of the parents, and according to the Law on Personal Name (1992), it must be determined within 2 months from the date of the child's birth. The same Law determines persons authorised to determine the child's personal name and surname in case the parents fail to agree on the child's personal name, if one or both parents are not alive or may not exercise parental rights, or if parents are unknown.

## **Article 19 – Living independently and being included in the community**

100. Since 2006, the MFVAIS in partnership with associations of persons with disabilities implements the project for ensuring the personal assistant service for persons with the most severe type and degree of disability. By analysing data of CSOs, that ensured personal assistant service in the previous period in 20 counties, it was determined that persons, users of this service, were employed in greater percentage after ensuring the service, the percentage of students among users increased, i.e. 18 users of the service enrolled in universities after ensuring this service, and approximately 70% of users are active in the work of CSOs. (Table 1 in annex II; Project evaluation report in annex IV.)

101. CDWVs of group I in accordance with the Law on the Rights of the Croatian Homeland War Veterans and Members of Their Families (2004) have the right to use the service of a person for providing care and assistance. The person providing care realises the salary compensation, rights from pension and health insurance, child benefit and rights during the unemployment, as an employed person according to special regulations. This right was used between 2008 and 2010 by on average 445 CDWVs of the 100% group I monthly, for which a total of HRK 90,030,342.12 was paid (Table 2 in annex II).

102. Based on the public Call, and in accordance with the Program of Development of Services for Elderly Persons within the System of Intergenerational Solidarity 2008-2011 (2007), LSAUs and RSAUs are included in programmes "Home care for the elderly" or "Day-care and home care for the elderly" conducted by the MFVAIS. Programme beneficiaries are persons aged above 65 years, primarily those who live in one-person elderly households, who are not covered by existing care forms, and are at the same time of poor health or low socio-economic status, and who need assistance in performing activities of daily living. Services from both programmes are directed to: organisation of meals, assistance in performing household chores, assistance in personal hygiene and basic healthcare, conversations and company with the aim to overcome loneliness and social exclusion, mediation services between an older person and social institutions for the purpose of exercising various rights and organising leisure activities as a separate service in "day-care for the elderly". All services from the programme are free for the beneficiaries. (Tables 3 and 4 in annex II.)

103. At the end of 2009, the Decision on quality standards for social services was made, on which a more detailed report is provided in Article 7.

104. For the purpose of preventing institutionalisation and strengthening the process of deinstitutionalisation of children with developmental difficulties and persons with disabilities, in accordance with the Law on Social Welfare (2007 and 2011), a number of services is ensured directed to an improvement in the quality of their life in community, which may be conducted, in addition to institutions founded by the RC, also by institutions not founded by the RC, and other legal persons such as religious communities and associations. We emphasise some of the rights and services:

(a) The right to the status of a parent carer – the right of the parent of a child who, for the purpose of maintaining the quality of life, needs specific care by conducting medical and technical interventions and the parent of a child that is fully immobile or due to multiple impairments fully dependent on the parent's care. The parent with the status of a parent carer has the right to a salary compensation in the amount of five bases<sup>12</sup>, which amounts to HRK 2,500.00 monthly, rights from pension insurance, health insurance and rights during the unemployment, as an employed person according to special regulations, and this right is realised also after the child becomes of age while this need is present. In the meantime, the new Law on Social Welfare (2011) extends the circle of beneficiaries who may realise this right so that now, in addition to parents, this right may be also realised by marital or extramarital partner who is not the child's biological parent, and lives in the same family community with the child. If there are two or more children with developmental difficulties or persons with disabilities in the family, both parents may acquire the status of parent carers, or one of the family members if the child has no parents or parents do not live with him or her;

(b) Integration – assistance in including a child and young adult with physical or mental impairments in programmes of regular pre-school or school institutions (integration). This way, teachers are enabled to adapt their teaching contents to children with physical or mental impairments in order to make them as familiar with the teaching contents as possible for the purpose of acquiring necessary knowledge and skills, and in this way to enable them to attend pre-school and school programmes in the place of their residence;

(c) Occasional accommodation – provides possibility to persons with physical or mental impairments to spend as much time as possible in their families, while at the same time individual rehabilitation is ensured for them in an institution in the scope that is most appropriate to their needs;

(d) Patronage – new content of the right to assistance and care at home – professional assistance in the family as one of extra-institutional forms of care, provided by professionals from social welfare homes. This service covers providing services of psycho-social rehabilitation for assisting the family in developing capabilities of users with the aim to acquire necessary knowledge, skills and habits. The intention of introducing this form of care is to ensure to users professional assistance in their own families for the purpose of preventing institutionalisation.

105. Further activities relate to making a proposition of the new law solution that will also redefine the rights on the basis of disability, in order to ensure for children with developmental difficulties and persons with disabilities realising of assistance and services in the scope in which it is actually necessary, in accordance with the degree of their functional abilities. With the aim to support the family, the mentioned new Law on Social Welfare (2011) introduces new extra-institutional services: first social service, counselling and assistance, family mediation, early intervention, and professional support at work and employment. Also, a new service of temporary accommodation was introduced, which implies short-term accommodation realised for the purpose of conducting shorter rehabilitation programmes, and it includes certain services of psycho-social rehabilitation aimed at acquiring and developing social skills of children with developmental difficulties and adults with disabilities, during which the parent of a child with developmental

<sup>12</sup> In accordance with the Law on Social Welfare (2011) the base for determining the amount of cash benefits, supports and material assistance, other than maintenance allowance, amounts to 5.04% of the determined budgetary base for calculation of compensations and other receipts in the Republic of Croatia.

difficulties may also receive the service of temporary accommodation with the child for the purpose of his or her active participation in conducting psycho-social programmes, and weekend accommodation that may occasionally be received by a child with developmental difficulties and an adult with disability for the purpose of short-term care during vacation or satisfying other important needs of parents and parent carer/carer.

106. For the purpose of protecting maternity, caring for a newborn child and the raising of him or her, and reconciliation of family and work life, the Law on Maternity and Parental Benefits (2008 and 2011) ensures for parents temporal and cash benefits – maternity leave, parental leave, working half-time, a breastfeeding break, leave for employed pregnant women and mothers who breastfeed and the possibility to pause in employment until the child is aged 3 years. In addition to these rights, the parent of a child who needs increased care for his or her health and development, has the right to work shorter working hours until the child is aged three years, and the parent of a child with more severe developmental difficulties is ensured the right to leave for child care until the child is aged eight years and the right to work shorter working hours until needed. Until this Law became effective, parents of children with more severe developmental difficulties, on the basis of the Labour Act (1995) had the right to a leave for child care or the right to work half-time until the child was aged seven years. The Law on Amendments to the Law on Maternity and Parental Benefits (effective as of 31st March 2011), improves the legal framework in a way that it more clearly describes the right to a leave for child care with more severe developmental difficulties until the child is aged 8 years and the right to work half-time for the purpose of caring for a child with more severe developmental difficulties (a child with more severe physical or mental impairments or more severe mental illness). During the use of the right to a leave, the beneficiary has the right to receive cash compensation for full working hours in the amount of 65% of the budgetary base a month (HRK 2,161.90). One of employed or self-employed parents may also use the right to a leave for care for a child with more severe developmental difficulties as the right to work half-time and continue using it after the child is aged eight years, until needed. (Tables 5 - 18 in annex II.)

107. With the aim to intensify the reform processes of transformation and deinstitutionalisation, the National Plan for Deinstitutionalisation and Transformation of Social Welfare Institutions and Other Legal Persons Providing Social Welfare in the RC 2011-2018 was adopted, which represents a basis for planning the network of institutions and activities of social welfare. The purpose of the National Plan is to reduce the entry of users in institutions and increase the exit from institutions into new forms of care, specially by stimulating family reintegration (with the guarantee of one or more family support services in the local community), which should be harmonised with priorities of developing the network of services at the local level taking into account regional balance. On the basis of the National Plan, priority financial investments into the development of the network of services in RSAUs will be defined, and funds may be ensured from the state budget and budgets of LSAUs and RSAUs, with special emphasis on the possibility of ensuring funds from EU pre-accession funds, as well as funds from EU structural funds, and other financing instruments. The National plan includes framework quantitative and temporal projections of the necessary reduction in institutional care capacities (permanent or weekly placement in homes and with other legal persons), in relation to user groups, and planned projection of the increase in capacities of extra-institutional forms of placement, with ensuring as balanced as possible accessibility of services in all regions, i.e. territories of RSAUs. Implementation period 2011-2016 is foreseen for homes for children and youth without appropriate parental care, homes for children and youth with behavioural disorders and homes for children with developmental difficulties and adults with disabilities. Due to the expected longer duration of the deinstitutionalisation and transformation process for

homes for mentally ill adults, objectives and projections for this user group are defined until 2018.

## **Article 20 – Personal mobility**

108. The Law on Social Welfare (1997, 2011) ensures to persons with disabilities training for self-care through special rehabilitation programmes (for example, training of blind persons for moving with the use of the white cane or guide dogs, etc.). If necessary, for the purpose of training, the person is provided with accommodation or cash assistance for covering transportation expenses.

109. The Law on Movement of Blind Persons with Assistance of Guide Dogs (1998) regulates the right of a blind person with a guide dog to use public transportation means, and their free access to public spaces.

110. An important aspect in realising the best possible autonomy and independence of persons with disabilities is ensuring orthopaedic and other aids on the basis of the Rulebook on Conditions and Manner of Exercising the Right to Orthopaedic and Other Aids (2009, 2010). The Rulebook includes orthopaedic, visual, hearing, tiflotechnical, surdotechnical and dental aids intended for improving impaired functions, mitigating or removing physical impairments or lack of organs and organ systems, and supplementing anatomical or physiological functions after impairments caused by illness or injury. With the CIHI, the Commission for Orthopaedic Aids was established, which provides opinions and propositions regarding propositions of professionals and CSOs in relation to the inclusion of new orthopaedic aids into the aforementioned Rulebook.

111. Ensuring accessibility of public transport to persons with disabilities is under responsibility of LSAUs which take numerous measures for facilitating their personal mobility – installing audible signalisation on crossroads, platform lifts in pedestrian underpasses, placing tactile strips and guiding lines for blind and visually impaired persons, lowering kerbstones, etc.

112. The Central State Administrative Office for e-Croatia, in cooperation with the Office of the Ombudsman for Persons with Disabilities and the Faculty of Engineering Rijeka, initiated in 2009 the pilot project titled “e-Inclusive Croatia” which promotes “Servus” – the first system of an intelligent house that enables voice management of home in Croatian language. The system is adapted to specific needs of users, and it also has the possibility of upgrading the functions. By installing the system in 4 OCDs, its presentation to all interested persons was enabled, the company dealing with further development, installation and distribution of Servus was established, and it is currently used by 10 persons with disabilities in their homes.

113. A CDWV with organism impairments of 100% of group I has the right to a personal vehicle with installed appropriate adjustments that is assigned to him (as his property) by the MFVAIS every 7 years. (Table 1 in annex II.)

## **Article 21 – Freedom of expression and opinion, and access to information**

114. Realising the right of natural and legal persons to access information is regulated by the Law on the Right to Access Information (2003) which ensures to every domestic or foreign natural or legal person the right to access information the public authorities own, that are available to them or that are under their supervision, and which may not place in a more favourable position any of the users in a way that a certain user is given information

earlier. The public authority body is obliged to enable the applicant the access to information not later than within 15 days from the day of submitting the request.

115. Ensuring availability of official information from all spheres of life, regardless of possibilities, knowledge and possible limitations of users, is enabled through web portal "My administration" ([www.mojauprava.hr](http://www.mojauprava.hr)) which is accessible to persons with various types of disabilities; by adapting the display in several ways and applying standards that enable machine-assisted reading for the visually impaired and the blind, access to information for persons with disabilities was ensured on an equal basis with others. Also, the Law on Electronic Communications (2008) was adopted, which in addition to convenience of choice, price and quality of communication services, provides accessibility and availability of public electronic communication services.

116. The Law on Social Welfare (1997, 2011) prescribes the right of deaf and deaf-blind persons to free service of expert interpreter in procedures for realising rights from social welfare related to legal matters. In 2008, there were 186 users of this right, and in 2009, the service was used by 256 persons. During 2008, 2009 and 2010, the MHSW and MFVAIS in partnership with associations of the deaf and hard of hearing, financially supported projects which continually ensured the service of interpreters/translators of Croatian sign language and their education. Through projects of the MFVAIS, 32 interpreters/translators into the sign language were employed, and in total over 1,300 service users were covered which is approximately 30% of the coverage in accordance with the needs. This way, for persons with hearing impairments, the access to all necessary information from daily life was facilitated, especially in the educational system, health care and all other fields of life in the community. Simultaneously, education of employees in public services and all citizens interested in learning the sign language is conducted.

117. The deaf and hard of hearing are enabled to watch three news broadcasts a day – with an interpreter/translator of Croatian sign language, or with assistance of the service that through teletext enables presentation of pronounced information/news in the form of subtitles.

118. The right to use appropriate forms of communication for persons with disabilities is also regulated by the Law on General Administrative Procedures (2009) which prescribes that a deaf witness is asked questions in the written form, and if the witness is mute, he or she answers in the written form, and when this is not possible, a person that is able to communicate with the witness is invited as the interpreter. The Law on Protection of Patients' Rights also prescribes that patients with disabilities have the right to receive notifications in a form accessible to them, while the Guidelines for the application of the Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts prescribes that, where possible, materials for consultations should be prepared in an accessible format (for example, in Braille), depending on the target group, as well as that in case it is necessary, other ways of consultation with appropriate groups should be considered, for instance through direct discussions.

119. State administration bodies endeavour to make their services accessible to citizens, and for persons with disabilities interactive contents and e-services are specially useful as they enable performing a range of tasks over the Internet from their homes. A good example from the practice are protected "User sites" of the CPII.

120. In the RC in 2010, 60% of households owned a computer, and 57 percent had access to the Internet, which is an increase of 5 and 7 percent in relation to 2009.

121. In 2009, research of accessibility of e-learning system for persons with disabilities was conducted as well as the analysis of most often visited web pages from the public administration sector. They showed interest of persons with disabilities for using such

systems, but also the need to increase the qualifications of persons with disabilities for their use and the need to increase the accessibility of public services.

122. For the deaf and hard of hearing in 2005, the service of calling for help in emergency situations when a police intervention or assistance of other public service is needed (firemen, emergency medical assistance) was ensured by introducing a unique number for sending SMS to the communication centre in the Ministry of the Interior. Since 2003, a special fax line has also been in use through which the deaf and hard of hearing may send a filled in form in which they mark one or several of eighteen possible emergency situations.

## **Article 22 – Respect for privacy**

123. The Law on Personal Data Protection (2003) ensures protection to each natural person regardless of his/her citizenship and residence and regardless of the race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other characteristics. It is forbidden to collect and further process personal data related to racial or ethnic origin, political opinion, religious or other beliefs, union membership, health or sexual life and personal data on criminal and misdemeanour proceedings (so-called special categories of personal data). As an exception, these data may be collected and further processed under conditions prescribed by law, and their processing must be specially marked and protected in accordance with the Ordinance on the Manner of Storing and Special Measures for Technical Protection of Special Categories of Personal Data (2004).

124. The protection of medical and rehabilitation data of persons with disabilities is guaranteed by the Law on Protection of Patients' Rights (2004), which prescribes the right of patients to confidentiality of data related to the status of their health in accordance with regulations on keeping professional secrets and protection of personal data and the right to privacy during examination and treatment, and especially during personal care provision. This right is also additionally protected by legal regulations related to performing activities of individual professions<sup>13</sup>.

## **Article 23 – Respect for home and the family**

125. Persons with disabilities are able to realise their right to enter into marriage and found family on an equal basis with others. The Family Law (2003) prescribes that a marriage may not be concluded by a person deprived of work capacity or a person incapable of making judgements. Exceptionally from this provision, the court may, in an extrajudicial procedure, allow conclusion of marriage to a person deprived of work capacity at his or her request if determined that he or she is able to understand the meaning of marriage and obligations arising from it, and that the marriage is obviously in his or her interest. We will also mention that family centres, in addition to counselling services, also conduct projects and programmes intended for partners, parents and future parents, children and youth, but also those directed at vulnerable groups among which are those intended for children with developmental difficulties, persons with disabilities and members of their families, which make approximately 13% of the total number of programmes/projects of family centres (for instance, workshops aimed at improving personal growth and

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<sup>13</sup> For example, the Law on Medical Profession (2003), the Law on Nursing (2003), the Law on Physiotherapy Profession (2008), the Law on Midwifery (2008), the Law on Psychology Practice (2003), the Law on Dentistry (2003), the Law on Dental Medicine (2003), etc.

development; encouraging integration of children with developmental difficulties; providing support to families of children with developmental difficulties, persons with disabilities; counselling and support groups for parents of children with developmental difficulties; counselling of children with developmental difficulties and persons with disabilities, etc.).

126. The Law on Medical Fertilisation (2009) prescribes the right to medical fertilisation to all women and men who have reached the age of majority and who have work capacity, who are married and who, regarding their age and general health condition, are capable for parental care for the child. The procedure is conducted only when the infertility treatment is unsuccessful or futile and in case of inevitability of transferring a severe hereditary disease on the child in case of the natural inception, which is determined by a genetics professional.

127. In accordance with the Family Law (2003) a juvenile will be placed under guardianship if his/her parents are dead, missing, unknown or are for at least one month of an unknown residence, deprived of work capacity or parental care, juveniles who have not acquired work capacity, absent or prevented and not able to care for their child.

128. The Law on Social Welfare ensures the right to counselling and assistance services in overcoming special difficulties by systematic professional help which, among other things, also includes providing support to parents with disabilities and parents of children with developmental difficulties for the purpose of overcoming problems and difficulties related to the illness, old age, death of a family member, problems in upbringing the child, disability, inclusion into daily life after a longer stay in a social welfare institution or longer treatment and in other unfavourable circumstances.

129. Although foster care in the RC has a long tradition, in 2003, by amendments to the Law on Social Welfare, presumptions were created for a more effective care for children and adults by introducing the possibility of establishing family type homes and a more detailed elaboration of placement in foster families through adoption of an appropriate by-law act. In 2007, the Law on Foster Care was adopted, which regulated separately the foster care field. This Law also foresees a form of foster care by relatives – placement of a child in a family of relatives. The procedure for establishing such a form of foster care is simpler in relation to establishing foster care by non-relatives and it is also the practice of institutions deciding on alternative forms of care to endeavour to place the child primarily in the wider family if conditions for this are met, i.e. if this is in the best interests of the child. The compensation for the placement of a person with disability and/or a child with developmental difficulties in a foster family is higher than the compensation for placement of other children and adults in foster families and the percentage of the increase depends on specific needs of the person in foster care. In addition, the Rulebook on Contents and Duration of Training and Education of a Foster Family (2008) prescribes contents and duration of trainings and education that consist of a common part for all foster families, regardless of the type of users, and a general and special part according to types of users<sup>14</sup>.

130. Legal provisions related to sterilisation are reported in Article 17.

131. The system of care for children with developmental difficulties enables using a whole range of measures aimed at preventing their separation from parents (the right to work shorter working hours and the right to a leave for caring for a child with developmental difficulties, the right to the status of a parent carer, daily forms of accommodation and rehabilitation of a child with developmental difficulties, the right to

<sup>14</sup> children with physical or mental impairments, children with behavioural disorders, mentally ill persons, older and frail persons and adults with physical or mental impairments and children and adults – victims of domestic violence

assistance at home, etc.), and regulations from the field of family justice protection prevent hiding, abandoning, neglecting and other harmful actions towards children with developmental difficulties.

## **Article 24 – Education**

132. Until the adoption of the Law on Primary and Secondary Education in 2008, children with more severe developmental difficulties could be educated only in special educational institutions that are mainly located in larger cities, county centres, which most often required separation of pupils from their families. With the new Law and adoption of the National Pedagogical Standard (2008, 2010), education of pupils in special educational institutions is only exceptional, in case when the pupil also needs additional health and social care. Accordingly, in primary and secondary schools, classes with special educational programmes are established so that, regardless of the type and degree of developmental difficulties, primary and secondary education is accessible to pupils in their original environment.

133. For pupils with developmental difficulties, legislative and other measures ensure access to schools (spatial adaptation, classes with special programmes) and reasonable adaptation of school curriculum, from individualised approach in work to special programmes, as well as the possibility of conducting instructive classes at home or in healthcare institutions. The National Pedagogical Standard also regulates the right of a deaf child to an interpreter for the sign language in classes.

134. There is a specially important strategic role in ensuring inclusive education of children with developmental difficulties contained in: the Education System Development Plan 2005-2010; the National Action Plan for the Rights and Interests of Children 2006-2012; the NSEOPD; the Law on Primary and Secondary Education (2008) and the Anti-discrimination Act (2008).

135. In accordance with the Law on Pre-School Education (1997) children with developmental difficulties have the right of priority enrolment in pre-school programmes. Pre-school education covers 58% of children of pre-school age, while 28% of children attend shorter pre-school programmes. Of the total number of children covered by pre-school education, 3.67% are children with developmental difficulties.

136. For each child enrolled in the first grade of primary school, the Law on Primary and Secondary Education (2008, 2009, 2010) prescribes mandatory determination of psychological and physical condition of a child performed by the expert commission, at whose proposition the pupil realises the right to have an appropriate programme and appropriate forms of assistance in the educational system from the beginning of his/her education.

137. Children who obtained decisions on appropriate form of education are included in primary schools and work according to the adapted programme or the regular programme with application of individualised procedures in accordance with foreseen standards in all schools where there is such a need. For pupils with chronic illnesses or in conditions that require accommodation or placement in a healthcare institution, primary education is organised according to regular or special conditions. Educational work with such pupils is conducted by the institution where the pupil is placed or the nearest primary school.

138. In accordance with the decision on elements and criteria for the selection of candidates for enrolment in secondary schools, which is adopted for each school year, pupils with developmental difficulties have the right to a direct enrolment in the secondary school. Pupils with more severe health problems have the right to realise priority of enrolment, which means they may enrol in an appropriate secondary school with a lower



number of points. Pupils with especially severe health problems may enrol directly with the opinion of the Department for Career Guidance of the Croatian Employment Institute about the most suitable programme selection.

139. Pupils who completed primary education according to the regular curriculum with individualised approach, as well as pupils who completed primary education according to the adapted curriculum, may continue their secondary education in regular secondary school education programmes with individualised approach, in adapted secondary education programmes or, exceptionally, in special programmes of secondary education. Pupils who completed primary education according to special programmes continue their secondary education in special secondary school education programmes or special educational institutions, or social welfare institutions that have an approval for conducting secondary education programmes for pupils with developmental difficulties.

140. Tempus project “Education for Equal Opportunities at Croatian Universities – EduQuality”, financed by the European Commission, the bearer of which is the University of Zagreb, aims at improving the existing and developing new forms of support in equalising opportunities for students with disabilities, initiating the creation of national standards and guidelines for development of higher education accessibility for students with disabilities (proposition of the national document) and ensuring the accessibility, sustainability and quality of the support system for students with disabilities in the higher education in the RC. In relation to higher education, Tempus project “Identification and Support in Higher Education for Dyslexic Students” initiated the recognition of students with dyslexia at the university level for the purpose of realising the rights and adaptation of academic classes.

141. In the educational system there are no differences in conditions of education in relation to the sex of all pupils and students by educational degrees, so consequently also of pupils with developmental difficulties and students with disabilities.

142. With the aim to ensure efficient education and full inclusion of pupils with developmental difficulties, special additional forms of appropriate assistance are also ensured, additional work of education and rehabilitation professionals is also ensured, and prolonged expert procedure is conducted, support of personal assistants or assistants in classes and sign language interpreters is continually increased, and transportation of students is also ensured (by school vehicles, buses, transportation of parents by their own vehicles or taxi transport) and the use of specific teaching aids that are adapted to the type of needs of pupils with developmental difficulties.

143. In cooperation with the Education and Teacher Training Agency and the Agency for Vocational Training and Adult Education, professional training of teachers in primary and secondary schools for work with pupils with difficulties is organised. Where required, such education is ensured for a particular pupil and school. The Faculty of Education and Rehabilitation Sciences, in addition to training professional logopaedists, education rehabilitators and social pedagogues, also conducts classes in graduate studies of some teacher faculties and trainings of teachers from primary and secondary schools for gaining competences required for the work in an inclusive class.

144. Specific services for children, adults and teachers are available in special institutions for persons with disabilities and in associations of persons with disabilities. For example, the educational institution for persons with visual impairments organises Braille classes for teachers and pupils.

145. Promotion of linguistic identity of deaf persons is performed through a bilateral project aimed at developing Croatian sign language “A Basic Grammar of Croatian Sign Language” of the FERS and Purdue University.

146. In the last two years, the initiated process of restructuring special institutions into support centres is joined by special schools for children with intellectual difficulties, which organise in their environments mobile teams for support to pupils with difficulties in regular schools, and an institution for children and persons with autism is also preparing to do so.

147. In 11 Croatian towns, through projects of Croatian Association for Professional Help to Children with Special Needs "IDEM" (with support from the MSES, the World Bank and EU funds), special mobile teams are developed for the purpose of empowering local communities for conducting inclusive education. LSAUs at parents' and schools' requests more often finance assistants in classes and assistance to teachers in regular classes. A change in attitudes of education and rehabilitation professionals in special institutions is visible as well as their readiness to develop into support services for schools in their regions.

148. Croatian Association for Professional Help to Children with Special Needs "IDEM" since September 2010 conducts the project "Through lifelong education of teachers to schools for all". The aim and purpose of this project is to increase the educational inclusion of pupils with difficulties in secondary education, which is realised through sensitisation of regular schools for difficulties of pupils and raising competences of secondary vocational schools teachers for the work with pupils with developmental difficulties. In addition, this project is also directed to training of professionals from special schools for members of mobile professional teams as support to the inclusion process in the regular school.

149. The Law on Science and Higher Education (2009) does not include special provisions related to the rights of students with disabilities; this field is left to the university autonomy, although amendments to the legislative framework (with regard to relevant rulebooks) show progress towards a systematic organisation in ensuring social rights of children, pupils and students with developmental difficulties in the education and science system. In the tertiary education, in academic year 2008/2009 there were 219 students with disabilities, in academic year 2009/2010 there were 272 students with disabilities and in academic year 2010/2011 there were 254 students with disabilities. In relation to the overall number of students enrolled (194,187) in academic year 2010/2011, there were 0.13% of enrolled students with disabilities. If we take into account only students enrolled with support by the MSES and students for personal needs (138,207), excluding foreign citizens and non-regular students, the share of students with disabilities is 0.18%. The MSES does not keep records on the number and percentage of students with disabilities by sex and field of studies, but only by individual institutions of higher education.

150. Every academic year in the grant system there are approximately 100 students with disabilities, in the system of support for reimbursement of a portion of public transportation expenses also approximately 100 of them, while approximately 10 students with disabilities are in the support system for covering scholarships to students of postgraduate studies.

151. In 2010, the FERS in cooperation with the Prevention Research Center, Pennsylvania State University initiated the implementation of the project "Implementation of evidence-based prevention program of socio-emotional learning through science evaluation and its application in Croatian kindergartens and primary schools (PATHS-RASTEM)". The primary objective of the project is the promotion of socio-emotional competence and reducing risk for behavioural and mental disorders with children and youth.

152. In 2006, the MSES initiated the project "Network of schools without architectural barriers" with the aim to remove construction barriers in school facilities and enable accessibility of education to pupils with motor difficulties in the nearest primary and secondary schools. This project ensures every year in the State budget the amount of HRK

1,000,000.00 for spatial adaptation of schools. In this way, until 2011, funds have been ensured for the overall or partial adaptation of 1 pre-school institution (1.16% funds spent), 63 primary schools (73.26%) and 23 secondary schools (25.58%).

153. State administration bodies and LSAUs in cooperation with UNICEF, scientific institutions, professionals and CSOs from 2008 develop early childhood intervention programmes for the purpose of providing support to children with developmental difficulties and their parents, aimed at developing all child's potentials. Public campaigns were conducted for raising awareness in all segments of society on the importance of early support to a child with developmental difficulties and his/her family, with the aim that early support programmes become available at the location that is as near as possible to their place of residence, symposiums were held with scientific institutions and the need was determined to adopt regional and local plans for early intervention services and to encourage plurality of service providers through examples of good practice. By ensuring financial supports to CSOs, a network of early childhood intervention service providers is being created as a good base for the quality development of the child and his or her education.

154. For more information on the above, see tables from 1 - 8 in annex 2.

## **Article 25 – Health**

155. The right to health protection of population is regulated by the Law on Health Protection (2008) and the Law on Obligatory Health Insurance (2008), and one of the prescribed health protection measures is the treatment and rehabilitation of ill, physically and mentally impaired and injured persons with disabilities.

156. Organisation of medical profession on the territory of the RC and ensuring the rights from the obligatory health insurance is conducted by the CIHI. Persons insured with the CIHI, which also include persons with disabilities, have the right to the higher realisable standard of health protection without discrimination on any grounds, including disability.

157. In the RC, health insurance is obligatory and voluntary. Obligatory health insurance ensures to all insured persons the rights and obligations from the basic health insurance on the principles of reciprocity, solidarity and equality, which means that health services are equally accessible to all insured persons regardless of sex, age and religion. Voluntary insurance implies supplementary, additional and private insurance. In supplementary insurance, the difference to the full value of rights to health protection from the basic health insurance is covered by the insured person, while for the premium of supplementary health insurance for persons with disabilities funds are ensured in the State budget.

158. Within the rights from obligatory health insurance, persons with disabilities realise health protection under equal conditions as other insured persons, which implies the right to the primary health protection, specialist and conciliar health protection, hospital health protection, the right to use medicines that are determined in accordance with the basic and supplementary reimbursement lists of the CIHI, the right to dental prosthetic assistance and dental prosthetic replacements, the right to orthopaedic and other aids and the right to health protection abroad.

159. Every insured person, including persons with disabilities, has the right to a free choice of the medical doctor from all primary level fields, as well as the possibility to realise the rights to medicines and vaccines in accordance with the implementation regulations based on the principles of health profession and medical ethics.

160. In 2010, E-information and Referral Centre for Early Childhood Intervention began its operation. The aim of the project, conducted by the Croatian Association for Early

Childhood Intervention, is to enable parents of young children with developmental difficulties or children at risk of their occurrence to obtain necessary professional information and advice quickly, and to enable professionals to connect and raise their expertise levels. The UNICEF Office for Croatia in cooperation with the City of Zagreb and Daily Centre for Rehabilitation of Children and Youth Mali dom – Zagreb, in 2010 launched the project “Early childhood intervention: professional support in families of children with developmental departures/difficulties (0-3)”. The aim of the project is to develop a comprehensive, accessible and appropriate model for professional support in families that would serve as a framework and national example for the establishment of the system of harmonised community services for children with developmental deviations/difficulties (0-3) and their families.

161. In the implementation of preventive national programmes (e.g. National programme for the early detection of colorectal cancer, National programme for the early detection of breast cancer, National programme for HIV/AIDS prevention, etc.), persons with disabilities are also included and participate.

162. Legislative and other measures for ensuring that the medical treatment of persons with disabilities is based on their free and informed consent are reported in Article 17.

## **Article 26 – Habilitation and rehabilitation**

163. Persons with disabilities realise the right to every form of health protection in the same scope, quality and standard as all insured persons without discrimination on any ground. The right to medical rehabilitation is prescribed by legal acts and implementation regulations<sup>15</sup>, and it is organised as stationary rehabilitation, dispensary physical therapy and physical therapy in the patient’s home. Medical rehabilitation programmes are multidisciplinary and include various profiles of professionals who, in addition to healthcare staff, include a number of associate activities such as speech therapists, psychologists, social workers, vocational counsellors, physiotherapists, whereby the highest possible engagement of all potential patient’s resources is ensured for the best possible rehabilitation result which is valued according to the degree of autonomy and independence of help of others. The existing medical rehabilitation centres are mainly built in places which, in addition to the necessary professionals and technical equipment, also ensure other conditions that may not be achieved in all Croatian regions, and which include natural healing factors in medicine such as climatic, maritime, balneological factors with a number of advantages in relation to the classic medical rehabilitation. Stationary medical rehabilitation is performed in hospitals for acute patient care (clinical centres, clinical hospitals, clinics and general hospitals), in 11 specialised hospital institutions and 2 sanatoriums. Physical therapy at home is performed by institutions for health care and private practices of physical therapy in the patient’s home. Dispensary physical therapy and physical therapy in the patient’s home are organised at the county level, in accordance with determined needs of the Public Health Service Network, which ensures the highest level of availability of this form of health protection to all insured persons regardless of their level of autonomy and mobility, and independence. Some institutions are specialised for conducting special rehabilitation programmes such as, for example, spinal rehabilitation

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<sup>15</sup> The Law on Health Protection (2008), the Law on Obligatory Health Insurance (2008), the Law on the Rights of the Croatian Homeland War Veterans and Members of Their Families (2004), Rulebook on conditions and manner of exercising rights from obligatory health insurance for hospital treatment by medical rehabilitation and physical therapy at home (1996, 1997, 1999, 2007, 2008 and 2009), the Law on the Protection of the Military and Civilian War-Disabled Persons.

sand rehabilitation after amputations, etc. (The right to rehabilitation of CDWVs, Table 1 in annex II.)

164. Suppliers of orthopaedic and other aids, to which persons with disabilities have the right in accordance with the Rulebook on conditions and manner for realising the right to orthopaedic and other aids (2009, 2010, 2011), are obliged to ensure continuous supply, maintenance service and repair of orthopaedic and other aids, whereby an appropriate quality of this form of health care is ensured. The CIHI ensures to an insured person an aid of appropriate standard and quality and value in accordance with the stated Rulebook. If the insured person purchases an aid of higher value than the value previously contracted with the official supplier, he or she personally covers the difference in the aid price, as well as in the price of repairing this aid. Medical rehabilitation in specialised health institutions also includes activities of application and use of the aid. (CDWV, the right to co-financed aids, Table 2 in annex II.)

165. The Law on Social Welfare foresees the possibility that social welfare institutions also perform educational activities within which habilitation and rehabilitation are conducted. Currently in the RC there are 12 social welfare institutions for children and youth with developmental difficulties, which, in addition to their regular activities, also conduct programmes of primary and secondary education. (Tables 3 - 9 in annex II.)

166. Professional rehabilitation is a continuous part of the general rehabilitation which includes career guidance, professional training and employment of persons with disabilities. It is directed to the fastest possible inclusion of persons with disabilities in the work in professions in which they will achieve the best work effects with the lowest probability to incur further damage to their remaining work and general capabilities. Professional rehabilitation is organised and conducted by institutions for professional rehabilitation, secondary schools or other legal persons that meet conditions.

167. In accordance with the Law on Professional Rehabilitation and Employment of Persons with Disabilities (2002, 2005) the CEI conducts various activities the aim of which is the integration of persons with disabilities in the world of labour. The CEI decides on the manner of realising the right to professional rehabilitation of unemployed persons with disabilities, while it is organised and conducted by an institution for professional rehabilitation, secondary school or other legal person that meets conditions for training. Professional rehabilitation includes the following activities: determining remaining work and general capabilities; professional information, counselling and assessment of professional opportunities; labour market analysis, possibility of employment and inclusion in labour; assessment of possibilities for development and improvement in the professional training programmes; work habilitation, additional training, retraining and programmes for maintaining and improving work and work-social skills and abilities in the period until getting employed.

168. For the purpose of a systematic approach to solving the problem of employment of persons with disabilities, within the CEI there is the Department for Professional Rehabilitation and Employment of Persons with Disabilities.

169. Activities related to professional rehabilitation, conducted by the CEI, are adapted to needs and possibilities of persons with disabilities. For example, activities of group professional informing and counselling for persons with hearing impairments with translation into the sign language are conducted. (Table 11 in annex II.)

170. The CEI intensely cooperates with all relevant stakeholders in the field of professional rehabilitation of persons with disabilities, and especially with the Fund for Professional Rehabilitation and Employment of Persons with Disabilities and numerous CSOs that care for persons with disabilities and which are strong drivers of initiatives for strengthening opportunities of persons with disabilities.

171. Taking into account insufficient legal regulations, the lack of a developed model of professional rehabilitation, and criteria and parameters for performing professional rehabilitation, it cannot be performed in a manner as defined by the Law. In accordance with the mentioned restrictions, professional rehabilitation in the RC is performed partially or it is not performed. With the aim of implementing measures from the NSEOPD, a working group was established, in relation to determining a unified list of impairments, a single evaluation body and the manner of performing professional rehabilitation, which will be the basis for the development of a professional rehabilitation model and establishment of the network of Centres for Professional Rehabilitation. The proposition of the unified list of functional abilities ensures the basis for forming a social medical model of disability that will, in addition to physical impairment, cover by expertise also the functioning of the person with disability and factors of his or her environment. Regional Centres for Professional Rehabilitation are planned to be established upon completion of the work of cross-sectoral working groups on the unified list of functional abilities and single expertise body.

172. The CEI conducts carrier guidance of pupils in the last grades of primary and secondary schools and all persons who need assistance in selecting or changing the educational programme/vocation. Career guidance includes examining pupil's professional intentions, professional information and professional counselling (which includes team processing – a psychologist, a medical doctor and, where required, other professionals). The expert opinion respects pupil's individual needs and labour market needs and education possibilities. Examinations of pupils' professional intentions, conducted by means of surveys, indicate trends in pupils' professional intentions when selecting future vocations and are used for providing information to other stakeholders in the education and employment fields (recommendation for determining enrolment quotas). Special attention is given to pupils for whom it may be expected, taking into account the determined psychophysical status, that after finishing school they could face difficult access to the labour market, and pupils with developmental difficulties and health problems. Also, professional counselling of pupils is being conducted (Table 10 in annex II).

173. With the purpose of ensuring equal access to career guidance services to all pupils and unemployed persons, since 2007 the CEI uses the computer program for career guidance "Moj izbor" ("My choice") which contains 307 descriptions of professions, updated data on education and employment, and other relevant information on the profession selection and career development. The program is accessible to all unemployed persons, including persons with disabilities. In 2009, the Program was used in 110 licensed locations – in CEI branch services, 66 primary and secondary schools, institutions for adult education and other labour market institutions. In CEI branch services, the program was used by a total of 8,340 users, of which 6,584 pupils. The results of program evaluation in 2009 indicated exceptional satisfaction of users and were used as the base for modifications and further improvement of the Program.

174. With the aim to improve competences for work with persons with disabilities, CEI counsellors continually attend professional trainings, for example, through seminars and workshops aimed at a holistic approach to clients and full care for their needs in life. For example, in 2010, within IPA project "Encouraging more intense activation of persons with disabilities in the labour market", 89 participants, representatives of all relevant institutions and CSOs, of which 68 CEI counsellors, participated in the four-day training where they were familiarised with provisions and interpretations of laws from this field, and with methods and techniques in the work with employers during mediation in employment of persons with disabilities.

175. During 2009 and 2010, the CEI cooperated with association ZaMirNET in the implementation of the project "E-inclusion of persons with disabilities". One of the project

activities was determining the level of e-accessibility of CEI web pages, as well as some other public institutions web pages, and it was determined that the CEI web pages are created in accordance with the W3C standard and thereby accessible to persons with disabilities.

176. During 2008, 2009 and 2010, the CEI developed an intense cooperation with the Centre for Professional Rehabilitation BBRZ from Linz, Republic of Austria, through a significant number of study visits within several projects during which the CEI professionals were familiarised with the model of psycho-diagnostic and medical processing of persons with disabilities, as well as with programmes for professional training of adults with disabilities through elaborated educational modules that are graded and applied in the education of adults with disabilities in accordance with individual competences of individual persons with disabilities. At the same time, the CEI professionals were familiarised with various models and forms of cooperation between BBRZ, Austrian Employment Service (AMS) and employers in creating conditions for a more intense integration of persons with disabilities in the labour market.

177. The CEI also participates in the implementation of projects from IPA 2007-2009 and IPA 2010-2011 programmes, and it developed project propositions for future programmes from the European Union structural funds such as ESF (European Social Fund). Within the IPA programme Component IV Human Resources Development, the CEI implemented the project “Encouraging more intense activation of persons with disabilities in the labour market” in the period from January 2010 to March 2011. The overall project objective is the promotion of social inclusion of persons with disabilities and their integration in the labour market. The purpose of the project is to increase the employability of persons with disabilities, to facilitate their access to the labour market and to develop and implement measures of the active employment policy at the regional level. Within the project, the study “Position and needs of persons with disabilities in the labour market” was produced. Conclusions and recommendations from the study provided guidelines for the creation of action plans for employment of persons with disabilities in 8 selected RSAUs. The training of 89 counsellors – mediators in the labour market was conducted about the legislative framework in the field of employment of persons with disabilities and efficient work with employers. Three textbooks have been produced: a textbook for labour market counsellors on methods and techniques applicable in the work with persons with disabilities, a textbook intended for employers for the selection, employment, adaptation of the workplace and adequate monitoring of persons with disabilities, and a textbook intended for persons with disabilities for active job search. Within the third project component, implemented by the FPREDP, the production of a unified web portal was completed (“all in one place”) intended for persons with disabilities, employers and wider public and a public campaign was conducted aimed at raising awareness on the need and advantages of employing persons with disabilities. Within the project, 14 donations were granted to various bearers of project activities (public, private and civil sector) from the entire RC. The total project value is EUR 2,235,000.00.

178. The Law on Pension Insurance (1998, 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2010) prescribes conditions and manner of ensuring the right to professional rehabilitation of insured persons and pension beneficiaries<sup>16</sup> of the CPII who became disabled (professionally unfit for work) and who have remaining work capacity. This Law ensures the right to habilitation and professional rehabilitation, but only for persons insured in the pension insurance system, not for persons with disabilities from the social welfare system.

<sup>16</sup> Article 10, Paragraph 1, Article 11, 13, 18, 19 and 20.

179. The right to professional rehabilitation is recognised by the decision of the competent organisational unit of the CPII on the basis of analyses and opinions of an authorised CPII expert. A person who acquires the right to professional rehabilitation is trained for work in positions that require a qualification degree of the same level as the qualification degree he or she acquired by education before the occurrence of disability. Exceptionally, if there are no possibilities for the training for work of the same level of education degree, the training for work in positions that require a lower qualification degree is possible. Conditions and manner of conducting professional rehabilitation of persons who were disabled at work are regulated by an agreement concluded between the CPII and employer. The Law also defines the amount and duration of salary compensation during the period of waiting for professional rehabilitation, during the rehabilitation and during the period of waiting for employment after completed professional rehabilitation.

180. The right to professional rehabilitation of military, peace time military disabled and civilian war-disabled persons is regulated by the Law on the Protection of the Military and Civilian War-Disabled Persons (1992).

## **Article 27 – Work and employment**

181. The Labour Act (2009) and the Anti-discrimination Act (2008) prohibit direct or indirect discrimination in the field of work and working conditions, including criteria for the selection and conditions of recruitment, promotion, career guidance, professional habilitation and training and retraining, in accordance with special laws. In addition, the Anti-discrimination Act prohibits encouraging discrimination and failure to make reasonable adaptations.

182. The most important legal regulations and acts in the field of regulating the right to professional rehabilitation and employment of persons with disabilities are as follows: the Law on Professional Rehabilitation and Employment of Persons with Disabilities (2002), the Law on Mediation in Employment and Entitlements During Unemployment (2008, 2009, 2010) and the Rulebook on Active Job Search and Availability for Work (2009).

183. Persons with disabilities are employed under general or special conditions. Employment under general employment conditions is considered to be employment of persons with disabilities under general regulations that regulate the field of work and employment. Employment under special conditions is considered to be employment in institutions or companies established for the purpose of employing persons with disabilities (protective workshops<sup>17</sup>), as well as self-employment of persons with disabilities. Persons with disabilities who on the basis of working and general conditions cannot be employed or keep the position with application of benefits under general conditions, are employed under special conditions. Employment in the work centre may be ensured to a person with disability who, based on working and general abilities, cannot get employed or keep employment under special conditions with an employer or in a protective workshop.<sup>18</sup> The

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<sup>17</sup> A protective workshop is an institution or company that employs at least 51% of persons with disabilities in relation to the total number of employees, and is established for the purpose of employment and work of persons with disabilities.

<sup>18</sup> A work centre is an institution that cares for persons with disabilities by providing work for persons with disabilities who cannot get employed or keep employment under general or special conditions and for persons with disabilities who do not achieve work effect of more than 50% appropriate for their age, qualifications and working conditions.



Law on Personal Income Tax (2004) enables persons with disabilities to receive higher remuneration for work of equal value compared to persons without disabilities<sup>19</sup>.

184. According to the database of employed persons with disabilities, in the RC there are 12,032 employed (employed and temporarily unfit for work) persons with disabilities of which 62% are men and 38% women. The most common vocations for employed persons with disabilities are unqualified worker, shop assistant, waiter, car mechanic, economic technician, cook, driver and tailor. According to the records of the CEI, the number of unemployed persons with disabilities was increasing in the period from 2008 to 2010, while the number of newly employed in the same period was decreasing.

185. Although in the stated period the number of unemployed persons with disabilities in the records of the CEI increased, their share in the total unemployment is decreasing, which is consistent with the increased unemployment in the last years of the economic crisis. On the other hand, a decrease in newly employed persons with disabilities reflects the movement of the total employment in the period from 2008 to 2010, which was also decreasing.

#### **Number of employed and unemployed persons with disabilities by type of disability in 2010**

<i>Type of impairment/disability</i>	<i>Number of the employed persons</i>		<i>Number of the unemployed persons</i>	
		<i>Share</i>		<i>Share</i>
Intellectual difficulties	402	37.22%	2,165	34.61%
Physical disability	204	18.88%	1,317	21.06%
Multiple impairments	221	20.46%	1,273	20.35%
Other (hearing impairments, visual impairments, voice and speech communication disorder, persons with mental and organic disorders and persons with chronic illnesses)	253	23.44%	1,500	23.98%

186. In December 2009, in relation to January, the number of persons with disabilities who receive compensation until employment increased by 7.80%, and in 2010 by 7.3%.

187. The Law on Professional Rehabilitation and Employment of Persons with Disabilities (2002, 2005) unifies in one place issues arising from professional rehabilitation, work and employment of persons with disabilities. The Law determines the following rights:

<sup>19</sup> Persons with disabilities, with determined 100% disability on one ground, when paying personal income tax, regardless of whether this is employment or self-employment, have the right to an increased personal deduction by factor 1.0. Persons with disabilities of less than 100%, and persons who have children with developmental difficulties or have dependent family members who are persons with disabilities, have the right to an increased personal deduction by factor 0.3. Consequently, persons with disabilities receive higher remuneration for work of equal value. A taxpayer has the right to an increased personal deduction in the amount of 1.0 of the basic personal allowance also for dependent members and children, if their determined disability on one ground is 100% and/or who due to disability, based on special regulations, have the right to assistance and care by others, and not only for them personally. CDWVs do not pay personal income tax from employment and pension in proportion to the degree of determined disability.

- The right to employment and work of persons with disabilities in the labour market under general or special conditions, and the right to employment in the open labour market or in an institution or company established for the purpose of employing persons with disabilities (protective workshop for persons with disabilities who, based on working and general abilities, cannot get employed in the open labour market or keep their employment with application of benefits from the Law);
- The right to self-employment (establishing one's own trade, establishing one's own company and performing independent activities) and employment on a family farm;
- Obligation of state administration bodies, judicial authority bodies and other state bodies, LSAU and RSAU bodies, public services, extra-budgetary funds and legal persons owned or mainly owned by the RC, to have employees with disabilities in appropriate positions, according to one's own selection, in appropriate working conditions (depending on the total number of employees)<sup>20</sup>.

188. By adoption of this Law, preconditions have been created for the establishment of the FPREDP which was established in 2003. FPREDP's activities, among other things, include implementation of the policy for development and improvement of professional rehabilitation and employment of persons with disabilities; financing or co-financing institutions for professional rehabilitation and work centres; payment of cash incentives; co-financing the development of existing programmes and introduction of new technologies and programmes intended for the employment of persons with disabilities; co-financing programmes for maintaining employment of persons with disabilities; co-financing and financing programmes for education of professionals in the field of professional rehabilitation; and co-financing and financing research and development programmes of professional rehabilitation. The decision on the manner of realising incentives for employment of persons with disabilities (2008, 2009, 2010) regulates conditions and manner of realising the right to incentives for employment that belong to an employer who employs persons with disabilities and to a self-employed person with disabilities. Two types of incentives are defined:

- Regular incentives: remuneration in the amount of contributions paid; remuneration of the difference due to a reduced work effect and co-financing personal assistant expenses; and

<sup>20</sup> State administration bodies, judicial authority bodies and other state bodies, local and regional self-administration unit bodies, public services, extra-budgetary funds and legal persons owned or mainly owned by the RC are obliged to have employed, in appropriate positions, according to their own selection, in appropriate working conditions:

- until 31 December 2004 at least one person with disability on every 49 employees,
- until 31 December 2008 at least one person with disability on every 32 employees,
- until 31 December 2012 at least one person with disability on every 24 employees,
- until 31 December 2016 at least one person with disability on every 19 employees, and
- until 31 December 2020 at least one person with disability on every 16 employees.

An employer who is subject to the obligation from paragraph 1 of this article, who has not fulfilled this obligation, is obliged every month, at payment of salaries, to pay into the Fund for Professional Rehabilitation and Employment of Persons with Disabilities a special contribution in the amount of 0.2% of the amount paid for that month for gross salaries and salary compensations.

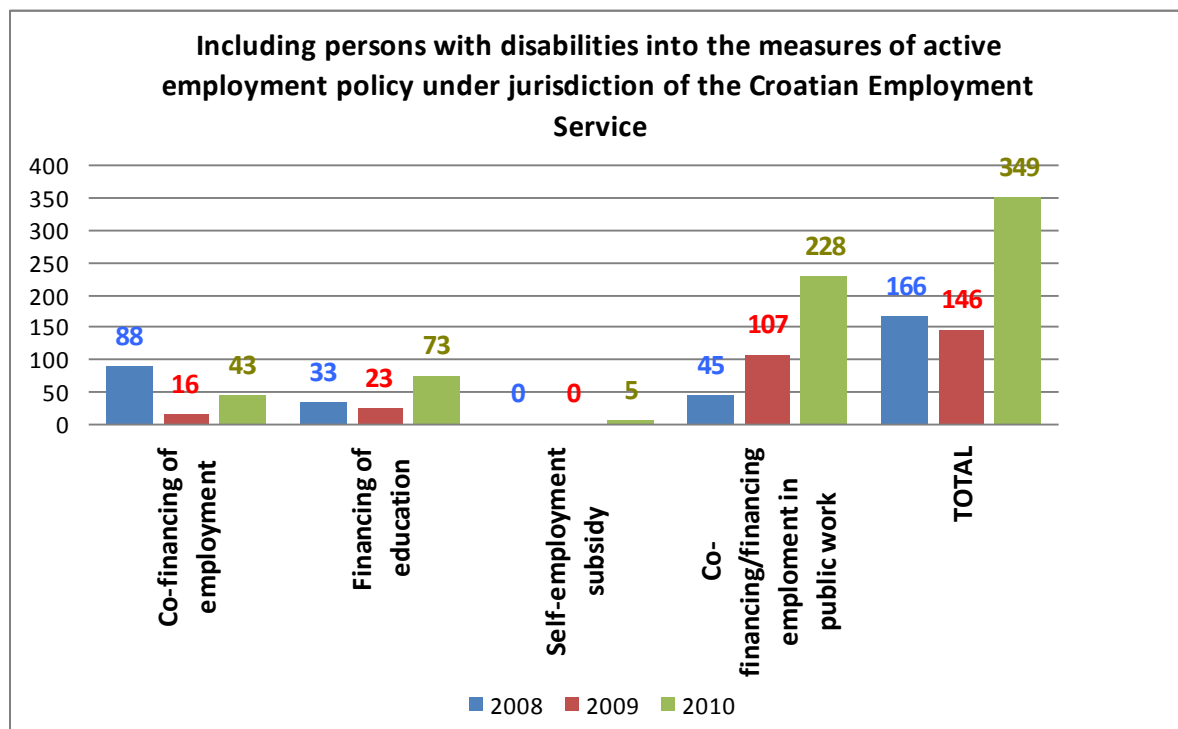
An employer who is not subject to the obligation from paragraph 1 of this article is obliged, unless it has employed number of persons with disabilities from paragraph 1 of this article, every month, at payment of salaries, to pay into the Fund for Professional Rehabilitation and Employment of Persons with Disabilities a special contribution in the amount of 0.1% of the amount paid for that month for gross salaries and salary compensations.

- Special incentives: single material payments – education of persons with disabilities; funds for adaptation of the workplace – architectural adaptation; funds for adaptation of the workplace – technical adaptation; co-financing interest on credit funds under favourable conditions and co-financing of work therapist expenses.

189. For realising the right to incentives for employment of persons with disabilities it is not relevant whether the disability was acquired during work or it occurred earlier, and therefore for the right to receive incentives from the FPREPD all types of disabilities and manners of their occurrence are equalised. Incentives paid relate to return of contributions for the basic health insurance and contributions for employment. In the period from 2006 to 2010, for the adaptation of workplaces and working conditions for persons with disabilities, a total of HRK 40,706,438.00 were paid to employers. For incentives related to education of unemployed persons with disabilities with the aim of employing and educating employed persons with disabilities, the FPREPD covers 60% of funds, and the employer the remaining portion of expenses. For this purpose, in the period from 2006 to 2010, a total of HRK 409,753.00 were spent.

190. In accordance with provisions of the Accession Partnership, the GRC and the European Commission signed the Joint Memorandum on Social Inclusion of the Republic of Croatia (JIM, 2007) and Joint Assessment of the Employment Policy Priorities (JAP, 2008), by adoption of which the new cycle of active employment measures in the RC was initiated. Links between these documents are certain joint goals and priorities, and in their implementation procedures, harmonisation of priority fields of action, implementation measures and activities is extremely important, as well as the harmonisation of implementation procedures that is achieved by a good coordination of competent ministries.

191. With the aim of solving the problem of long-term unemployment in the National Plan for the Promotion of Employment 2009 – 2010, a special measure was determined for long-term unemployed persons who are at risk of exclusion from the labour market and who, according to social criteria, belong to a group of vulnerable persons (persons with disabilities, persons with low education, older persons, persons belonging to Serbian national minority, persons belonging to Roma national minority, Croatian war veterans from the Homeland War). National Plan measures include co-financing of employment, co-financing and financing of education for labour market needs, and inclusion in public works. By mediation of the CEI, in 2008, due to active policy measures a total of 88 persons with disabilities were employed, while in 2009, due to supports of co-financing employment, 16 persons with disabilities were employed. In education for labour market needs, in 2009, 23 persons with disabilities were included, while 107 persons with disabilities were included in the programmes of public works. By mediation of the CEI, in 2010, through supports of co-financing employment, 40 persons with disabilities were employed, while for 3 persons with disabilities, education for the particular employer was financed. In supports for financing education for labour market needs, 71 persons with disabilities were included, and 2 persons were included in professional habilitation for work. Through programme of public works, in 2010, 228 persons with disabilities were employed, while for 5 persons with disabilities, supports for self-employment were insured. Finally, in 2010, active policy measures conducted by the CEI covered 349 persons with disabilities, while during 2009, significantly lower number of persons with disabilities (146) used these incentives. This is a result of the implementation of a measure from the Economic Recovery Programme of the GRC which puts focus of the labour market policy on training, education, retraining and acquiring key competences, especially for unemployed and inactive categories of population fit for work. In this way in 2010, significantly more persons with disabilities were included in measures of financing education and inclusion in public works than it was case in 2008 and 2009.



192. Within the Programme of professional training and employment of Croatian war veterans and children of killed, detained or missing Croatian war veterans for the period from 2008 to 2011, CDWVs are included in the Measure of encouraging establishment of cooperatives of Croatian war veterans and Measure of support to projects of Croatian veterans' cooperatives where they are as members engaged in the work of cooperatives in accordance with their abilities and capabilities. By the Measure of encouraging establishment of cooperatives of Croatian war veterans, the MFVAIS provides cash and other support for establishing cooperatives as a special form of small entrepreneurship that enables organised and professionally led activities and joint market entry. Projects of Croatian war veterans' cooperatives are supported if they have achieved success and profit in previous operations, and support may be approved for the purchase of machinery, equipment or land that extend the existing or activities or develop a new project of the cooperative.

193. With the aim of protecting workers with disability from ungrounded termination of employment, the Labour Act (2009) regulates the protection of workers, who are temporary or permanently unfit for work, by prohibiting termination of employment if temporary incapacity was caused by injury deriving from an accident at work or professional disease, prohibiting adverse effect on promotion or realisation of other rights, by prescribing the right to return to previous or appropriate positions of the worker who was temporary incapable for work, by prescribing the right to employment in other positions, prohibiting termination of employment in case of a professional incapacity for work or immediate danger of disability occurrence, determining payment of termination benefits in case of injuries deriving from an accident at work or professional disease, and giving priority in professional training and education. The Labour Act also protects persons with disabilities from termination of employment in a way that in case of operationally or personally conditioned termination, the employer must take into account disability of the worker, and employment may not be terminated to a worker with professional incapacity for work or immediate risk of disability occurrence and a worker with disability, without prior consent of the workers' council.

194. Identification of unemployed persons with disabilities and other factors of difficult employability who have the need for career guidance is continually performed. During 2009, activities of professional counselling with the CEI included 1,644 persons with disabilities, of which 412 persons were counselled individually, and 1,232 persons were counselled in groups, i.e. through workshops. A total of 134 workshops adapted to the needs of persons with disabilities were conducted (which is significantly more than during 2008).

195. With the aim of raising standard and quality of services and development of individualised approach to every specific group of persons with disabilities, especially groups threatened by multiple discrimination and social exclusion, the need occurred for keeping records and development of services for specific groups of persons with disabilities such as: women with disabilities, women with disabilities victims of domestic or community violence, older persons with disabilities, youth with disabilities, persons with disabilities belonging to national minorities, migrants and asylum seekers, and victims of mines and explosives. In this regard, within regular work of counsellors for mediation in employment in all branch services of the CEI (22 branch services), special attention is paid to providing services of preparation and mediation in employment of persons with factors of difficult employability, among which there are also women victims of domestic violence.

196. The CEI intensely cooperates with all relevant stakeholders in the field of education and employment of persons with disabilities, and specially with the FPREPD and numerous CSOs that care for persons with disabilities, and which are strong drivers in realising the goal of social integration and raising the quality of life of persons with disabilities. The MHSW in cooperation with the CUAPD established 7 IT Centres where persons with disabilities are trained for IT professions demanded in the labour market.

197. Great attention is paid to informing and sensitisation of employers and public on employment and work potentials of persons with disabilities. Since 2007, the project "Employer of the year for persons with disabilities" is implemented (FPREPD, CEI), initiated within UNDP project "The Right to Live in a Community: Social Inclusion and Persons with Disabilities", within which each year employers, who proved to be the best examples of positive practice in employment and workplace relations to persons with disabilities, receive awards. During 2009 and 2010, the National campaign for encouraging employment of persons with disabilities "There is always the crisis for us" of the Association for promotion of equal opportunities in cooperation with the CEI, was also conducted. With the same goal, the CEI joins the work of round tables, forums, education, information broadcasts dealing with employment of persons with disabilities, and prints informative materials on activities and incentives in the field of education and employment of persons with disabilities (for example, leaflets and CDs).

198. The Law on Professional Rehabilitation and Employment of Persons with Disabilities prescribes the obligation of state administration bodies, judiciary authority bodies and other state bodies, LSAU and RSAU bodies, public services, extra-budgetary funds and legal persons, owned or mainly owned by the RC, to have a certain number of persons with disabilities employed in appropriate positions, according to their own selection, in appropriate working conditions. The Collective bargaining agreement for civil servants and state employees (2008) determines that state bodies take into account employment of persons with disabilities when making plans for recruitment and filling in vacancies, in accordance with the stated Law, and for this purpose determine appropriate work positions and working conditions.

199. In accordance with the Civil Servants Act (2005, 2007, 2008, 2011), civil servants are prohibited to discriminate persons with disabilities in performing tasks in the frame of state administration. The Code of Ethics for Civil Servants (2006, 2008) prescribes that civil servants act with special care when dealing with persons with disabilities and other

persons with special needs. In the MPA, Department for ethics was established, which monitors the Code of Ethics application and enables citizens to submit complaints concerning behaviour of servants over a free telephone line. During 2010, no complaints were received regarding actions of civil servants towards persons with disabilities and other persons with special needs.

200. Data on the number of persons with disabilities employed in state administration bodies are determined by the Recruitment plan for civil service for state administration bodies, professional services and GRC Offices, and employment of these persons is planned. Also, it is determined that bodies will start ensuring conditions for employment of persons with disabilities if they do not have such conditions. In ministries, state administration organisations and central state offices, a total of 534 persons with disabilities are employed, 92 are employed in state administration offices in RSAUs, 3 in GRC offices and 9 in other state bodies. State bodies are obliged, in accordance with provisions of the Law on Professional Rehabilitation and Employment of Persons with Disabilities to have employed at least one person with disabilities on every 35 employees until 31st December 2011. For the purpose of encouraging employment of persons with disabilities, on web pages of the MPA, information on employment in state service are published, among which also information on the right of priority employment of persons with disabilities in state administration bodies. This way, persons with disabilities and wider public are informed about this right.

201. For more information on the above, see tables 1 - 14 and graphs 1 - 10 in annex II.

## **Article 28 – Adequate standard of living and social protection**

202. In the social security system, social welfare represents the last social protective net for the purpose of caring for inclusion of the socially most endangered and socially vulnerable groups, into society. Social welfare is conducted through a fairly wide territorially spread network of social services (social welfare centres), institutions and homes that provide services of permanent, weekly, temporary, daily, half-day and occasional accommodation or living communities. For all citizens of the RC, when realising the rights from social welfare, already mentioned principles of equality and equity are valid. Taking into account the fact that there is a two-way relationship between disability and poverty, the social welfare system in the RC, in part relating to persons with disabilities, is regulated so that these persons, for the purpose of overcoming difficulties, may realise some of the rights to cash allowance (social welfare allowance) or the right to certain services (social welfare). For realising the rights in the social welfare system in the first degree, social welfare centres are competent according to the user's place of residence. The basic law that determines social welfare rights is the Law on Social Welfare (1997, 2000, 2001, 2003, 2006, 2007). Based on this regulation, every citizen of the RC may realise social welfare rights under prescribed conditions. For persons with disabilities, the following rights are important (see also Tables 1 and 2 in annex II):

(a) The right to allowance for assistance and care – in the full amount 100% of the base<sup>21</sup>, and in reduced amount 70% of the base;

<sup>21</sup> In Accordance with the Law on Social Welfare (2011), the base for determining the amount of cash benefits, allowances and material assistance, other than sustenance allowance, amounts to 15.04% of the determined budgetary base for the calculation of compensations and other receipts in the Republic of Croatia.

(b) The right to assistance and care at home (patronage) – may include: organising meals, performing chores, personal hygiene maintenance, satisfying other daily needs;

(c) The right to personal disability benefit – belongs to a more severe physically or mentally impaired person or a person with serious permanent changes in health condition if such impairment or disease occurred prior to 18 years of age and if the right to personal disability benefit is not realised on other basis. It amounts to 250% of the base;

(d) The right to benefit until getting employed – amounts to 70% of the base;

(e) The right to care outside one's own family (realised as a permanent, weekly or temporary placement, daily, half-day or occasional accommodation and living communities);

(f) The right to care outside one's own family in the form of assistance at inclusion into programmes of regular pre-school or school institutions (integration);

(g) The right to the status of a parent carer (reported in detail in Article 19).

203. In accordance with the Law on Social Welfare, LSAUs are obliged to ensure funds in their budgets for realisation of rights to assistance for covering housing expenses, and RSAUs for covering heating expenses under conditions and in a manner prescribed by the Law. LSAUs may ensure funds for realising other rights determined by the Law in a larger extent, and other types of assistance under conditions and in a manner prescribed by their general by-law, and RSAUs may ensure funds for covering heating expenses in a larger extent than prescribed by this Law. For example, in this way the following rights are ensured: the right to cash allowance (cash allowance to retired people; cash allowance to beneficiaries of the allowance for assistance and care and beneficiaries of personal disability benefits; cash allowance for personal needs /pocket money/ for the users of the homes for older and frail people; allowance for covering housing expenses); allowance in kind (allowance to children in dairy food; allowance to families with 3 or more juvenile children; children summer and winter vacations; meals in community kitchens; right to daily meal and delivery); assistance in the form of accommodation (shelter accommodation; temporary accommodation); other forms of assistance (assistance and care at home; counselling and help in overcoming special difficulties). It is important to mention that by adopting the new Law on Social Welfare (2011) previously existing rights were not abolished, but new possibilities were added based on needs determined in practice.

204. The RC pays special attention to the protection of CDWVs who, in accordance with the Law on the Rights of the Croatian Homeland War Veterans and Members of Their Families (2004, 2005, 2007, 2009, 2009) are categorised in 10 groups according to the determined percentage of organism impairment. The rights aimed at ensuring their appropriate life standard and social protection relate to:

(a) The rights on the basis of organism impairment among which we emphasise: *personal disability benefit* – the basic CDWV right on the basis of organism impairment, based on this right, all other rights on the basis of organism impairment are realised. It is determined according to the group of organism impairment, whereby personal disability benefit of the disabled of group I amounts to 115% of the budgetary base in the RC<sup>22</sup>, while for the disabled of groups II to X, it is determined in the percentage of the personal disability benefit of the disabled of group I; *the right to allowance for assistance and care by others* – it is determined in 2 degrees depending on the scope of the need for assistance

<sup>22</sup> The budgetary base amounts to HRK 3,326.00, based on which the personal disability benefit of the disabled of group I amounts to HRK 3,824.90.

and care and amounts to 100% of the base for the 1<sup>st</sup> degree and 66% of the base for the 2<sup>nd</sup> degree; orthopaedic allowance – granted to persons with more severe organism impairments (amputation of extremities, severe impairment of extremity function, loss of sight), amounts to between 29% and 7% of the base – monthly amount of the personal disability benefit of the disabled of group I; *single cash allowance* – granted to CDWVs who due to difficult cash and material situation are not able to satisfy basic life needs, after all other forms of assistance are exhausted, through social single cash allowances in accordance with the Law on Social Welfare;

(b) The rights on the basis of material and other needs of users among which we emphasise: *special allowance* – granted to a CDWV if he or she is not employed, does not receive pension and salary compensation from the day of acquiring the right to professional rehabilitation as well as during professional rehabilitation, amounts to 50% of the base – monthly amount of the personal disability benefit of the disabled of group I; *war veterans' cash benefit* – this right have the users who are unable for earning income and under the condition that they meet conditions prescribed by the Law on the Rights of the Croatian Homeland War Veterans and Members of Their Families. The base for determining the war veterans' cash benefit amounts to 33% of the determined budgetary base in the RC, and for self-dependent users it is increased by 50%; allowance for assistance at home – this right have the users of war veterans' cash benefits who, due to permanent changes in health condition, may not independently fulfil basic life requirements, under the condition that they do not use allowance for assistance and care by others. The monthly allowance amounts to 23% of the budgetary base in the RC. (Tables 3 - 7 in annex II.)

205. War and peace time military disabled and civilian war-disabled in accordance with the Law on the Protection of the Military and Civilian War-Disabled (1992, 1993, 1994, 1995, 2001, 2003) realise the following rights:

(a) On the basis of physical impairment, we emphasise: personal disability benefit – for disabled of group I it amounts to 100% of the budgetary base in the RC, while for the disabled of groups II to X, it is determined in the percentage of the personal disability benefit of the disabled of group I; allowance for assistance and care by others – it is determined in 2 degrees depending on the scope of the need for assistance and care and amounts to 100% of the base for the 1st degree and 66% of the base for the 2nd degree (the base is the monthly amount of the personal disability benefit of the disabled of group I); orthopaedic allowance – the base is the monthly amount of the personal benefit of the disabled of group I, and for degree I it amounts to 29% of the base, for degree II it is 22% of the base, for degree III it is 14% of the base, and for degree IV it is 7% of the base. Orthopaedic allowance is increased by 25% for the user who has a combination of two or more impairments of degree I;

(b) On the basis of material needs we emphasise the following rights: war veterans' cash benefits – for users who meet condition prescribed by the Law, the base amounts to 33% of the budgetary base, and for family members of participants in the war before 9th September 1943 to 15th May 1945, deceased after 15th May 1945, it amounts to 16.50% of the budgetary base. Users who do not have household income that affects the war veterans' cash benefits, the war veterans' cash benefit is determined in the amount of the base. For the users who have household income from agriculture or other regular income affecting the war veterans' cash benefits, the war veterans' cash benefit is determined in the amount of the difference between the portion of income that is allocated to the user monthly and the base for determining the war veterans' cash benefit; allowance for assistance at home – 23% of the budgetary base, and for family members of participants in the war before 9th September 1943 to 15th May 1945, deceased after 15th May 1945, it amounts to 11.50% of the budgetary base.

206. For more information on the above see Table 8 in annex II.



207. Water supply system in the RC is being continually developed; in accordance with objectives from the Strategy of the Government programmes for the period from 2011 to 2013, the degree of population supplied from public water supply system will increase from current average of 76% to average of 85-90%, in accordance with hygienic and sanitary needs.

208. The Ministry of Regional Development, Forestry and Water Management within its authority, through housing care programmes – programmes for reconstruction of damaged or destroyed residential premises in war and housing care in areas of special state concern<sup>23</sup>, also provides housing care to persons with disabilities, whether war-disabled or civilian disabled and members of their families, especially women and children. No special records on housed persons with disabilities is kept in the MRDFWM.

209. The Law on the Socially Supported Housing Construction Programme – POS (2001) regulates systematically organised housing construction supported by public funds for the purpose of satisfying housing needs and improving the quality of housing for a wider circle of citizens that enables instalment payments. Public funds are also used to support the construction and reconstruction of buildings and family houses to natural persons for the purpose of satisfying their housing needs, and this right is available under equal, legally prescribed conditions also to persons with disabilities. Conditions, norms and procedure for determining priority rights for the purchase of flats are determined by the LSAUs depending on the local needs and circumstances, and persons with disabilities have the priority right in housing care.

210. Housing care for CDWVs, families of killed Croatian veterans from the Homeland War and families of detained or missing Croatian veterans from the Homeland War, in accordance with the Law on the Rights of the Croatian Homeland War Veterans and Members of Their Families (2004) and the Ordinance on Housing Care for family members of killed, detained or missing Croatian veterans from the Homeland War and CDWVs from the Homeland War (2005) is performed by granting housing loans, and granting and purchasing flats or houses. The right to granting and purchasing a flat is realised in accordance with the percentage of organism impairment, and housing loans are granted for the purchase of a flat or a house, for the construction of a house, for the improvement in living conditions and for the extension of living space. From 2008 to 2010, 1,707 applications of CDWVs were positively solved, of which 990 by granting flats and 717 by granting housing loans.

211. Pension insurance is a part of the social security system that insures against the risks of losing income due to old age, disability and death of the family breadwinner. Based on these risks, the rights being of cash nature are realised (pension, compensation for physical impairment), and they may also be realised in kind (professional rehabilitation, described in more detail in Article 26). For the purpose of improving the material position and social security of retired persons that were retired after 1st January 1999 (when the reform of the pension system in the RC began), and for the purpose of the reduction in the difference between pensions realised before and after the reform, the Law on Supplement to Pensions Realised in Accordance with the Law on Pension Insurance (2007) determines the right to the pension supplement (in the amount of 4% on pensions realised in 1999 to 27% on pensions realised in 2010 and later). The Law on Amendments to the Law on Pension Insurance (2007) also relates to pensions realised from 1<sup>st</sup> January 1999. According to this

<sup>23</sup> The Law on the Areas of Special State Concern (2008) determines these areas for the purpose of removing war consequences, faster return of population that resided in these areas before the Homeland War, encouraging demographic and economic progress and achieving as balanced development as possible of all areas of the RC.

Law, from 1st January 2008, in addition to early old age pensions, disability pensions due to professional incapacity for work during the user's employment were also increased (for the purpose of encouraging these pensioners to work) and the minimum pension for users with 31 or more years of service was increased. The minimum pension, prescribed by the Law on Pension Insurance, is a payment from the pension system that is based on solidarity, and it belongs to a user whose pension is realised according to years of service and salary of the insured person realised during employment is lower than the minimum pension. The minimum pension determined on the basis of 20 years of service from 1st January 2009 amounts to HRK 1,116.80, for 40 years of service to HRK 2,233.60 and for 45 years of service HRK 2,512.80.

212. According to the Law on Insurance with Increased Duration (1999, 2007, 2008) persons with disabilities: blind persons, persons with dystrophy and related muscular and neuromuscular diseases, persons with paraplegia, cerebral palsy and polio, multiple sclerosis, rheumatoid arthritis, deaf persons and persons with functional disorders due to which they cannot move independently without using a wheelchair, are enabled to realise rights from the pension insurance under more favourable conditions, in a way that the period spent in full time employment is counted into the years of insurance with increased duration, each 12 months of service is counted as 15 months, and the age limit for acquiring the right to old age pension is lowered by one year for each five years of employment. Family members of insured persons with general incapacity for work – disability, under certain conditions, have the right to a family pension during the entire period when this incapacity lasts.

## **Article 29 – Participation in political and public life**

213. Although in the Croatian electoral legislation there is no special regulation that would regulate participation of persons with disabilities in elections, it contains provisions which enable persons with disabilities to exercise their voting rights. The manner of participation in elections of persons who, due to certain restrictions, are not able to independently participate is regulated (voting with assistance), as well as the possibility that voters who, due to a serious illness, physical impairment or frailty are not able to access the polling place, vote where they reside, whereby due attention is given to the secrecy of votes. The protection of the secrecy of votes is realised in a way that members of the election commission, who visited such person and enabled him/her to vote, upon their return to the polling place, in front of other members of the election commission open the envelope and, without opening the folded ballot, insert the ballot into the appropriate box. The State Election Commission in the Mandatory instructions regulates in detail voting of voters with physical impairments, illiterate voters and voters who cannot access the polling place. In the 2009 presidential election, for the first time, blind voters and voters with visual impairments were enabled to personally vote using the ballot in Braille, ballot and matrix for voting.

214. In 2010, the MPA made an analysis of ensuring technical support and other forms of assistance to persons with disabilities by insight into the accessibility of basic documents to persons with disabilities that are significant for their political participation, and it was determined that, in relation to the previous period, accessibility of documents has been significantly increased and equipment for persons with disabilities has been ensured in LSAUs and RSAUs.

## **Article 30 – Participation in cultural life, recreation, leisure and sport**

215. With the aim of recognising and promoting the right of persons with disabilities to participate in cultural life on an equal basis with others, the Ministry of Culture publishes every year a public Call for proposing public needs in culture. Independent artists, artistic organisations, cultural institutions, legal and natural persons, who perform activities in culture on the territory of the RC, citizens and CSOs and LSAUs and RSAUs may apply, so also artists with disabilities, associations etc. The Rulebook on the Selection and Determination of the Programme of Public Needs in Culture (2008, 2009) prescribes that one of the criteria in professional evaluation of propositions submitted is the participation of persons with disabilities in the programme and adaptation of the programme for persons with disabilities.

216. Accessibility of information on a part of Croatian cultural heritage to the overall public, including persons with disabilities, is ensured through the National digitisation programme “Croatian Cultural Heritage” (available at [www.kultura.hr](http://www.kultura.hr)).

217. In addition to the MC, other bodies of state administration and LSAUs and RSAUs also continually support financially the projects and programmes of associations of persons with disabilities that sensitise the public for artistic work of persons with disabilities and specific theatres of persons with disabilities (painting and sculpture workshops, training of deaf-blind artists with visits to exhibitions, organisation of exhibitions, painting and sculpture colonies of deaf-blind artists and artistic festivals that deal with the topic of disability as an important social and political problem). As a good example, we emphasise financing the International Blind and Visually Impaired Theatre Festival (BIT) and the Festival of Equal Opportunities, the purpose of which is to show creative potential of persons with disabilities and to sensitise the public.

218. In 2008, a new permanent exhibition of the Typhlological Museum was open, a national specialised museum adapted to persons with disabilities (catalogue of the permanent exhibition and legends were produced in Braille, raised-relief maps, and a computer adapted to blind persons is available).

219. Croatian Museum Council, an MC advisory body, set the standard for a systematic regulation of access to museums and galleries and it verifies museologic concepts (new permanent exhibitions or adaptations of permanent exhibitions) that, within the Idea concept of the permanent exhibition, contain analysis and evaluation of spaces foreseen for museum contents in order to be accessible to all visitors, and thereby also to persons with disabilities.

220. The MC continually supports and finances library programmes aimed at promoting and ensuring the rights of persons with disabilities, for example the Round Table for Library Services for Persons with Special Needs and translating and publishing electronic issues of the IFLA Guidelines for easy-to-read materials (revised issue from 2010). The MC also regularly finances the Croatian Library for the Blind, established by the Ordinance of the GRC, by providing support in performing regular library and publishing activities and by investing in equipment and premises.

221. Promotion of sport activities for persons with disabilities is ensured by funds and activities of the CPC and CSO projects (Table 1 in annex II). The CPC conducted a number of development programmes and sport camps (skiing, athletics, “sitting” handball, swimming, tennis) also for children with developmental difficulties and youth with disabilities. In 2010, the CPC organised 2 major international competitions: IPC Shooting World Championships, Zagreb and INAS FID Open Athletics Championships for persons with intellectual disabilities, Varaždin. In addition to international competitions for persons with disabilities, national championships in various categories are held. For the purpose of

promoting sport achievements of persons with disabilities, the CPC organises every year an award ceremony for the most successful sportspersons with disabilities in the RC.

222. Based on the Ordinance on criteria for granting state awards for top sport achievements, the same amount of cash award for winning a medal is awarded in Olympic sports and disciplines, paralympic sports and disciplines and Olympic sports and disciplines for the deaf (Table 2 in annex II).

223. Since 2008, the Ministry of Tourism conducts the programme of awarding non-repayable funds, titled Tourism without barriers, which encourages investments in public tourism infrastructure intended for persons with disabilities and reduced mobility (adapted access paths to tourist hospitality and other facilities, lifts for entering the sea, access ramps, adapted public toilets...). The tender is intended for LSAUs and RSAUs, CSOs and tourist boards. For this programme, in 2008 HRK 200,000.00 were ensured, in 2009 HRK 600,000.00, and in 2010 HRK 650,000.00.

224. Measures taken for promoting culture of the deaf are reported in Article 21.

#### **IV. Specific situations of boys and girls with developmental difficulties and women with disabilities**

##### **Article 6 – Women with disabilities**

225. Gender equality is one of the highest values of the constitutional system of the RC so all women with disabilities enjoy equal rights on an equal basis with men with disabilities, as well as women without disabilities. Gender equality is ensured by synergic action of a number of institutional mechanisms for the protection and promotion of the stated constitutional value: Gender Equality Committee of the Croatian Parliament, Ombudsman for Gender Equality, Office for Gender Equality of the Government of the Republic of Croatia, coordinators in state administration bodies, coordinators in state administration offices of RSAUs and county, town and municipality commissions/committees for gender equality. In accordance with the Law on Gender Equality (2008), the work of county commissions for gender equality as working and counselling bodies of county parliaments is coordinated by the OGEGRG. Until the end of 2009, approximately 90 town and municipality commissions for gender equality were established.

226. The National Policy for the Promotion of Gender Equality 2006-2010 (for the period 2011-2015 it is being prepared) represents the basic strategic document of the RC for elimination of discrimination against women and establishment of the substantive gender equality. This plan recognised the need for a special protection of women with disabilities, as a group that is at risk from double and multiple discrimination which is also defined in the Anti-discrimination Act (2008). Special protection of women with disabilities, defined in the National Policy for the Promotion of Gender Equality, relates to improving their social position, which includes conducting empirical research on the position of women with disabilities in the RC, funding projects intended for the improvement of the position of women with disabilities and informing women with disabilities on their human rights and familiarisation and education of competent services and wider public about problems which women with disabilities face. In addition to the emphasis on the implementation of activities directed at elimination of discrimination against women with disabilities which is contained in the National Policy for the Promotion of Gender Equality, special emphasis on the implementation of activities directed at elimination of discrimination against women with disabilities is also put in the NSEOPD.

227. Although on legislative level there is no gender inequality of women and girls with disabilities, in the social life their inequality is present, arising from common traditional attitudes, for instance, toward blind women, and persons with disabilities. This statement is confirmed also by the results of the scientific research “Perception, Experience and Attitudes towards Gender Discrimination in Croatia” conducted by the OGEGRG in cooperation with scientists from the Faculty of Humanities and Social Sciences of the University of Zagreb and the Institute for Social Research from Zagreb in July 2009. The research was conducted using the survey method on a representative sample (N = 1,363). The majority of respondents (57.7%) agree that in Croatian society men and women are not equal although gender discrimination is lower than approximately ten years ago. Regarding belonging to various social groups, the majority of respondents consider that in most unfavourable position, as far as individual groups of women are concerned, are Roma women (63.3%), as well as women with disabilities (63%) and women victims of domestic violence (61.2%).<sup>24</sup>

228. Data from the Central Registry of Crafts show that the share of women in ownership structure is 31%. A new manner of monitoring economic position of women, proposed in the National Implementation Plan 2009-2010 of the Joint Memorandum on Social Inclusion (JIM), according to which data on economic position of women are based on data from tax authorities, should facilitate a systematic monitoring of all activities that pursue improvement in the position of most vulnerable groups among which women with disabilities are represented in the largest number. OGEGRG realised permanent cooperation with CSOs that promote female entrepreneurship and the position of women in the labour market.

229. With the aim to improve the position of women with disabilities, activities and projects of CSOs are conducted and supported (Table 1 in annex II). In 2010, among other things, financial support was ensured for the implementation of projects such as: supports to women with disabilities in preventing domestic violence, ensuring services of personal assistance for persons with most severe type and degree of disability (of 554 persons included in the project, 295 are women), employment of women with intellectual difficulties, computer and communication workshops for women with disabilities, organised gynaecologic examinations of women with muscle dystrophy and education for healthcare workers in order to familiarise them with the needs of women with muscle dystrophy, empowering women with disabilities for inclusion in the process of political decision-making at the local level, etc. The Croatian Union of Associations of Persons with Disabilities established the Network of women with disabilities within which in 2007, the SOS telephone helpline for women with disabilities victims of violence began its operations. The analysis of 134 calls, received in 2010, showed that women with disabilities are mainly exposed to psychological domestic violence by their marital partner. The majority of women experiencing violence are in the middle years of life, and they only look for support through conversation.

230. More detailed information on activities taken with the aim to promote and protect the rights of women with disabilities, with relevant documents, are available at web pages of the OGEGRG ([www.ured-ravnopravnost.hr](http://www.ured-ravnopravnost.hr)), whereby they are accessible to all interested citizens.

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<sup>24</sup> Summary of this research is in annex IV.

## Article 7 – Children with disabilities

231. In the RC, there is no difference between realising rights with respect to the sex of a child. Children with developmental difficulties are considered to be bearers of rights on an equal basis with other children. The need for special care for children with developmental difficulties is recognised in the NSEOPD and the National Plan of Activities for the Rights and Interests of Children 2006-2012.

232. The protection and promotion of the rights and interests of children with developmental difficulties is also ensured by activities of the institution of the Ombudsman for Children. Monitoring violations of individual children's rights is one of the basic functions of the Office of the Ombudsman for Children, and based on these cases, the Ombudsman gets insight into forms of violations of rights and interests of children with developmental difficulties, based on which the OOC, independently or in agreement with interested stakeholders, initiates amendments or adoption of legal regulations and strategic documents, and warns competent administration bodies about omissions in practice (Tables 1 and 2 in annex II). The Ombudsman specially promotes the principle of children participation in making decisions that affect them. Insisting on the application of this principle in relation to children with developmental difficulties is a permanent task of the OOC. Advocating the model of society of equal opportunities for everyone, and following provisions of the Convention on the Rights of the Child and the UNCRPD, the OOC has a significant role in the protection and promotion of the rights of children with developmental difficulties.

233. Children with developmental difficulties are recognised as a specially vulnerable group also in the Law on Child Allowances (2001) which implies cash receipt used by a parent or another person determined by the Law for the support of sustenance and upbringing of children. In general, realising the right and the amount of the child allowance depend on the household income and is determined in the percentage of the budgetary base (6%, 7.5% or 9%) which amounts to HRK 3,326.00. Thereby the amount of the allowance for a child with minor health impairment is increased by 25%, while the amount of the allowance for a child with more severe health impairment is determined in the amount of 25% of the budgetary base, independent of the overall income per household member (the allowance amount is HRK 831.50 a month). (Table 3 in annex II) Children with health impairment also have the right to the child allowance in longer duration than children without health impairments, but not longer than 27 years of age.

234. The social welfare system in the Republic of Croatia, in the part that relates to persons with disabilities, as well as children with developmental difficulties, is regulated in a way that these persons, for the purpose of overcoming difficulties, may realise some of the rights to cash support (cash allowances) or the right to certain services (services). For realising the rights in the social welfare system in the first degree, social welfare centres are competent according to the user's place of residence. According to the Law on Social Welfare, for children with developmental difficulties the following rights are significant: the right to allowance for assistance and care; the right to personal disability benefit; the right to care outside one's own family (realised as a permanent, weekly or temporary placement, daily, half-day or occasional accommodation and living communities); the right to care outside one's own family in the form of assistance at inclusion into programmes of regular pre-school or school institutions and the right to the status of a parent carer. These rights are reported in more detail in Articles 19 and 28.

235. In 2009, the Decision on Quality Standards for Social Services in Social Welfare was made. The quality standards put emphasis on the users of the services, promotion of independence and autonomy of users, their participation in normal life and natural social environment and especially respect for their human, civil and social rights. Quality

standards for social services apply to all social services regardless of the nature of these services, target user group or organisational type of service providers. The basic principles, which were the guidelines in the production of quality standards, were that social services must be holistic, with emphasis on the user, easily understandable and accessible in local communities where users live, appropriate for users with the aim of their empowerment and respect for the rights and freedom of choice and self-determination, well governed and result-oriented. This shows that boys and girls may freely express their views on all issues affecting them, that they may under equal conditions be the bearers of realising individual rights and that the goals of the development of service quality are directed to ensuring assistance in accordance with difficulties and needs of individual persons.

## **V. Section of the report related to special obligations**

### **Article 31 – Statistics and data collection**

236. The Croatian Bureau of Statistics for the first time collected data on persons with disabilities in the 2001 Census of population, households and flats (disability definition from the census methodology is reported in Articles 1-4). For persons with disabilities, responses to questions on “the cause of disability” and “physical mobility of the disabled person” were collected. Based on the data collected in the Census, aggregated statistical data and indicators were made and published, and the study titled “Population by disabilities” was made. Data were obtained on the basis of the statement of a person who provided data to the census taker and as such provide only general picture on persons with disabilities in the territory of the RC. (Table 1 in annex II).

237. In the Census of Population, Households and Flats, that was conducted in April 2011, the number of questions relating to persons with disabilities was increased, and in the census form filled in for each person, 6 questions related to persons disabilities were foreseen, as follows: whether the person, due to some long-term disease, disability or old age, has difficulties in performing activities of daily living; type of difficulties; physical mobility of the person; cause of difficulties; whether the person needs help of other persons in performing activities of daily living; whether the person uses help of others in performing activities of daily living.

238. Availability of appropriate data on disability is a precondition for planning appropriate measures and adopting a programme for persons with disabilities. Recognising this problem, the RC adopted the Law on the Croatian Registry of Persons with Disability (2001) which is kept in the CNIPH, Department for the prevention of disability, which started its operations in the middle of 2002. Data in the CRPD are collected from competent bodies from the field of healthcare, social welfare, education, MFVAIS, CPII, MHSW and MSTI. The CRPD consists of the general part where general information about the person is entered and the special part where data about the types of physical and mental impairments are entered. The information system of the CRPD was also made, which satisfies all set functional requirements and enables flexibility in the preparation of reports. After adoption of the Law on Personal Data Protection (2003), an increasingly large number of findings without the Unique Master Citizen Number (JMBG) arrives to the CRPD<sup>25</sup>. Because of this, a possible error in unambiguous linking of a person and marking the number of deceased persons, which arises from the inexistence of the stated identifier, amounts to 3%. The CNIPH statistically processes all gathered parameters on persons with

<sup>25</sup> Unique Master Citizen Number is the citizen number for the purpose of their unambiguous identification.

disabilities in accordance with the Law on the Croatian Registry of Persons with Disability (2001), and data are accessible to all interested persons on CNIPH web pages.

239. In cooperation with CSOs, the manner of keeping the Registry of patients with neuromuscular diseases in the CNIPH was determined.

240. In annex IV there are summaries of relevant researches and most significant scientific and professional papers related to persons with disabilities.

## **Article 32 – International cooperation**

241. In addition to ratifying the UNCRPD, the RC also confirmed its commitment to full realisation of fundamental human rights of persons with disabilities by adopting other international documents including the CEAP. With the purpose of best harmonisation of regulations and laws related to persons with disabilities with adopted international documents, amendments to the existing laws are proposed. Also, significant international documents and publications are translated and published and distributed to associations of persons with disabilities. The Croatian representative in the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH) and subordinated body of this forum – Committee on Protecting and Promoting the Rights of Women and Girls with Disabilities (CAHPAH – WGD) actively participates in their work.

242. United Nations principles on the protection of persons from mental illnesses are included in all strategic national documents in the field of health protection and social welfare and are widely applied in practice.

243. In November 2011, within a special mechanism of the universal periodic review of the Human Rights Council (UPR), the RC successfully presented its national report. Regarding recommendations in the part related to the rights of persons with disabilities (implementation of deinstitutionalisation, strengthening policies and measures in the field of persons with disabilities), it is noted that they all enjoy support of the RC.

244. Persons with disabilities participate on an equal basis in all international initiatives in which the RC is included, such as campaigns<sup>26</sup>, marking international years and dates<sup>27</sup>, conferences and study visits<sup>28</sup>. Consequently, state administration bodies organise and implement on the national level activities directed at the well-being of persons with disabilities, in accordance with recommendations of international bodies and organisations and national priorities.

245. Active contribution to promoting CSOs and encouraging international cooperation and strengthening civil dialogue is provided by the EU-RC Joint Advisory Committee, the scope of work of which includes all economic and social issues related to the Stabilisation and Association Agreement.

246. Through Operative programme “Human Resources Development” within pre-accession assistance instrument IPA 2007 – 2011 the following projects are implemented currently: Encouraging more intense activation of persons with disabilities in the labour market (service agreement) – EUR 812,855; Encouraging more intense activation of persons with disabilities in the labour market (agreement on granting non-repayable funds) – EUR 1,351,738; Establishing support in social inclusion and employment of socially

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<sup>26</sup> Council of Europe campaign “All different/all equal”, Campaign against corporal punishment of children, Council of Europe campaign to stop sexual violence against children.

<sup>27</sup> European Year of Intercultural Dialogue.

<sup>28</sup> “Combating poverty in Europe”, 2009.



vulnerable and marginalised groups (service agreement) – EUR 1,189,193; Establishing support in social inclusion and employment of socially vulnerable and marginalised groups (agreement on granting non-repayable funds) – EUR 1,630,132; Inclusion of pupils with difficulties in education for employment (service agreement) – EUR 845,733; Inclusion of pupils with difficulties in education for employment (agreement on granting non-repayable funds) – EUR 1,318,273.

247. In 2009, the NFCSD opened the European Centre for Cross-Sectoral Cooperation (IMPACT) – an excellence centre for education on building cooperation and partnership between public, business and non-profit sectors and as a resource centre for informing, sharing knowledge and encouraging public discussions on key achievements and challenges in the cross-sectoral cooperation field. IMPACT conducts continuous programmes of education in cooperation with a number of domestic and international institutions. Various trainings, held with the aim to increase capacities of CSOs, among which also workshops on the implementation of projects funded by the EU, are also joined by associations of persons with disabilities<sup>29</sup>. Every year, the NFCSD publishes a tender (public call for interest) “Knowledge without limits” through which participation of Croatian associations in international conferences and arrival of international experts to the RC are funded (Table 1 in annex II).

### **Article 33 – National implementation and monitoring**

248. State administration bodies are responsible for the implementation of the UNCRPD in accordance with their scope of work and authorities, and they ensure funds for the implementation of activities directed at the improvement of the quality of life and equalising opportunities for persons with disabilities in their budgetary positions. In line with the joint role of NSEOPD coordinators, shared by the MFVAIS and the CPDGRC, they also took the role of coordinating the UNCRPD implementation.

249. The CPDGRC was established in 1997 as an advisory and professional body of the GRC, the task of which is to provide propositions, opinions and professional elaborations from the field of the position, protection and rehabilitation of persons with disabilities and their families and to implement activities directed at their well-being. The CPDGRC consists of 24 members, of which 11 are representatives of state bodies, 11 representatives of national unions of persons with disabilities and 2 representatives of scientific institutions; of this number, 6 members are persons with disabilities. The structure and composition of CPDGRC members is one of numerous confirmations of the RC’s commitment to equal and active participation of persons with disabilities and their representatives in the formation and implementation of the national policy for persons with disabilities.

250. The Ombudsman, in accordance with the Law on the Ombudsman (1992), is the mandatory of the Croatian Parliament for the promotion and protection of human rights and freedoms determined by the Constitution, laws and international legal acts on human rights and freedoms that have been adopted by the RC, and by the International Coordinating Committee of National Human Rights Institutions with the Office of the United Nations High Commissioner for Human Rights it is certified as the national institution for the protection and promotion of human rights with “status A”.

<sup>29</sup> For example, trainings are conducted by TACSO (Technical Assistance for Civil Society Organisations) Office in the RC.

251. Based on the Law on the Ombudsman for Persons with Disabilities (2007), the OOPD was established, and by the decision of the Croatian Parliament, the Ombudsman (Ombudswoman) was appointed, who assumed her duties as of 1st July 2008. The OOPD is an independent body, the main task of which is the monitoring, promotion and protection of the rights of persons with disabilities and in this way, it represents a mechanism for the protection of human rights of persons with disabilities which they may contact directly and through which they may advocate their rights and influence making decisions that affect their lives. In her work, the Ombudsman for Persons with Disabilities has authority that the Ombudsman does not have – the right to access facilities and to get insight into the manner of providing care for persons with disabilities who reside, work or are temporarily, or permanently, placed with natural and legal persons and other legal entities on the basis of special regulations. The Ombudsman submits the annual report for adoption to the Croatian Parliament.

252. The GRC respects non-governmental, non-profit organisations of persons with disabilities as competent and professional partners in the development of policies, and develops partnership relations with them in the decision-making process in order to protect the rights and dignity of persons with disabilities in the most appropriate way. In the Registry of NGOs of the Republic of Croatia there were 403 associations of persons with disabilities registered, as at 19th May 2011. This number indicates the efforts that persons with disabilities make directed at improvement of living conditions, as well as their readiness to make full contribution to the progress of the community they live and act in.

253. In addition to the fact that persons with disabilities are members of a number of working groups for producing propositions of legal regulations, national and local strategic documents, representatives of national unions of persons with disabilities<sup>30</sup> also participated in the production of this Report.

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<sup>30</sup> CUAPD, Croatian Union of Physically Disabled Persons Associations, Croatian Association of the Deaf and Hard of Hearing, Croatian Association of the Blind, Croatian Association of Societies for Persons with Mental Retardation, Union of Muscular Dystrophy Societies of Croatia, Union of Croatian Multiple Sclerosis Associations, Croatian Union of work-disabled and Croatian Union of Associations of persons with cerebral palsy and polio.