

## Coalition for the Protection and Promotion of Human Rights - CROATIA

### Political criteria

Subject	Report 2008	Follow-up 2009
<b>Democracy and the rule of law</b>		
<i>Parliament</i>		
Electoral reform:	<ul style="list-style-type: none"> <li>• some legislative improvements are needed to ensure adequate verification and updating of residence data for the electorate roll</li> <li>• Parliament nomination of three new judges to the Constitutional Court held with limited parliamentary and public scrutiny</li> </ul>	<ul style="list-style-type: none"> <li>• In relation to maintaining voter's lists, there have been no serious improvements neither in the part of improving the legislative framework nor improvements in the field. The problem of maintaining and updating voter's lists, with an emphasis on the problem of fictitious resident's registrations, has appeared again in the eve of the 2009 local elections held in May. Competent institutions failed to timely update the voter's lists in the course of 2008, which was one of the measures (no. 16.1) of the National Programme for Protection and Promotion of Human rights 2008-2011.</li> <li>• It seems that the appointment of the Constitutional Court judges is still subject to political influences, and that criteria for the elections of judges are insufficiently transparent and adjusted to particular candidates.</li> </ul>
<i>Government</i>		
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<i>Public Administration</i>		
Public administration reform	<ul style="list-style-type: none"> <li>• major weaknesses in administrative procedures</li> <li>• de-politicisation of public administration still at an early stage</li> <li>• weak management and administrative capacity of institutions in charge with reform</li> </ul>	<ul style="list-style-type: none"> <li>• Despite very limited progress achieved in certain spheres of activities, public administration is still characterized by unreasonable lengths of administrative proceedings at all levels, lack of transparent</li> </ul>

	<ul style="list-style-type: none"> <li>• need for clear political commitment</li> </ul>	<p>work, illicit and unprofessional actions undertaken by the public administration bodies, selective approach in deciding upon requests of citizens and setting out a too broad internal field of margin of appreciation belonging to competent bodies', not abiding by provisions of the Law on General Administrative Procedure and similar, which negatively affects legal safety of citizens and the rule of law.</p> <ul style="list-style-type: none"> <li>• The new Law on General Administrative procedure was adopted in 2009, to be applied starting 01 January 2010.</li> <li>• Quality implementation of all measures and achieving goals set in the Public Administration Reform Strategy 2008-2011 appear to be very problematic and too ambitious.</li> <li>• It is essential to achieve actual de-politicization and ensure public work of state administration.</li> </ul>
Civil Service Law	<ul style="list-style-type: none"> <li>• still incomplete legal basis for building a modern and professional civil service</li> <li>• need of improvement as regards Civil Service salaries system is required and the draft Law on Civil Service Salaries has not yet been adopted</li> <li>• no coherent implementation of the Civil Service Law</li> <li>• civil service suffers from high staff turnover and lack of qualified personnel</li> </ul>	<ul style="list-style-type: none"> <li>• No significant progress achieved compared to 2008.</li> <li>• The Law on Civil Service Salaries has not been adopted, while the draft of the Law has been a subject of certain criticism by NGO sector representatives.</li> <li>• Fluctuation of civil service employees is also preconditioned by relatively low salaries compared to those in other sectors. Ensuring qualified staff, amongst other, depends on permanent education and recruitment and employment of persons who possess necessary qualifications, while the process itself requires de-politicization and implementation without the assessment of political and other similar candidates' suitability.</li> </ul>

Public administration capacities	<ul style="list-style-type: none"> <li>insufficient capacities for human resources management</li> <li>very limited delegation of decision-making responsibilities from the managerial level to civil servants</li> </ul>	<ul style="list-style-type: none"> <li>Public administration human resources are very limited, while their work is often characterized by the lack of professionalism and competence as well as the lack of implementation of regulations, e.g. lack of implementation of the administrative proceedings when deciding, verbal announcements of decisions and similar. One of the key problems is lack of system of responsibility of civil service employees for their work, i.e. lack of implementation of such system in practice.</li> <li>The competence of some state administration bodies employees at local levels, who often lack necessary knowledge to conduct administrative procedures in quality manner and to bring valid decisions (employees are not jurists by profession) while there are no sanctions or questioning of responsibility for mistakes and damages committed at beneficiaries account is questionable.</li> <li>Decisions of the Administrative Court of the Republic of Croatia not considered obligatory for 2nd degree, i.e. 1st degree bodies contribute to unreasonable lengths in procedures for citizens in processes of accessing and protection of their rights.</li> </ul>
Decentralisation process	<ul style="list-style-type: none"> <li>delays in its implementation</li> <li>more efforts needed</li> </ul>	
<i>Civilian oversight of security forces</i>		
Reform of the security and intelligence system	<ul style="list-style-type: none"> <li>No proper balance between the legitimate interest of the state to protect certain information and the right of the public to have access to it</li> </ul>	
Civilian control over security services	/	
<i>Judicial system</i>		
Judicial reform	<ul style="list-style-type: none"> <li>adequate monitoring of the judicial reform strategy not possible due to weak administrative capacity</li> <li>need for implementation and concrete results</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Justice has been undertaking a series of measures envisaged in revised 2008 Action Plan for Justice Reform.</li> </ul>

	<ul style="list-style-type: none"> <li>• large case backlog and excessive length of judicial procedures</li> <li>• need for further improvements in the accountability, professionalism and competence of the judiciary</li> </ul>	<p>To achieve concrete results and conduct evaluation of success of measures implemented, necessary in the process of overcoming numerous problems inherited from the past, will take several more years.</p> <p>It is necessary to improve the existing responsibility system for those employed within judicial bodies.</p> <ul style="list-style-type: none"> <li>• It seems that in the process of appointing judges there is still lack of transparency as well as a too broad internal field of margin of appreciation of the State Judicial Council.</li> <li>• Court proceedings are still burdened by unreasonable lengths, somewhat difficult access to justice (high court fees and lawyers tariffs) and insufficiently applied system of free legal aid.</li> <li>• Investigations on corruption in certain parts of judiciary are insufficiently or not at all conducted, e.g. in the Land registry where there have been cases of ownership over certain property not being registered in accordance with the law.</li> </ul>
War crimes	<ul style="list-style-type: none"> <li>• many remain unprosecuted, due to a combination of a lack of evidence, unwillingness of witnesses to come forward, due to intimidation, and unwillingness or reluctance of police and prosecutors</li> <li>• issue of <i>in absentia</i> verdicts from the 1990s not yet adequately addressed</li> <li>• limited use of the possibility to transfer cases from local to specialised war crimes courts</li> </ul>	<ul style="list-style-type: none"> <li>• Despite certain progress, problems noticed in the previous period still remain. It appears that politics and the media still have a certain negative influence on the processing of cases, as well as on the general social climate in this respect.</li> <li>• Recent verdict in the case of rape after the operation „Storm“ and statement of grounds which described this as „an ugly event“ and not a war crime as well as punishment prescribed, speak of continuing problems in processing war crimes or crimes committed in that period.</li> <li>• Direct and indirect forms of intimidation of witnesses and victims are still present.</li> </ul>

		<ul style="list-style-type: none"> <li>• The media still continues to report about proceedings in a sensational manner and unduly provide a large space to suspects and those convicted of committing crimes.</li> <li>• Plaintiffs that filed lawsuits against the state in cases of war crimes committed against their family members tend to lose cases and are forced to pay high amounts in court fees.</li> </ul>
<i>Anti-corruption policy</i>		
Anti-corruption programme	<ul style="list-style-type: none"> <li>• corruption remains widespread</li> <li>• insufficient administrative capacity of state bodies for fighting corruption</li> <li>• lack of strong co-ordination and efficient non-partisan monitoring</li> <li>• low number of prosecutions</li> <li>• further efforts required in tackling high level corruption</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Justice initiated and is in the process of implementing a public campaign aimed to combat corruption.</li> <li>• Several court proceedings are conducted against certain individuals and groups in cases of corruption; however, it appears that spectacular announcements of processing such cases and minor results achieved tend to characterize all proceedings initiated so far.</li> <li>• Still, it seems that the problem of corruption is deeply imbedded, that most problems from the previous period remain unsolved and that there are still a very small number of court proceedings in cases of corruption applied / related to high political and state officials.</li> <li>• Allegations of corruption from the period of transformation and privatization of state-owned companies are insufficiently or not at all investigated.</li> </ul>

<b>Human rights and the protection of minorities</b>		
<i>Observance of international human rights law</i>		
European Court of Human Rights	<ul style="list-style-type: none"> <li>• 29 judgements against Croatia</li> <li>• violations of the right to a fair trial</li> <li>• length of proceeding</li> </ul>	
Promotion and enforcement of human	<ul style="list-style-type: none"> <li>• affected by the poorly functioning judiciary</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation of judiciary and public</li> </ul>

rights		<p>administration reforms in practice are key elements in the process of strengthening human rights.</p> <p>The situation of human rights is largely defined by a large number of problems in the work of judiciary and public administration, and still frequently immanent negative influence of politics in their work.</p> <ul style="list-style-type: none"> <li>• The Croatian Parliament just recently acknowledged the Activity Report of Ombudsman for 2007, which indicates a certain degree of disregard of this crucial institution for protection of citizen's rights.</li> </ul>
<i>Civil and political rights</i>		
Prevention of torture and ill-treatment	<ul style="list-style-type: none"> <li>• increased number of complaints from citizens regarding the excessive use of force by the police</li> <li>• a prominent case of forced hospitalisation brought into question the functioning of the police and institutions of the health and social system</li> <li>• many war crimes still unprosecuted</li> </ul>	
Access to justice	<ul style="list-style-type: none"> <li>• obstructed by attorneys' tariffs</li> </ul>	<ul style="list-style-type: none"> <li>• Access to justice is burdened by high court's fees and lawyer's tariffs, but in a number of cases also by distrust in judiciary and institutions of public administration.</li> <li>• The Law on Free Legal Aid is applied since 1 February 2009.</li> </ul> <p>The system has not been fully operational yet so the assessment of its efficiency and quality is still impossible to conduct.</p> <p>A substantial number of NGOs evaluated the system, i.e. provision of free legal aid, overly bureaucratic and complex, while determined amounts for provision of free legal aid services are extremely insufficient, which could have a negative affect on the quality and quantity of provision of services.</p> <p>Non-profit organizations were not provided with funds covering indirect expenses for</p>

		<p>„cold running“, which can negatively affect the sustainability of the very organizations and their contribution to the system of free legal aid. Low compensations for attorney's services determined within the framework of this system have a de-motivating affect on a number of attorneys.</p> <ul style="list-style-type: none"> <li>• Implementation of rationalization of the existing network of courts has practically commenced in 2009.</li> </ul> <p>There are certain fears that downsizing in number of courts will have a negative effect in accessing courts and justice in some parts of the country.</p>
Prison system	<ul style="list-style-type: none"> <li>• need for improvement</li> <li>• lack of capacity</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Justice conducted controls have determined oversights in security parts of the system and in use of different forms of privileges available to prisoners, including weekend-releases without control, which resulted in replacement of responsible officials.</li> <li>• Prisoners are often released from prison or awarded with „leave“ without previously informing the victims of violence, Centers for Social Welfare and local police precincts</li> </ul>
Freedom of expression	<ul style="list-style-type: none"> <li>• more prominent cases of physical attacks as well as death threats against journalists</li> <li>• two murders of journalists</li> </ul>	<ul style="list-style-type: none"> <li>• A number of threats against journalists and activists of civil society organizations have been reported.</li> <li>• It appears that a significant number of media, actually journalists and editors, are still under significant influence of different interest (political and other) groups, which reflects on their professional and impartial informing of the public.</li> </ul>
Freedom of assembly and association	/	
Civil society organisations	<ul style="list-style-type: none"> <li>• difficulty influencing policy debate and relatively weak in analytical capacity</li> </ul>	<ul style="list-style-type: none"> <li>• In some situations, civil society organizations are excluded from public discussions on law proposals or strategies for</li> </ul>

		<p>implementation of key laws and improvement of the status of accessing and protection of human rights (e.g. Action Plan for the Implementation of the Constitutional Law on National Minorities), or are included in such processes just so that the form of conducting public discussion is satisfied (e.g. discussions on the proposal of the Gender Equality Law).</p> <p>Capacities of a large number of organizations, for the purpose of instigating changes and strengthening of democratic system of values as well as influence on the public and participation in decision-making processes in key areas, are largely limited in human resources and financial means.</p> <p>Nonetheless, civil society organizations played a major role in the process of ensuring public discussions on certain law proposals and public policies (e.g. in the process of adoption of the Law on Golf Courses, which in certain cases envisages a possibility of limiting, i.e. seizure of property).</p>
Freedom of religion	/	
<i>Economic and social rights</i>		
Women's rights	<ul style="list-style-type: none"> <li>• increase in the reported number of acts of family violence</li> <li>• Croatia remains a country of transit and destination for female victims of trafficking</li> <li>• need for more effective implementation of gender equality policy in the field of employment</li> </ul>	<ul style="list-style-type: none"> <li>• Protocol on actions taken in cases of violence against women are generally not applied (violence is in majority of cases reported by the victim alone, but not social workers, doctors, education staff and others listed in the protocol).</li> <li>• A number of reports by women on cases of sexual violence and harassments is increasing, but the State Attorney's Office is facing difficulties in processing such cases.</li> <li>• Health protection of women, as well as women with disabilities, is burdened and not a priority, often inaccessible; the existence of</li> </ul>

		<p>different architectural obstacles preventing the access to certain institutions to persons with disabilities is frequent, waiting lists for medical specialist's exams are long, while the women's health prevention are on a very low level.</p> <ul style="list-style-type: none"> <li>• Women are still underrepresented in all decision-making bodies at all levels.</li> </ul> <p>It appears that the Gender Equality Law, which came into force in 2008, has no effect in changing the existing practices but it enables their continuance in the future period.</p>
Children's rights	<ul style="list-style-type: none"> <li>• need for more resources</li> <li>• problems of violence in the family</li> <li>• weak, understaffed and overburdened social welfare institutions and correctional facilities</li> <li>• judicial backlogs and lack of trained judges</li> <li>• lack of data on child poverty</li> </ul>	<ul style="list-style-type: none"> <li>• A public campaign aimed against physical punishment of children has been initiated and is being implemented.</li> <li>• Children are exposed to high risks growing up; the official program of education of children and youth on sexuality has not been envisaged nor implemented.</li> </ul>
Socially vulnerable or disabled persons	<ul style="list-style-type: none"> <li>• relevant legislation not sufficiently enforced</li> <li>• need for more progress in the field of de-institutionalisation</li> </ul>	<ul style="list-style-type: none"> <li>• Problems registered in the previous period still remain.</li> </ul>
Labour and trade union's rights	<ul style="list-style-type: none"> <li>• workers' rights still negatively affected by a weak labour inspectorate and a poorly functioning judiciary</li> </ul>	<ul style="list-style-type: none"> <li>• Problems registered in the previous period still remain.</li> </ul>
Non-discrimination policies	<ul style="list-style-type: none"> <li>• anti-discrimination legislation generally not applied vigorously</li> <li>• no statistics on judicial cases to track the nature and extent of discrimination</li> <li>• marginal support to the victims of discrimination</li> <li>• protection against discrimination in practice and its judicial prosecution not in line with EU standards</li> </ul>	<ul style="list-style-type: none"> <li>• Comprehensive Law on Combating Discrimination was adopted in 2008 and is being applied since 1 January 2009. Interested organizations participated in the public discussion on the draft of the Law, while the competent institutions actively express interests for cooperation in processes of promotion and implementation of legal provisions in practice.</li> </ul> <p>At the end of 2008, National Plan for Combating Discrimination 2008-2013 and Action Plan for the implementation of the National Plan for Combating Discrimination 2008-2009 have been adopted.</p>

Right to property	<ul style="list-style-type: none"> <li>• outstanding cases of delayed property repossession</li> <li>• problems with compensation for the use of private property taken under war legislation from the 1990s</li> <li>• lack of proper administrative decisions issued for persons applying for housing care and compensation for the use of their property</li> </ul>	<ul style="list-style-type: none"> <li>• Despite certain improvements, problems registered in the previous period still remain.</li> <li>• Improvements in the process of repossession of property seized during Yugoslav Communist Rule are almost insignificant.</li> <li>• The process of repossession of private housing facilities and agriculture land placed under the Republic of Croatia administration during 1990' is still not completely finalized.</li> <li>• Administrative mechanisms for repossession of moveable property of displaced persons placed under the Republic of Croatia temporary administration during 1990' have not been established.</li> </ul>
<i>Minority rights, cultural rights and the protection of minorities</i>		
Minorities	<ul style="list-style-type: none"> <li>• mixed picture of the implementation of the CLNM</li> <li>• underrepresented in state administration, judiciary and police</li> <li>• lack of a long-term strategy to implement minority employment provisions of the CLNM</li> <li>• need to increase the recognition and independence of the CNMs</li> </ul>	<ul style="list-style-type: none"> <li>• Despite certain improvements, problems registered in the previous period still remain.</li> <li>• Representatives of local minority organizations and institutions (councils and individual representatives of national minorities) were not involved in the process of adopting the Action Plan for the Implementation of the Constitutional Law on National Minorities, nor have they been informed on the content of this document since the confidentiality label was never removed.</li> </ul> <p>Despite the fact that majority of measures should have been implemented in the course of 2008, results of the implementation of the Action Plan have not been officially introduced.</p> <ul style="list-style-type: none"> <li>• The process of synchronizations of units of local self-government and regional self-government statutes with the provisions of the Constitutional Law on National Minorities has not been fully implemented.</li> <li>• A certain number of councils and individual</li> </ul>

		<p>representatives of national minorities at local levels have not been accepted as legitimately elected minority bodies with advisory role in relation with local authorities.</p> <p>A certain number of councils and individual representatives of national minorities lack human resources and sufficient financial means and working technical equipment.</p> <ul style="list-style-type: none"> <li>• National minorities are still significantly underrepresented in the state administration, judiciary and police force.</li> <li>• Before the local elections held in May 2009, the government of the Republic of Croatia issued a Conclusion ordering consistent application of the Article 20, Paragraph 7 of the Constitutional Law on National Minorities by issuing a Conclusion, which states that figures on percentage portion of minorities in voter's lists are to be used as relevant for accessing minority representation in representative bodies and executive authorities of the units of local self-government, and not the figures from the Census conducted in 2001, as decided by the Conclusion of the Government in 2005.</li> <li>• Comments of a certain number of persons belonging to national minorities have been registered referring to the fact that in voter's list their ethnicity has not been registered and is registered as „unknown“, which may reflect on (inability to)access certain minority rights prescribed by the Constitutional Law on National Minorities.</li> <li>• Insufficient attention is paid to the position and problems of persons belonging to other national minorities, other than Serb and Roma minorities.</li> <li>• The problem of acquiring the status of a</li> </ul>
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		<p>citizen, i.e. citizenship to a certain number of persons belonging to national minorities (Bosniaks, Serbs...) born in the Republic of Croatia remains unresolved, which negatively affects accessing their personal rights as well as the rights of persons belonging to national minorities guaranteed by the Constitutional Law on National Minorities.</p>
Cultural rights	<ul style="list-style-type: none"> <li>• little progress regarding the production/broadcasting of programmes in minorities' languages by public radio/TV stations</li> </ul>	<ul style="list-style-type: none"> <li>• The trend of increased funds on annual level, allocated from the state budget to minority organizations and institutions through Council of national Minorities, for accessing cultural autonomy of minorities continued.</li> <li>• No progress has been registered in production / broadcasting programs in minority languages on public radio / television stations.</li> <li>• No progress has either been registered regarding the official equal usage of minority language and script.</li> <li>• Regulations which would precisely regulate registration of schools in minority language and script (a longstanding problem related to rights of Serb minority in Eastern Croatia) have not been established.</li> </ul>
Serb minority	<ul style="list-style-type: none"> <li>• number of ethnically motivated incidents over the summer</li> <li>• discrimination concerning access to employment, especially in the public sector</li> <li>• need for appropriate measures to be taken for those subject may still be subject to threats or acts of intimidation</li> </ul>	<ul style="list-style-type: none"> <li>• No serious progress has been achieved in resolving the problems faced by persons belonging to Serb national minority.</li> <li>• Although discrimination in the field of employment is difficult to prove, a large number of unemployed, particularly younger, persons; cancellation of tenders when they are the best candidates and often vague criteria for choosing candidates under the equal conditions, indicates certain form of discrimination against persons belonging to Serb national minority in cases of</li> </ul>

		<p>employment in the public sector.</p> <ul style="list-style-type: none"> <li>• Media reporting and processing of particular topics is often done in a negative context and contain different forms of hate speech and intolerance.</li> </ul> <p>Persons belonging to and representatives of Serb national minority, their activities and problems are often marginalized in national radio and television programs.</p> <p>It is necessary to undertake actions such as monitoring, sanctioning and unquestionably condemning different forms of hate speech and intolerance aimed towards Serb as well as other minorities.</p>
Refugees	<ul style="list-style-type: none"> <li>• obstacles to sustainable return of Serb refugees, housing, employment, enduring hostility in certain localities and "convalidation", or the validation of working years concerning pension rights</li> </ul>	<ul style="list-style-type: none"> <li>• Removing obstacles for sustainable return and ending the process of minority returns progresses slowly, and is largely determined by problems in the work of administrative bodies and problematic political-legislative frameworks.</li> <li>• The problem of refugees should be considered also in relation to persons belonging to other national minorities, especially those deprived of acquiring citizenship of the Republic of Croatia, due to which they lost other rights such as to one to residence, shares in companies they worked, working positions and acquired rights in fields of health care, pensions and social insurance.</li> <li>• Key problems in monitoring and assessing the achieved results of the implementation of the housing care programs are lack of transparency in the work of the competent Ministry and their regional offices as well as inaccessibility to relevant information. Despite the fact that the Ministry of regional Development, Forestry and Water Management drafted a Catalogue of</li> </ul>

		<p>Information in August 2008, with description of the content, intention, manners of insurance and timelines for accessing rights to access information per organized units of the Ministry, accessing rights relevant information through, for example web-page of the Ministry or through a request on the basis of the Law on Accessing Information remains limited or impossible.</p> <p>The Law on Areas of Special State Concern from 2008 prescribed more restrictive conditions for accessing rights on housing care in Areas of Special State Concern in relation to the earlier legislative framework. The provisions of the Law from 2008, prescribing that the occupant of the state-owned apartment received on the basis of the Law on Lease of Apartments in the Liberated Territory with the condition to occupy and reside in it for the period not less than 10 years since the decision was issued and possess no other residential property in the area of the Republic of Croatia, may access the right on housing care through an allocation of a family house or a state-owned apartment, could be observed in the sense of direct or indirect discrimination in relation to minority returnees, since that provision cannot be applied on them.</p> <p>The apartment's lease contracts offered are of temporary character and certain provisions are contrary to the Law on Lease of Apartments.</p> <p>Before signing the lease contracts, competent regional offices request provision of a number of documents, although clients have already provided them when submitting request for housing care.</p> <p>Fees for foreigners (returnees) for the</p>
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		<p>approval of temporary and permanent residence in the Republic of Croatia have increased significantly (e.g. for temporary residence from 150,00 HRK to 500,00 HRK).</p> <p>Specific problem also lies in the fact that despite positive courts' rulings, acknowledging former tenancy/occupancy rights holders in Vukovar the status of a protected lessee, competent regional Office in Vukovar disregard such court's rulings and allocates the apartments of former tenancy/occupancy rights holders who are in status of a protected lessee to other beneficiaries, i.e. housing care applicants. On the basis of decisions of the Constitutional and Supreme Courts of the Republic of Croatia, former tenancy/occupancy rights holders who have not received housing care in apartments over which they possessed tenancy/occupancy right and who have not been acknowledged the status of a protected lessee, have the possibility to initiate court proceedings for the eviction of temporary occupants to whom the apartments were allocated within the framework of the implementation of the housing care programme. Such practice of the Constitutional and Supreme Courts of the Republic of Croatia and also lower courts, question the implementation of the housing care programme in once state-owned apartments in the former UNTAES areas, as well as results achieved in that matter.</p> <p>Purchase of apartments, as a form of housing care of former tenancy/occupancy rights holders outside Areas of Special State Concern, for which almost 50% of the total</p>
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		<p>number of applicants opted, still lacks legal regulations.</p> <ul style="list-style-type: none"> <li>• Revision of the state budget significantly decreased funds intended for reconstruction and housing care of returnees, which will probably additionally slow already slow pace of returns.</li> <li>• Large number of unsolved appeals in processes of accessing rights on reconstruction of family houses damaged or destroyed during the war still remains.</li> <li>• Employment opportunities for employment and self-employment of returnees are very slim or almost nonexistent.</li> <li>• Despite the fact that a certain number of convalidation of working years requests have been positively resolved, a number of problems have been registered in unequal practice in the work of Croatian Pension Fund branch offices, lack of evidentiary material regulations on which grounds the decision is being issued and bleak or almost without any explanations decisions in convalidation proceedings.</li> </ul>
Roma minority	<ul style="list-style-type: none"> <li>• still excluded from mainstream Croatian society</li> <li>• discrimination: employment, housing, schooling, general attitudes in society</li> <li>• coordination among Roma groups should be enhanced and their expertise for effective implementation strengthened</li> </ul>	<ul style="list-style-type: none"> <li>• A significant progress has been achieved in the process of implementation of National Programme for Roma as well as the strategy Decade of Roma Inclusion measures, particularly in the fields of housing and education.</li> </ul>

<b>Regional issues and international obligations</b>		
Dayton/Paris and Erdut Agreements	/	

ICTY	<ul style="list-style-type: none"> <li>• some problems of access by ICTY to certain documents in Croatia</li> <li>• obstacles to the transfer of cases and extradition of suspects in cases of war crimes and crimes against humanity exacerbate the problem of impunity</li> </ul>	
International Criminal Court	/	
Sarajevo Declaration	<ul style="list-style-type: none"> <li>• need for further efforts to resolve issues of compensation claims</li> </ul>	<ul style="list-style-type: none"> <li>• No progress has been achieved in the issue of resolving remaining open questions and the representatives of the Republic of Croatia often state that for them the process initiated by the Sarajevo Declaration is complete and that the remaining issues are not to be observed in political but in technical context of the implementation of envisaged measures.</li> <li>• The issue of resolving compensation requests for lost tenancy rights is not being observed in the sense of applying the practice of Croatian Courts, e.g. the verdict of the Supreme Court of the Republic of Croatia from 1971, which states that „tenancy right and property right, therefore unlawful loss of such right poses a valid basis for damages compensation“, or the decisions of the Constitutional Court of the Republic of Croatia from 2006 which determined that tenancy right, by its nature, is property right and that the right on the purchase of the apartment is a property natured right, thus containing the possibility for accessing ownership right.</li> </ul>
Regional cooperation	/	<ul style="list-style-type: none"> <li>• Almost no progress has been achieved in the process of fulfilling obligations from Annex G of the Agreement on the Succession Issues of Former SFRY, related to recognition of all property and acquired rights of citizens and legal entities of former SFRY, largely contributed by courts including the practice</li> </ul>

		<p>of the Constitutional Court of the Republic of Croatia.</p> <ul style="list-style-type: none"> <li>• Lack of implementation of the Annex G of the Agreement on the Succession Issues largely affects (dis)respect and (non) acknowledgment of property and acquired rights of foreigners and refugees from the Republic of Croatia who are mostly persons belonging to national minorities.</li> </ul>
<b>Bilateral relations with other enlargement counties and neighbouring Member States</b>		
<i>Serbia</i>	<ul style="list-style-type: none"> <li>• affected by Croatia's decision to recognise Kosovo</li> <li>• no progress in delimiting the border</li> <li>• open matters: property related issues, refugee return and Croatia's genocide lawsuit</li> </ul>	
<i>Montenegro</i>	/	
<i>Bosnia and Herzegovina</i>	<ul style="list-style-type: none"> <li>• no progress on border issues (Veliki Skoj, Mali Skoj, Una river border), property , refugees and Peljesac bridge project</li> </ul>	
<i>Slovenia</i>	<ul style="list-style-type: none"> <li>• outstanding border issues</li> <li>• neither agreement on the body to be entrusted with arbitration nor on the precise subject of final arbitration</li> <li>• no progress in resolving the open issues of Ljubljanska Banka/SFRY Succession Agreement</li> </ul>	
<i>Italy</i>	/	
<i>Albania, FYROM, Hungary</i>	/	

## Chapter 23: Judiciary and fundamental rights

<i>Judiciary</i>		
Independence of the judiciary	<ul style="list-style-type: none"> <li>• limited capacity to systematically interview candidates</li> <li>• the selection procedure for judges and prosecutors, judicial trainees, and court advisors remains deficient, lacking transparency and the application of uniform, objective criteria</li> <li>• no reassessment of the provisions on penal immunity for judges</li> <li>• need for transparency and accountability within the judiciary</li> </ul>	
Impartiality of judiciary	<ul style="list-style-type: none"> <li>• need to improve the transparency of disciplinary proceedings against attorneys</li> </ul>	
Professionalism and competence in the judiciary	<ul style="list-style-type: none"> <li>• lack of staff of the Judicial Academy</li> <li>• lack of resources and adequate premises of the Regional Centres of the Judicial Academy</li> </ul>	
Efficiency of the judiciary	<ul style="list-style-type: none"> <li>• high backlog on old cases</li> <li>• no clear results shown by the reform of civil procedure started in 2003</li> <li>• challenges faced by the handling of administrative cases</li> <li>• administrative Court not yet made a court of full jurisdiction</li> <li>• issue of enforcement cases as a major obstacle to the efficient functioning of the courts</li> <li>• no plan for the rationalisation of commercial courts, misdemeanour courts, county courts or state prosecution offices</li> <li>• limited progress in infrastructure and equipment of courts</li> </ul>	
Judicial reform	<ul style="list-style-type: none"> <li>• inadequate monitoring of it due to weak administrative capacity</li> <li>• lack of leadership and ownership in reform implementation</li> </ul>	
<i>Anti-corruption policy</i>		
Law	<ul style="list-style-type: none"> <li>• adopted action plan lacks measurable objectives to allow an effective monitoring</li> </ul>	

	<ul style="list-style-type: none"> <li>• no materialisation of the concrete effects of the guiding role which the Council should have within the anti-corruption policy implementation</li> <li>• an adequate system to deal with conflicts of interest remains still not in place</li> <li>• no public written, interpretative guidance of the current prohibitions for public officials regarding conflict of interests</li> <li>• need for increased transparency in public administration</li> <li>• need for clarification on the Right of the Law on Access to Information</li> <li>• provision of the UN Convention against Corruption not yet transposed into national legislation</li> </ul>	
Corruption	<ul style="list-style-type: none"> <li>• number of corruption cases prosecuted is still limited</li> <li>• need for the police to become more effective</li> <li>• inter agency cooperation requires further improvement</li> <li>• corruption remains widespread</li> <li>• lack of good governance, transparency and accountability in public administration and lack of ethics codes and codes of conduct in the public and private sectors</li> <li>• lack of a culture of political accountability</li> </ul>	
<i>Fundamental rights</i>		
Ombudsman	<ul style="list-style-type: none"> <li>• lack of funding and personnel</li> <li>• the Government Office for Human Rights and the one for National Minorities should be reinforced</li> </ul>	
Prohibition of torture, inhuman and degrading treatment and punishment	<ul style="list-style-type: none"> <li>• Need for improvement in prison conditions</li> </ul>	
Respect for private and family life and communication	<ul style="list-style-type: none"> <li>• Need to strengthen the control of security services</li> </ul>	
The right to protection of personal data	<ul style="list-style-type: none"> <li>• Alignment with the Data Protection Directive and the instruments of the Council of Europe remains to be completed</li> </ul>	
Freedom of thought, conscience and religion	/	
Anti-discrimination	<ul style="list-style-type: none"> <li>• level of protection against discrimination in practice and its judicial prosecution not yet in line with EU standards</li> </ul>	
Freedom of expression and information	<ul style="list-style-type: none"> <li>• cases of threats and attacks against journalists</li> </ul>	

	<ul style="list-style-type: none"> <li>• undue political pressure on editors and journalists</li> </ul>	
Freedom of assembly and association	/	
Right to property	<ul style="list-style-type: none"> <li>• Process of restitution of property is slowly moving forward</li> </ul>	
Women's rights	<ul style="list-style-type: none"> <li>• further improvements in implementation need to be made</li> </ul>	
Children's rights	<ul style="list-style-type: none"> <li>• further improvements in implementation need to be made</li> </ul>	
The right to a fair trial/liberty and security	<ul style="list-style-type: none"> <li>• inconclusive discussions on the Legal Aid Law</li> </ul>	
Minority rights and cultural rights	<ul style="list-style-type: none"> <li>• Serb and Roma minorities face significant difficulties</li> <li>• need for legal provisions and programmes to be implemented with more determination, and adequate monitoring</li> <li>• weak implementation of the programmes</li> </ul>	