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Business and human rights

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Croatia



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1. What kind of judicial protection do I have in your country as a victim of business- related human rights violations? Does this protection include compensation?

Victims of human rights violations may seek judicial protection:

- in civil proceedings, in which they may be awarded compensation for damages, either material or non-material (non-material in case of personality rights violations [\[1\]](#));
- in [criminal proceedings](#), in which an injured party may lodge a claim for damages suffered as a result of the crime committed.

Article 1 of the Civil Procedure Act (*Zakon o parničnom postupku*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) Nos 53/91, 91/92, 112/99, 129/00, 88/01, 117/03, 88/05, 2/07, 96/08, 84/08, 123/08, 57/11, 25/13, 89/14, and 70/19) provides for that Act to regulate the procedural rules under which courts hear and deliberate in proceedings concerning fundamental human and citizen rights and obligations, personal and family relations of citizens, as well as labour, commercial, property and other civil law proceedings, unless deliberating on some of these under the rules of some other procedure is laid down by law. Furthermore, Article 185 of the Civil Procedure Act provides for civil proceedings to be initiated by filing action.

In employment-related proceedings, particularly when setting time limits and scheduling hearings, the court always pays special attention to the necessity of resolving employment disputes urgently.

2. Do you have specific rules for gross human rights violations? Do these rules apply to environmental crimes or severe labour exploitations?

Article 43 of the Criminal Procedure Act (*Zakon o kaznenom postupku*, NN Nos 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, and 126/19) provides a general catalogue of the rights of all victims of crime (the right to support services for victims of crime, the right to effective psychological and other expert assistance and support of the authorities, organisations or institutions providing assistance to victims of crime under the law, the right to protection from intimidation and retaliation, the right to protection of the victim's dignity while being interviewed as a witness, the right to be heard without undue delay after filing a criminal complaint, and the right for any further hearings to be carried out only to the extent necessary for criminal proceedings, the right to be accompanied by a trusted person during actions in which the victim is a participant, the right to have medical procedures kept to a minimum and carried out only where strictly necessary for the criminal proceedings, the right to file a motion for prosecution and private action under the provisions of the Criminal Code (*Kazneni zakon*), the right to participate in criminal proceedings as an injured party, the right to be informed of a dismissal of the criminal complaint and of the fact that the public prosecutor (*državni odvjetnik*) has desisted from criminal prosecution, and the right to take over criminal prosecution from the public prosecutor, the right to be notified by the public prosecutor of any actions taken on account of the victim's criminal complaint and to lodge a complaint with a higher public prosecutor, the right to be notified, upon request and without undue delay, of the suspension of the defendant's custody or pre-trial detention and escape, and of the convict's release from serving a prison sentence, as well as of any measures undertaken to

protect the victim, the right to be informed, upon request, of any final decision terminating the criminal proceedings and other rights laid down by law).

Article 44 of the Criminal Procedure Act lays down special rights of the victims of human trafficking (which may be committed for the purpose of exploiting someone's work through forced labour or servitude) who, in addition to the rights provided for in Article 43 of the Act, are also entitled to free consultation before being interviewed and to a free representative at the state's expense; to be questioned at the police or the public prosecutor's office (*državno odvjetništvo*) by a person of the same sex, and, if possible, by that same person if the interview is repeated; to not reply to questions that are not related to the crime and concern the victim's private life; to request to be interviewed by audio-visual means; to personal data protection; and to request the exclusion of the public from the proceedings.

Article 43a [of the Criminal Procedure Act] and the Rules on the methods of individual victim assessment (*Pravilnik o načinu provedbe pojedinačne procjene žrtve*, NN No 106/17, hereinafter: the Rules) lay down the procedure of individual victim assessment to determine the need for special protective measures in relation to the victim of a crime, and if such need is found to be necessary, to determine which special protective measures (including procedural protective measures, such as special questioning methods, the use of communication technologies to avoid visual contact with the perpetrator, the exclusion of the public from the proceedings, the questioning by a person of the same sex and, if possible, by that same person if the interview is repeated, being accompanied by a trusted person, personal data protection) should be applied, facilitating free consultation at the state's expense, and other measures provided under the law). The fact that serious crimes include, but are not limited to, *inter alia*, human trafficking and organised crime is taken into account, so they include environmental crimes if committed as part of a criminal association.

The protection of the rights of victims in the Republic of Croatia is guaranteed by criminal justice legislation, as well as by the Croatian Constitution (*Ustav Republike Hrvatske*), and their observance is guaranteed by national courts. Once all legal remedies available at the national level have been exhausted, victims may initiate proceedings before the European Court of Human Rights in Strasbourg as a last resort if they believe that one of their fundamental rights guaranteed by the European Convention on Human Rights has been violated at the national level.

3. I am the victim of a human rights violation resulting from activities carried out outside the European Union by a European transnational corporation. Do I have access to the courts in your country if I am not an EU citizen or I don't live in the EU? Under what conditions can I claim a violation of my rights? Where can I find additional information?

Under Article 27 of the Civil Procedure Act, Croatian courts have jurisdiction to adjudicate in disputes with an international dimensions when such jurisdiction is explicitly laid down by law or by an international treaty.

With regard to jurisdiction in civil and commercial matters, the Private International Law Act (*Zakon o međunarodnom privatnom pravu*, NN No 101/17) expressly provides for the application of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (hereinafter: the Brussels I Regulation) within its scope and extends its application to situations concerning third countries.

According to the basic rule on jurisdiction of the Brussels I Regulation included in Article 4, persons domiciled in a Member State, whatever their nationality, are to be sued in the courts of their domicile. Article 63 provides for the domicile of legal persons to be their statutory seat, central administration or principal place of business.

Situations in which a defendant may be sued in a Member State other than that in which they are domiciled are set out in Articles 7-9 (special jurisdiction). Therefore, jurisdiction in non-contractual relations is regulated by Article 7(2), determining that a person domiciled in a Member State may be sued in another Member State in matters relating to tort, delict or quasi-delict, in the courts of the place where a harmful event has occurred or might occur.

Furthermore, Article 58 of the Private International Law Act provides for the necessary jurisdiction as follows: If the application of the provisions of that Act or other Croatian laws or international treaties in force in Croatia does not confer jurisdiction with regard to a defendant domiciled in a non-EU Member State, and if the proceedings cannot be or cannot reasonably be expected to be conducted abroad, Croatian courts have jurisdiction where the subject matter of the proceedings has a sufficient connection with Croatia to make it appropriate to conduct the proceedings in Croatia.

4. Can ombudsman institutions, equality bodies or national human rights institutions support victims of business-related human rights violations committed by European transnational corporations outside the European Union? Can these bodies investigate my case if I am not an EU citizen or I don't live in the EU? Are there other public services (such as a labour or environmental inspectorate) in your country that can investigate my case? Where can I find information about my rights?

Under the Ombudsman Act (*Zakon o pučkom pravobranitelju*), the Croatian ombudsman is responsible for considering only the complaints about existing violations of laws and irregularities in the work of national authorities, local and regional self-government units and legal persons with public authority, which consequently means that an investigation of complaints related to violations of laws in the private sector is not allowed. Moreover, under Article 20, anyone who believes that their constitutional or legal rights and freedoms to be threatened or violated as a result of unlawful or irregular conduct by these authorities may bring an action before a competent court. Consequently, a person wishing to lodge a complaint with the Office of the Ombudsman (*Ured pučkog pravobranitelja*) does not have to be an EU citizen, but a precondition for the Ombudsman to address the complaint is that one (or more) of the authorities have committed a human rights violation. However, since the Office of the Ombudsman in Croatia often receives complaints related to the private sector, citizens' experiences and complaints are used both in annual reports and through participation in legal proceedings to advocate for specific measures, without which it would not be possible to achieve a higher degree of law enforcement and citizen protection.

On the other hand, the Anti-Discrimination Act (*Zakon o suzbijanju diskriminacije*) is applicable to the conduct of all national authorities, local and regional self-government units, legal persons with public authority, and to the conduct of all legal and natural persons, especially in the areas of labour and working conditions, access to self-employment and dependent activities, including selection criteria, as well as conditions for recruitment and promotion; access to all types of vocational guidance, professional training, and retraining; education, science and sports; social security, including social welfare; pension and health insurance; judiciary and administration, public information and the media; access to and provision of goods and services; membership of and activities in trade unions, civil society organisations, political parties or any other type of organisation, and participation in cultural and artistic creation.

Furthermore, the Office of the Ombudsman, as the central anti-discrimination authority, receives reports by all natural and legal persons and examines individual reports, so it may issue legally non-binding recommendations, opinions, proposals and warnings to address discrimination and protect the rights of the person discriminated against. It may also take part in judicial proceedings as an intervener on the part of the person complaining of discrimination, or may bring a joint legal action for protection against discrimination if it proves the probability that the defendant's conduct has violated the right to equal treatment of a large number of persons because of their connection to the rights and values recognised by the Act (race or ethnicity, skin colour, sex, language, religion, political or other belief, national or social background, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity or expression, or sexual orientation). Also, the person authorised to lodge a complaint of discrimination with the Ombudsman does not have to be an EU citizen.

The new [Whistle Blower Protection Act](#) (*Zakon o zaštiti prijavitelja nepravilnosti*), in force since 1 July 2019, provides for whistle blowers to contact the Ombudsman seeking protection of their rights if a whistle blower shows the probability that they are or might be a victim of harmful events for reporting irregularities. Under that Act, a person wishing to lodge a complaint does not have to be an EU citizen, and the Ombudsman may take

action to protect the whistle blower coming from the public or the private sector (Note: the Act defines the 'whistle blower' as a person who is aware of and has reported irregularities related to the performance of work for the employer, for example violations of laws, regulations, rules, codes of ethics or conduct, or internal acts of companies). It should be emphasised that the performance of work, in addition to employment, also includes volunteer work, work based on temporary service contracts, student jobs, etc. Also, a whistle blower may be a person who participated in recruitment procedures as a candidate.

In addition, as part of responsible business conduct – that is, the protection of human rights, especially labour rights, and environmental protection, the Republic of Croatia, as an acceding country to the OECD Investment Committee, as an impartial supervisory working body, is required to implement the following guidelines: providing information on responsible business conduct on the website; processing queries; mediation in resolving problems resulting from possible irresponsible business conduct and communication with stakeholders to avoid litigation.

Furthermore, Croatia has established a State Inspectorate (*Državni inspektorat*), comprising competent divisions and services (such as the Occupational Safety and Health Supervision Division and the Employment Supervision Division).

More information regarding the scope of work and competences of the State Inspectorate or the abovementioned sectors/divisions can be found at the following links:

- [Contacts](#)
- [Occupational Safety and Health Supervision Division](#)
- [Employment Supervision Division](#)

5. Does your country impose obligations on European transnational corporations to establish complaint mechanisms or mediation services for violations resulting from their business activities? Do these obligations also apply to violations that occur outside the European Union? Who is in charge of monitoring these activities in your country? Are there public reports available providing information on the functioning of the system?

Croatia does not impose any mandatory mediation schemes addressing business-related human rights violations. For consumer disputes between consumers and traders, mediation is regulated by the Act on Alternative Consumer Dispute Resolution (*Zakon o alternativnom rješavanju potrošačkih sporova*, NN Nos 121/16 and 32/19) transposing EU directives and regulation on consumer dispute resolution. For human rights protection issues and other rights-related disputes, mediation can be proposed before one of the mediation centres in Croatia, where a dispute can be settled based on the interests of the parties.

Please consult relevant subpages to find more information on:

- [Mediation in Member States](#)
- [Find a mediator](#)
- [Alternative consumer dispute resolution](#)
- [Mediation centres](#)

Under the Consumer Protection Act (*Zakon o zaštiti potrošača*), the trader is required to provide the consumer with an opportunity to submit a written complaint by post, fax or e-mail.

Under the State Inspectorate Act (*Zakon o državnom inspektoratu*), petitions including the details of the reporting person (name, surname and home address) and indicating conduct which is contrary to regulations may be used as a basis for inspection.

For employees of multinational companies, the Labour Act (*Zakon o radu*) requires an employer with at least twenty employees must appoint a person who is, along with the employer, tasked with receiving and resolving complaints related to the protection of the workers' dignity.

These activities are monitored by the [State Inspectorate](#).

6. Do I have specific rights if I am a vulnerable victim seeking a remedy for business-related human rights violations? Can I have access to legal aid, and under which conditions? Which costs will be covered by the legal aid? Do I have access to legal aid under the same conditions if I am not an EU citizen or I don't live in the EU?

A victim seeking remedy for a business-related human rights violation has the same rights as other victims in criminal proceedings. Please consult the European e-Justice Portal to find more information:

- [Rights of victims of crime in criminal proceedings](#)
- [Compensation to victims of crime](#)

Under the Free Legal Aid Act (*Zakon o besplatnoj pravnoj pomoći*), the right to free legal aid is granted to:

- Croatian citizens;
- children who are not Croatian nationals but find themselves in Croatia unaccompanied by an adult responsible by law;
- foreigners with temporary residence subject to reciprocity, and foreigners with permanent residence;
- foreigners under temporary protection;
- foreigners residing illegally and foreigners on a short stay, in the proceedings deciding on expulsion or return;
- asylum seekers, persons with asylum status and foreigners with subsidiary protection status and their family members residing legally in Croatia, in the proceedings in which legal assistance is not provided to them under a special law.
- The Free Legal Aid Act (NN Nos 143/13 and 98/19) regulates the conditions and the procedure in which less-advantaged persons may exercise their right to legal consultation and access to the courts and other public law bodies in civil and administrative matters.
- The Free Legal Aid Act provides for the beneficiaries of free legal aid, other than Croatian citizens, to include:
 - children who are not Croatian nationals but find themselves in Croatia unaccompanied by an adult responsible by law;
 - foreigners with temporary residence subject to reciprocity, and foreigners with permanent residence;
 - foreigners under temporary protection;
 - foreigners residing illegally and foreigners on a short stay, in the proceedings deciding on expulsion or return;
 - asylum seekers, persons with asylum status and foreigners with subsidiary protection status and their family members residing legally in Croatia, in the proceedings in which legal assistance is not provided to them under a special law.

The beneficiaries of free legal aid may exercise the right to primary and/or secondary legal aid under the conditions laid down by law.

Primary legal aid covers general legal information, legal advice, submissions to public bodies, the European Court of Human Rights and international organisations in accordance with international treaties and internal rules of procedure, representation in proceedings before public bodies, and legal assistance in out-of-court dispute settlements. It is provided by administrative bodies in the counties and in the City of Zagreb (*Grad Zagreb*) by authorised associations and legal clinics, and it may be provided for any legal matter. The procedure for the exercise of primary legal aid is initiated by contacting directly a primary legal aid provider, which will determine in its discretion whether the requirements for primary legal aid have been met.

Secondary legal aid covers legal advice, submissions in the proceedings for the protection of workers' rights before the employer, submissions and representation in litigation, and legal assistance in amicable dispute settlement. Secondary legal aid is provided by attorneys. Secondary legal aid also covers exemption from payment of litigation costs and court fees.

For secondary legal aid to be granted in the form of submissions and representation in litigation and exemption from payment of court fees, the applicant's financial circumstances must meet the requirements laid down by the Free Legal Aid Act, namely that the total monthly income of the applicants and members of their household does not exceed the tax base amount per member (HRK 3,326.00) and that the total value of assets owned by the applicants and members of their household does not exceed 60 tax base amounts (HRK 199,560.00).

In addition to complying with the financial requirements, secondary legal aid needs to be applied for in one of the following types of procedures relating to:

- rights *in rem*, except in land-registry proceedings;
- employment relations;
- family relations, except in proceedings regarding divorce by mutual consent if the spouses have no common or adopted underage children or children of age under their parental care;
- enforcement and security proceedings regarding forced collection or securing of claims arising from the proceedings in which legal aid may be granted under the provisions of the Free Legal Aid Act;
- amicable dispute settlement;
- by way of exception, in all other administrative and civil judicial proceedings when such need arises from specific life circumstances of the applicants and their household members, in accordance with the fundamental purpose of the Free Legal Aid Act.

The procedure for the grant of secondary legal aid is initiated by applying to the competent administrative body of the county or of the City of Zagreb. The application is submitted in a standard form, including the consent of the applicants and their household members to the accessing of all data on their total income and assets and the applicant's confirmation that the information provided is accurate and complete.

In the procedure for the grant of secondary legal aid to an applicant who meets the legal requirements for exercising the right to secondary legal aid, the competent authority will issue a decision granting secondary legal aid, indicating the type and scope of the legal aid granted. The grant of secondary legal aid refers to full or partial security for the payment of secondary legal aid costs, depending on the amount of the total monthly income of the applicants and their household members. The decision granting secondary legal aid also specifies the lawyer who will provide secondary legal aid.

If the applicant does not meet the requirements for the grant of the right to secondary legal aid, a decision rejecting the application will be issued. The decision rejecting the application may be subject to appeal by the applicant to the Ministry of Justice (*Ministarstvo pravosuđa*). Administrative proceedings may be initiated against the decision of the Ministry of Justice rejecting the appeal.

If the beneficiary of free legal aid is the losing party, that is, unsuccessful in the proceedings for which secondary legal aid has been granted, they are not required to reimburse the costs of legal aid. However, its grant does not mean that the beneficiary of secondary legal aid who is the losing party will be exempt from payment of litigation costs incurred by the opposing party, which will be decided by the court in accordance with the rules governing judicial proceedings.

Free legal aid may also be granted in cross-border disputes. The Free Legal Aid Act defines cross-border disputes as those in which an applicant for legal aid is domiciled or resident in a Member State of the European Union, other than the Member State of the court, or the one in which the judicial decision is to be enforced.

Legal aid in cross-border disputes is granted in civil and commercial matters, mediation proceedings, out-of-court settlements, the enforcement of public instruments and legal advice in such proceedings. The provisions on legal aid in cross-border disputes do not apply in taxation, customs and other administrative proceedings.

Legal aid applicants in cross-border disputes will be granted legal aid if they meet the requirements set out in the Free Legal Aid Act. By way of exception, legal aid may be granted to applicants who do not meet the requirements for the grant of legal aid set out in the Free Legal Aid Act if they prove to be unable to pay the cost of the proceedings due to the incommensurate living costs in the Member State of domicile or habitual residence and living costs in Croatia.

In Croatia, applicants or the competent authority of the Member State in which they are domiciled or habitually resident (transmitting authority) are to submit the application for legal aid to the Ministry of Justice (receiving

authority). Forms and attached documents must be delivered in Croatian. Otherwise, the application will be rejected.

If a dispute in which the applicant requests legal aid is not a cross-border dispute or if the applicant is not entitled to legal aid in cross-border disputes, the Ministry of Justice will issue a decision rejecting the application. Appeals are not permitted against Ministry of Justice decisions, although administrative proceedings may be initiated.

Free legal aid may be granted to persons who are not resident in the European Union, subject to the provisions of bilateral and multilateral international agreements binding on Croatia.

For information on legal aid in Croatia please refer to the website:

- [Legal aid](#)

[1] Personality rights: the right to life, physical and mental health, reputation, honour, dignity, name, privacy of personal and family life, freedom, etc.

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