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Member States' best practices on the Charter

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Croatia



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Use and awareness of the Charter in your country

Government policies that promote the use and awareness of the Charter among the legislator, the administration, law enforcement bodies and the judiciary

The National Anti-Discrimination Plan for 2017–2022 (the National Plan) refers to the Charter of Fundamental Rights of the European Union in its introductory chapters, focusing especially on Article 21 of the Charter, which prohibits any discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. In its chapter on access to housing, the National Plan explicitly mentions Article 34(3) of the Charter, which emphasises that, in order to combat social exclusion and poverty, the European Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources. The priority areas of the National Plan are focused, among other things, on the rights clearly outlined in the EU Charter of Fundamental Rights, such as access to housing, social care, health care, and services and goods.

Effective application of the EU Charter of Fundamental Rights is one of the horizontal conditions for the implementation of European structural funds. Therefore, the Action plan for monitoring the implementation of enabling conditions (ex ante conditionalities), developed by the Ministry of Regional Development and EU Funds (*Ministarstvo regionalnog razvoja i fondova Europske unije*), specifies how the implementation of this criterion will be ensured. The Ministry of Regional Development and EU Funds is to organise training for all employees involved in the management and control system for EU funds. Training courses entitled 'Anti-discrimination, gender equality and the application of the UN Convention on the Rights of Persons with Disabilities in ESI Funds' have been conducted since 2015. To date, they have been delivered to 1 500 people working in the management and control of ESI Funds and continue to be delivered to all new recruits in the system. Training is provided to a total of 22 institutions, including line ministries and implementing agencies, and notably state administration bodies such as the Ministry of the Sea, Transport and Infrastructure (*Ministarstvo mora, prometa i infrastrukture*), the Ministry of Environmental Protection and Energy (*Ministarstvo zaštite okoliša i energetike*), the Ministry of Construction and Physical Planning (*Ministarstvo graditeljstva i prostornog uređenja*), the Ministry of Tourism (*Ministarstvo turizma*), the Ministry of Health (*Ministarstvo zdravstva*), the Ministry of the Economy, Entrepreneurship and Crafts (*Ministarstvo gospodarstva, poduzetništva i obrta*), the Ministry of Culture (*Ministarstvo kulture*), the Ministry of Agriculture (*Ministarstvo poljoprivrede*), the Ministry of Finance (*Ministarstvo financija*), the Ministry of Science and Education (*Ministarstvo znanosti i obrazovanja*), the Ministry of Regional Development and EU Funds, the Ministry of Labour and the Pension System (*Ministarstvo rada i mirovinskog sustava*), and the Ministry of Demographics, Family, Youth and Social Policy (*Ministarstvo za demografiju, obitelj, mlade i socijalnu politiku*). The training courses are carried out in cooperation with the Croatian Government Office for Human Rights and Rights of National Minorities (*Ured za ljudska prava i prava nacionalnih manjina*), the Ministry of Demographics, Family, Youth and Social Policy, the Office of the Ombudswoman and the Office of the Ombudswoman for Persons with Disabilities (*Ured pravobraniteljice za*

osobe s invaliditetom). The anti-discrimination legal framework in Croatia, including the EU Charter of Fundamental Rights, is explained as part of the training. Training courses with a special focus on the EU Charter of Fundamental Rights are planned to continue to be implemented by future managing authorities, as part of their management of ESI Funds in the next financing period.

Moreover, the Action plan for monitoring ex ante conditionalities, implemented by the Ministry of Regional Development and EU Funds, emphasises that the Guidelines for Beneficiaries of EU Funds (*Guidelines for Applicants*) also specify the strategic legal framework referring to the EU Charter of Fundamental Rights. In the coming period, in order to provide for a mechanism for verifying compliance of the operations financed from EU funds with the Charter, the obligation for operations to comply with the Charter will be included in the *Guidelines for Applicants*. Managing authorities are to develop checklists for all bodies publishing calls for applicants, which will have to clearly indicate in the list whether the calls issued are consistent with the Charter.

In addition, the EU Charter of Fundamental Rights is an integral part of the ESI Funds management system, especially for the *Operational Programme 'Competitiveness and Cohesion 2014 -2020'* (OPCC). For that purpose, on 31 May 2016, the Ministry of Regional Development and EU Funds (the MRRFEU) issued a Decision on application of horizontal principles, which states that 'Interventions to be financed under the OPCC must not only comply with the principles of equality, but should promote the practical application of the policy of equal opportunities, non-discrimination and accessibility wherever possible.' This provision is fully in line with Title III of the Charter, headed 'Equality', Articles 21 to 26. Following this decision, on 31 June 2016 the MRRFEU issued a decision on the entry into force of the *Guidance for Applicants and Beneficiaries of the Operational Programme 'Competitiveness and Cohesion' on the Implementation of Horizontal Principles*. The drafting of this document involved, among others, the Croatian Government Office for Gender Equality (*Ured za ravnopravnost spolova*), the Office of the Ombudswoman for Persons with Disabilities, the Office of the Ombudswoman and the Office of the Ombudswoman for Gender Equality (*Ured pravobraniteljice za ravnopravnost spolova*). The Guidance, which provides a summary of the concepts and provisions of the Charter, is available at:

https://strukturnifondovi.hr/dokumenti/?doc_id=578&fondovi=esi_fondovi. The provisions of the *Guidance for Applicants and Beneficiaries of the Operational Programme 'Competitiveness and Cohesion' on the Implementation of Horizontal Principles* are incorporated and given special emphasis in the entire OPCC tender documentation, as can be seen [here](#). Also, the OPCC promotes [the Charter] through direct infrastructure investment that contributes to achieving the Charter's objectives by investing in infrastructure for the most vulnerable groups in society in order to guarantee their human rights. In the current financing period, the OPCC is investing in accordance with the following articles of the Charter: Article 35 - Health care, Article 14 - Right to education, Article 24 - The rights of the child, Article 25 - The rights of the elderly, Article 26 - Integration of persons with disabilities, etc.

As an organisational unit of the MRRFEU, the Service for the Coordination of Project Preparation and Implementation coordinates the application of the horizontal principles of non-discrimination, gender equality, the rights of persons with disabilities and sustainable development.

The Croatian Government Office for Human Rights and Rights of National Minorities plans to include the need to implement measures aimed at raising awareness and visibility of the EU Charter of Fundamental Rights, as well as education on the Charter, in a planned strategic document in the field of human rights promotion and protection (National Programme for the Protection and Promotion of Human Rights for 2019-2024).

Tools that help better understand the Charter and when it applies

- for practitioners (legislator, administration, law enforcement, judiciary, legal practitioners)
- for citizens.

Each year, the Judicial Academy (*Pravosudna akademija*) strives to include training on the EU Charter of Fundamental Rights in its Programme of Lifelong Professional Development for Judicial Officers and Other Judiciary Staff. The Academy also takes part in EU projects financed by Union programmes which are dedicated to learning about the Charter.

An example of this is the 'Charter of Fundamental Rights of the European Union in Legal Practice' project (*Judging the Charter*), which is implemented in Croatia by the Office of the Ombudswoman, with the Judicial Academy as one of the associated partners. As part of this project, four judges participated in two international conferences in 2017, while six one-day workshops were organised in 2018: three general ones on the topic of the

Charter (for a total of 41 judges from Zagreb, Split and Osijek) and three specialised ones on asylum and discrimination, held for a total of 46 judges in Zagreb.

It is also important to mention the Transition Facility project on 'Improving the Quality of Training in the Judiciary – EU Law and Online Learning', which was completed in March 2018. In addition to organising workshops and online courses, the project included developing a curriculum for the delivery of training in the field of European law, which the Judicial Academy can continue to apply in its programmes. One of the topics covered was 'EU Charter of Fundamental Rights: Scope and Application at National Level', with the related material forming the basis of four workshops held for a total of 60 participants as part of the regular lifelong professional development programme in 2019.

Use and promotion of Charter tools developed by other EU countries or by other stakeholders in the EU

An EU Fundamental Rights Agency handbook entitled *Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level* was presented as part of a training course for civil servants involved in the legislative process. The training course was provided by the Office of the Ombudswoman in cooperation with the EU Fundamental Rights Agency on 30 January 2019.

In addition, following the publication of the Annual Fundamental Rights Report by the EU Fundamental Rights Agency, which contains a chapter on the use of the Charter of Fundamental Rights at national level, the civil society organisation Human Rights House Zagreb disseminates the Report by publishing it on its social media.

Cooperation with stakeholders to promote the use and awareness of the EU Charter of Fundamental Rights

Examples of cooperation between rights defenders and national authorities that contribute to a better awareness and use of the Charter

In cooperation with the EU Fundamental Rights Agency, the Office of the Ombudswoman has organised two workshops aimed at raising awareness of the Charter of Fundamental Rights:

- On 30 January 2019, training for civil servants was organised on the premises of the National School of Public Administration (*Državna škola za javnu upravu*). The aim of the training was to raise awareness of the Charter of Fundamental Rights among civil servants involved in the legislative process, with a particular focus on Article 51 determining the field of application of the Charter. An Agency handbook entitled *Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level* was also presented as part of the training.
- Training for representatives of civil society was organised on the premises of the Human Rights House on 31 January 2019. The training focused on the possibility of applying the Charter through campaigns and human rights advocacy, as well as to support persons whose rights have been violated, with a particular emphasis on strategic litigation.
- Also, the Report of the Ombudswoman for 2018, delivered to the Croatian Parliament late in March 2019, cites the Charter of Fundamental Rights.

Examples of cooperation between national authorities and academia that contribute to a better awareness and use of the Charter

At the Faculty of Law of the University of Zagreb (*Pravni fakultet Sveučilišta u Zagrebu*), awareness of the Charter is raised through lectures delivered to students in the second and fifth years, as well as at postgraduate level.

In the second year, two lectures are dedicated to the protection of fundamental rights in the EU, including the Charter, as part of the core course in European Public Law. In the fifth year, law students are offered the choice of a course on *EU Fundamental Rights* taught in English. A university textbook on fundamental rights in the EU,

focusing on the prohibition of discrimination, has also been written recently. Also, the protection of fundamental rights is taught in the Institutions and the EU Legal System course, as part of a specialist study programme in EU law.

Examples of non-governmental initiatives that promote the use and awareness of the Charter in your country

Each year, the Human Rights House Zagreb participates in a survey conducted by the European Union Agency for Fundamental Rights (FRA) for the purpose of preparing its Annual Fundamental Rights Report, which contains a chapter on the use of the Charter of Fundamental Rights at national level. The Report provides an overview of Member States' case law invoking or referring to the Charter, the use of the Charter in parliamentary debates and adoption of new legislation, as well as the representation of the Charter in academic articles. As already mentioned, following the publication of the Report by the EU Fundamental Rights Agency, the Human Rights House Zagreb disseminates the Report by publishing it on its social media.

Also, as mentioned above, a seminar on the Charter of Fundamental Rights of the EU, organised by the EU Fundamental Rights Agency and Croatia's Office of the Ombudswoman, was held on the premises of the Human Rights House Zagreb on 31 January 2019. The seminar, attended by representatives of civil society, independent human rights institutions and other interested legal practitioners, addressed topics such as the relevance and function of the Charter while also including exercises related to its practical application during a full-day training session.

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