


## Fundamental rights - Croatia

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### National courts

The courts have a special role in protecting human rights. They are statutory bodies whose independence is guaranteed by the Constitution. There is a special mechanism to guarantee for exercising constitutional rights and freedoms: a constitutional complaint, which can be lodged by citizens who consider that the national authorities, the local and the regional self-government bodies and public law entities deciding on their rights and duties, or regarding the suspicion or the charge of criminal offence, have breached their human rights or fundamental freedoms, as guaranteed by the Constitution. A complaint can be filed only after all other available remedies have been exhausted.

#### Constitutional Court of the Republic of Croatia

Trg svetog Marka 4  
10000 Zagreb  
Telephone: +385 1 6400 251  
Fax: +385 1 4551 055  
<https://www.usud.hr/>

#### Supreme Court of the Republic of Croatia

Trg Nikole Šubića Zrinskog 3  
10 000 Zagreb  
Telephone: +385 1 486 22 22, +385 1 481 00 36  
Fax: +385 1 481 00 35  
E-mail: [vsrh@vsrh.hr](mailto:vsrh@vsrh.hr)  
<http://www.vsrh.hr/>

#### County courts (the list of county courts)

#### Municipal courts (the list of municipal courts)

#### High Commercial Court of the Republic of Croatia

Berislavićeva 11, 10 000 Zagreb  
Telephone: +385 1 489 68 88  
Fax: +385 1 487 23 29  
<http://www.vtsrh.hr/>

#### Commercial courts (the list of commercial courts)

#### High Administrative Court of the Republic of Croatia

Frankopanska 16, 10 000 Zagreb  
Telephone: +385 1 480 78 00

Fax: +385 1 480 79 28

<http://www.upravnisudrh.hr/>

### The list of administrative courts

#### **High Misdemeanour Court of the Republic of Croatia**

Ulica Augusta Šenoje 30, 10 000 Zagreb

Telephone: +385 1 480 75 10

Fax: +385 1 461 12 91

E-mail: [predsjednik@vpsrh.pravosudje.hr](mailto:predsjednik@vpsrh.pravosudje.hr)

<http://sudovi.pravosudje.hr/VPSRH/>

### Misdemeanour Courts (the list of misdemeanour courts)

#### **Ombudsman**

Trg hrvatskih velikana 6

10 000 Zagreb

Republic of Croatia

Telephone: +385 1 4851 855, +385 1 4851 853

E-mail: [info@ombudsman.hr](mailto:info@ombudsman.hr)

Fax: +385 1 6431 628

Pursuant to Article 93 of the Croatian Constitution, the ombudsman is the Croatian Parliament's representative for promoting and protecting human rights and freedoms as they are defined in the Constitution, the laws and the international instruments on human rights and freedoms signed by the Republic of Croatia.

The ombudsman and his deputies are elected by the Croatian Parliament for a period of eight years with a goal to protect citizens from the human rights violations by the acts of the state bodies or the legal entities vested with public authority. It is the central body for tackling discrimination and performing the tasks of the National Preventive Mechanism against torture and other cruel, inhuman or degrading treatment or punishment. In performing these tasks, the ombudsman is independent and autonomous.

Responsibilities:

#### **Protection of human rights**

Citizens have the right to refer a complaint to the ombudsman when they consider that their rights have been breached by public authorities. The ombudsman conducts an examination in response to a complaint and based on documents received. All state bodies, bodies vested with public authority, and local and regional self-government bodies – i.e. all public law entities – are obliged to provide all the information requested. Based on the established facts, the ombudsman may issue opinions, recommendations and notifications to the relevant authorities or to the supreme bodies and, if necessary, notify the Croatian Parliament.

In addition, the ombudsman checks the compliance of regulations with the Croatian Constitution and international conventions on the protection of human rights and may call on the Croatian Government to amend or adopt human rights-related regulations. He can also call on the Croatian Parliament to harmonise regulations with the Constitution and law. He has the right to initiate the proceedings before the Croatian Constitutional Court in order to examine compliance of laws and other regulations with the Croatian Constitution.

#### **Promotion of human rights**

Promoting human rights includes research and analysis, developing and maintaining databases and documentation, informing the public and stakeholders on a timely and regular basis, active initiation and cooperation with civil society, international organisations and academic research institutions, and initiatives to align legislation with the international and the European standards and to apply that legislation.

#### **Central body for combating discrimination**

The ombudsman accepts complaints from natural and legal persons, provides the requisite information on the rights and duties and the possibilities of judicial and other protection, examines individual applications and takes actions within his competence to eliminate discrimination and protect the rights of discriminated persons (except in the case of ongoing lawsuits), conducts mediation procedures with the possibility of concluding an out-of-court settlement with the consent of both parties, and submits criminal reports related to discrimination to the competent state attorney's office.

## **National preventive mechanism**

The ombudsman performs tasks that come under the National Preventive Mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment everywhere where persons are deprived of their liberty or kept in custody, detained or accommodated in premises under public surveillance where they cannot leave these premises at will.

This means that representatives of the Ombudsman's Office acting in this capacity visit the prisons, penitentiaries, detention units, and various institutions accommodating persons with mental disorders, as a preventive measure to protect persons who are deprived of liberty or whose liberty is restricted.

## **National Human Rights Institution (NHRI)**

Since 2009, the ombudsman has been the only national institution for the protection and promotion of human rights (NHRI) in the Republic of Croatia with 'A' status according to the UN Paris Principles defining the independence parameters of the national human rights institutions.

This is the highest level of institutional independence, and was again awarded to the Ombudsman's Office in July 2013, after the UN monitored the implementation of its recommendations related to the preservation and promotion of an independent status.

## **Specialised human rights bodies**

### **Ombudsman for rights of the child**

Teslina 10  
10 000 Zagreb  
Hrvatska  
E-mail: [info@dijete.hr](mailto:info@dijete.hr)  
Telephone: 01/4929 669  
Fax: 01/4921 277  
<http://www.dijete.hr/>

### **Scope of work**

The Ombudsman's Office for the Rights of the Child checks the compliance of laws and other regulations in Croatia related to the protection of the rights and interests of children with the Croatian Constitution, the Convention on the Rights of the Child and other international documents relating to the protection of the rights and interests of children. It monitors violations of individual children's rights and studies the general occurrence and types of violation of the rights and interests of children. It advocates the protection and the promotion of the rights and interests of children with special needs; proposes measures to build a comprehensive system for the protection and promotion of children's rights, and to prevent harmful acts jeopardizing their interests. It informs and advises children on the way to exercise and protect their rights and interests, cooperates with children, encourages them to express their opinions and respects them; initiates and participates in public activities aimed at improving the status of children and proposes measures to increase their impact on society. It has access and insight into any data, information and acts relating to the rights and the protection of children irrespective of the confidentiality degree. It is authorised to enter and inspect any institution, state body, legal and natural person with statutory mandate to take care of children, and religious communities where children stay or are temporarily or permanently accommodated.

If the Ombudsman's Office finds that a child has been exposed to physical or mental violence, sexual harassment, abuse or exploitation, negligence or negligent treatment, it must immediately send a report to the competent state prosecutor's office and alert the competent social care centre proposing measures to protect the child's rights and interests. It may seek professional assistance from experts and professional institutions researching the protection, care, development and rights of the children, and shall receive such assistance in due time.

### **Ombudsman for gender equality**

Preobraženska 4/1  
10 000 Zagreb  
Telephone: +385 1 48 48 100  
Fax: +385 1 48 44 600  
E-mail: [ravnopravnost@prs.hr](mailto:ravnopravnost@prs.hr)  
<http://www.prs.hr/>

### **Scope of work**

The Ombudsman's Office for Gender Equality handles complaints about discrimination related to gender, marital or family status and sexual orientation; it examines the breaches of the gender equality principle, the cases of discrimination against individuals or groups of individuals committed by national authorities, units of local and regional self-government bodies and other bodies with public authority, employees in these bodies and other legal and physical persons.

The ombudsman's work includes being authorised to notify, propose and make recommendations.

If the ombudsman finds that the principle of gender equality has been violated, he is authorised to submit a request for constitutional review of the law or the review of constitutionality and legality of other regulations.

### **Ombudsman for persons with disabilities**

Savska cesta 41/3  
10 000 Zagreb  
Telephone: +385 1 6102 170  
Fax: +385 1 6177 901  
E-mail: [ured@posi.hr](mailto:ured@posi.hr)

### **Scope of work**

The Ombudsman's Office for persons with disabilities is an autonomous national institution whose main role is to monitor and promote the rights of persons with disabilities based on the Constitution of the Republic of Croatia, international treaties and laws. In the event of a violation of the rights of persons with disabilities, the ombudsman is authorised to alert, propose measures, make recommendations, inform and request reports on what actions have been undertaken.

If the ombudsman finds that a legal solution goes to the detriment of persons with disabilities or children with developmental difficulties, deprives them in some way or puts them in a less favourable position with regard to persons without disabilities, the ombudsman will make a proposal to amend such legal solution.

The Ombudsman's Office receives individual complaints of persons with disabilities and those working in their interest, considers complaints about the violation of the rights of persons with disabilities, and in contact with the institutions responsible for resolving these issues tries to obtain the most favourable solution.

The ombudsman for persons with disabilities provides counselling assistance to persons with disabilities on how to exercise and protect their rights and interests.

### **Personal data protection**

#### **Personal Data Protection Agency**

Martićeva 14  
10 000 Zagreb  
Telephone: +385 460 90 00  
Fax: +385 4609-099  
E-mail: [azop@azop.hr](mailto:azop@azop.hr)  
<http://www.azop.hr/>

The Personal Data Protection Agency is a public authority carrying out its activities independently and autonomously within the scope of its tasks and competences. The Agency is responsible for performing administrative and professional tasks related to the personal data protection. The Agency, within the scope of its public authority, monitors the protection of personal data, points out the perceived abuse in collecting personal data, creates the list of countries and international organizations with properly regulated data protection, handles the applications to examine violations of the rights guaranteed by the Personal Data Protection Act, and keeps the Central Register with personal data files.

### **Free legal aid**

**By adopting the Free Legal Aid Act, the Ministry of Justice took over the comprehensive and challenging task of establishing a free legal aid system.**

The system of free legal aid allows citizens with modest resources to engage attorneys and obtain legal aid for specific legal actions and equal access to judicial and administrative procedures.

The institutional framework of the free legal aid system is made up of state administration offices processing the requests of citizens at the first instance, while the Department for Granting Free Legal Aid at the Ministry of Justice decides on the appeals at second instance, decides at first instance on the entry of associations in the Register of associations authorised to provide primary legal aid, and carries out administrative and professional monitoring of the primary legal aid provider.

The following legal aid providers are covered in the Free Legal Aid Act:

- lawyers,
- authorised associations,
- trade unions,
- legal clinics and
- state administration offices in counties.

**Primary legal aid is provided by offices, authorised associations and legal clinics.**

In providing primary legal assistance, offices are authorised to offer general legal information, legal counselling, and draw up petitions.

**Secondary legal aid is provided by lawyers.**

In accordance with the provisions of the Free Legal Aid Act, people wishing to exercise their right to free legal aid must submit a completed standard form for legal aid application to the state administration office in their county of residence. The request must be accompanied by the express written consent of all applicants and the adult members of their household to provide an insight into all property-related data and accepting any material and legal liability for the veracity of applicant assertions.

The application form can be downloaded from the website of the Ministry of Justice, or obtained at the state administration offices in counties, municipal courts or in the social care centres during their regular office hours.

The applications are free of administrative fees and shall be submitted in person or by registered mail.

Granting of legal aid implies full or partial coverage of legal aid costs depending on an applicant's financial status. It is envisaged that the costs of the procedure may be shared to a certain percentage depending on the material circumstances of the beneficiary.

When legal aid is granted in a reduced extent, the difference between the full amount of remuneration and the reimbursement of costs to the lawyer is compensated by the beneficiary in the remaining share according to the value of the service defined by the Tariff for Lawyers' Fees and Compensations of Costs.

**Beneficiaries**

Beneficiaries of legal aid within the meaning of the Free Legal Aid Act include:

- Croatian citizens;
- Children, not Croatian citizens, who are found in the Republic of Croatia unaccompanied by adult legal guardians;
- Temporarily residing aliens based on reciprocity and permanently residing aliens,
- Aliens under temporary protection;
- Illegally residing aliens and aliens on a short visit undergoing a procedure of expulsion or having to leave the Republic of Croatia;
- asylum-seekers, aliens, aliens under subsidiary protection and members of their families legally residing in the Republic of Croatia subject to the procedures where legal aid is not provided by any special law.

Beneficiaries can find information on free legal aid on the [website of the Ministry of Justice of the Republic of Croatia](#) or via the e-mail: [besplatna.ppravna.pomoc@pravosudje.hr](mailto:besplatna.ppravna.pomoc@pravosudje.hr) and expect an answer as soon as it is reasonably possible.

Beneficiaries can also address any questions directly to the state administration offices in their particular county.

**Cross-border disputes**

A cross-border dispute is one where the party applying for legal aid is domiciled or habitually resident in an EU Member State other than the Member State where the court is sitting or where the decision is to be enforced.

Legal assistance in cross-border disputes is provided in civil and commercial matters, conciliation procedures, out-of-court settlements, enforcement of public documents and legal counselling in these proceedings, while the provisions on cross-border disputes do not apply in taxation, customs and other administrative proceedings.

An applicant who is domiciled or habitually resident in the Republic of Croatia and seeks legal aid in a cross-border dispute before the court of another Member State shall submit application to the office of his place of residence or domicile. The competent office shall forward the application to the Ministry of Justice within eight days of the receipt of the application. The Ministry of Justice will translate the application and the supporting documents into the official language or one of the official languages of the Member State and the competent receiving authority, and forward them within 15 days of the receipt to the competent authority of the Member State where the court is sitting or where the decision is to be enforced (the receiving authority). If legal aid is not granted, the applicant is required to cover the costs of translation.

The applicant may also submit application directly to the receiving authority in the Member State where the court is sitting or where the decision is to be enforced. An applicant who is domiciled or habitually resident in another Member State and seeks legal aid in a cross-border dispute before the court of the Republic of Croatia is entitled to legal aid in accordance with the provisions of the Free Legal Aid Act. The applicant or the competent authority of the Member State in which the applicant is domiciled or habitually resident (transmitting authority) forward the application for legal aid in Croatia to the Ministry of Justice (the receiving authority). The forms and the supporting documents must be translated into Croatian, otherwise the application will be rejected.

Applications are submitted on the standard form laid down by the Commission Decision 2004/844/EC of 9 November 2004 establishing a form for legal aid applications under Council Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

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