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Croatia

### National Courts

The courts established by law have a special role in protecting human rights. Their autonomy and independence is guaranteed by the Constitution. There is a special mechanism to guarantee the exercise of 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 (*Ustavni sud Republike Hrvatske*)

Trg svetog Marka 4  
10000 Zagreb  
Tel.: +385 1 6400 251  
Fax: +385 1 4551 055

<https://www.usud.hr/>

#### Supreme Court of the Republic of Croatia (*Vrhovni sud Republike Hrvatske*)

Trg Nikole Šubića Zrinskog 3  
10 000 Zagreb  
Tel.: +385 1 486 22 22, +385 1 481 00 36  
Fax: +385 1 481 00 35  
Email: [vsrh@vsrh.hr](mailto:vsrh@vsrh.hr)

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

#### County courts (*Županijski sudovi*)

#### Municipal courts (*Općinski sudovi*)

#### High Commercial Court of the Republic of Croatia (*Visoki trgovački sud Republike Hrvatske*)

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

Commercial courts (*Trgovački sudovi*) in the Republic of Croatia  (192 Kb) 

#### Commercial courts

#### High Administrative Court of the Republic of Croatia (*Visoki upravni sud Republike Hrvatske*)

Frankopanska 16, 10 000, Zagreb  
Tel.: +385 1 480 78 00  
Fax: +385 1 480 79 28  
<http://www.upravnisudrh.hr/>

#### Administrative courts (*Upravni sudovi*)

#### High Misdemeanour Court of the Republic of Croatia (*Visoki prekršajni sud Republike Hrvatske*)

Ulica Augusta Šenoa 30, 10 000 Zagreb  
Tel.: +385 1 480 75 10  
Fax: +385 1 461 12 91  
Email: [predsjednik@vpsrh.pravosudje.hr](mailto:predsjednik@vpsrh.pravosudje.hr)  
<https://sudovi.hr/VPSRH/>

#### Ombudsman (*Pučki pravobranitelj*)

Trg hrvatskih velikana 6  
10 000 Zagreb  
Croatia  
Tel.: +385 1 4851 855, +385 1 4851 853  
Email: [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/her deputies are elected by the Croatian Parliament for a period of eight years. The ombudsman protects citizens from human rights violations resulting from actions of the state bodies or legal entities vested with public authority. The ombudsman's office 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.

Competences:

**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 investigation 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. The ombudsman can also call on the Croatian Parliament to harmonise regulations with the Constitution and law and has the right to initiate 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/her 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 public prosecutor'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 children (*Pravobranitelj za djecu*)**

Teslina 10  
10 000 Zagreb  
Croatia  
Email: [info@dijete.hr](mailto:info@dijete.hr)  
Tel.: 01/4929 669  
Fax: 01/4921 277  
<http://www.dijete.hr>

##### **Activities**

The Ombudsman for children monitors the compliance of laws and other regulations in the Republic of 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. The office 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. It proposes measures to build a comprehensive system for the protection and promotion of children's rights, and to prevent harmful acts jeopardising 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 opinion, hears their opinion, initiates and participates in public activities aimed at improving the status of children and proposes measures to increase their role in the society. It has access to, and the right to consult, any data, information and documents relating to the rights and the protection of children irrespective of the confidentiality degree. It is authorised to inspect any institution, state body, legal and natural persons who are legal custodians of children, and religious communities where children stay or are temporarily or permanently accommodated.

If it finds that a child has been exposed to physical or mental violence, sexual harassment, abuse or exploitation, neglect or negligent treatment, it must immediately report this to the competent public 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 it receives such assistance in due time.

##### **Ombudsperson for gender equality (*Pravobraniteljica za ravnopravnost spolova*)**

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

##### **Activities**

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

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

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

##### **Ombudsman for persons with disabilities (*Pravobraniteljica za osobe s invaliditetom*)**

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

#### **Activities**

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 for persons with disabilities receives individual complaints from 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.

#### **Protection of personal data**

##### **Personal Data Protection Agency (*Agencija za zaštitu osobnih podataka*)**

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

The Personal Data Protection Agency is a legal person vested with 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 personal data protection. The Agency, within the scope of its public authority, monitors the protection of personal data, highlights cases of abuse in personal data collecting, produces a list of countries and international organisations with properly regulated data protection, handles 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 socially disadvantaged citizens to engage lawyers and obtain legal aid for specific legal actions and equal access to judicial and administrative procedures.

##### **Beneficiaries of free legal aid**

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

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

##### **Providers of free legal aid**

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

Lawyers

Approved associations

Law clinics

State administration offices in the counties

##### **Types of free legal aid**

The types of free legal aid are primary legal aid and secondary legal aid.

##### **Primary legal aid**

The forms of primary legal aid are:

General legal information

Legal advice

Drafting of submissions to bodies governed by public law, the European Court of Human Rights and international organisations under international agreements and the rules on the functioning of those bodies

Representation in proceedings before bodies governed by public law

Legal assistance in the amicable out-of-court settlement of a dispute

##### **Primary legal aid is provided by state administration offices in the counties, approved associations and law clinics.**

In providing primary legal aid, offices are authorised to offer general legal information and legal advice, and to draft submissions.

Applicants seeking primary legal aid should contact a provider of primary legal aid directly.

##### **Secondary legal aid**

The forms of secondary legal aid are:

Legal advice

Drafting of submissions in proceedings for the protection of workers' rights before the employer

Drafting of submissions in litigation

Representation in court proceedings

Legal assistance in the amicable settlement of a dispute

Exemption from the costs of court proceedings

Exemption from court fees

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

With regard to the type of proceedings, secondary legal aid may be granted in the following proceedings:

Proceedings concerning rights in rem, except in land-registry proceedings

Proceedings concerning employment relations

Proceedings concerning 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

Proceedings concerning 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 settlement of a dispute

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 granting secondary legal aid is initiated by applying to the competent administrative body of the county or of the City of Zagreb.

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 legal aid application form to the state administration office in their county of residence. The request must be accompanied by the express written consent of the applicant and the adult members of their household to disclose all property-related data and accept material and criminal liability for the veracity of applicant assertions.

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

There are no administrative charges for submitting applications, which are 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 to a reduced extent, the difference between the total amount awarded and the lawyer's fees is paid by the beneficiary according to the value of the service defined by the Tariff for Lawyers' Fees and Compensation of Costs.

The Ministry of Justice decides on the appeals from legal-aid applicants at second instance, decides at first instance on the entry of associations and law clinics in the Register of primary legal aid providers aid, maintains the Register, and carries out administrative and professional monitoring of the work of the primary legal aid providers.

Information on free legal aid can be found on the [website of the Ministry of Justice of the Republic of Croatia](http://www.mps.gov.hr) or by email to [besplatna.pravna.pomoc@pravosudje.hr](mailto:besplatna.pravna.pomoc@pravosudje.hr), and an answer can be expected in the shortest possible time.

Any questions can be put directly to the state administration offices in the counties.

#### **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 aid in cross-border disputes is provided 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 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 must submit an application to the office of his/her place of residence or domicile. The competent office must forward the application to the Ministry of Justice within eight days of receiving 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 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 an 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. In the Republic of 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). 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 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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