

TENA KONJEVIĆ*

The Universal Protection of Human Rights and Central Europe: Croatia

- **ABSTRACT:** *This chapter delivers a thorough examination of human rights protection in Croatia through a contextual, historical, legislative, and practical lens. It outlines the evolution of human rights in the country, illustrating a complex journey from the socialist ideals of Yugoslavia to the aspirations of an independent nation committed to international human rights standards. Each phase of this journey, marked by significant political upheaval, nationalist movements, and evolving legal frameworks, has played a crucial role in shaping Croatia's current human rights landscape. In Croatia, the protection of human rights and freedoms operates through two main mechanisms, out of which international treaties play an important role. These treaties are integrated into the domestic legal order and take precedence over national laws. Since gaining independence, Croatia has ratified all major international human rights instruments, including all relevant UN conventions. Therefore, through assessing constitutional protections and then exploring the country's engagement with the UN as a party to various human rights agreements, this chapter provides a detailed analysis of Croatia's human rights framework. Finally, to shed light on key challenges within Croatia's human rights practice, the chapter also examines historical cases brought before the UN Human Rights Committee, identifying recurring issues that warrant further attention.*
- **KEYWORDS:** *Human Rights in Croatia, United Nations, Croatian Constitution, UN Human Rights Committee*

* Teaching Assistant, Chair of Labour and Social Security Law Sciences and Social Work, Faculty of Law, Josip Juraj Strossmayer University of Osijek, Croatia; Research Intern, Central European Academy, Budapest, Hungary; tkonjevic@pravos.hr; ORCID: 0000-0001-9256-9103.



1. Introduction

As defined succinctly by the Canadian author D. Forsythe, human rights consist of essential entitlements that allow individuals to request certain actions from public authorities. These rights may include requiring that authorities avoid interfering in individuals' protected spheres, as seen in personal and political freedoms, or ensuring active steps are taken to uphold specific freedoms and rights related to social, cultural, and economic aspects.¹ It is evident that human rights need to be more than simply stated; they should be lived and realised by all individuals.² Therefore, the practical implementation of human rights is also reliant on theoretical insights. A groundbreaking contribution to this area is the concept of practical realisation by Stig and Helle Kanger. This approach is rooted in a logical examination of the concepts of rights and influence. The fundamental idea is to integrate different types of rights and influences to create a complete picture of an individual's overall situation, including their rights and their ability to exercise them. This approach helps in accurately identifying the conditions needed for the practical implementation of each right.³ In discussing the formal realisation of human rights, John Rawls' four-stage sequence provides a foundational framework.⁴ According to Rawls' theory of justice as fairness, the process begins with selecting abstract moral and justice principles, which are then translated into constitutional principles for individual countries. These constitutional principles influence legislative decisions, leading to judges and officials applying legal rules to specific cases. Typically, citizens adhere to these rules. In Rawls' view, the national state has precedence over international considerations. However, to account for the role of international politics and law in human rights protection, the sequence should include a level between abstract principles and constitutional principles. This level involves international human rights standards that are relevant to specific historical contexts and guide state behaviour and constitutional norms. It's essential to note that this sequence is part of human rights and minority rights theory, providing a necessary framework for their formal realisation rather than describing a practical or purely theoretical process. At this level, specific human rights are established that are relevant to a particular historical period, providing standards for state conduct and aiding in the selection of constitutional norms. The sequence is not a depiction of a practical political or purely theoretical process; instead, it is an integral part of the theory

1 Smerdel, 2020, p. 103.

2 Matulovic and Boskovic, 1996, pp. 306–308.

3 Matulovic and Boskovic, 1996, pp. 306–308.

4 Rawls, 1971, ch. IV, sec. 31.

of human rights and minority rights, forming the essential framework for their formal realisation.⁵

Therefore, international human rights law has become an indispensable component of both transnational and national constitutional law for European countries. It has effectively become an 'international supplement' to constitutions, supporting the legal systems of national states and serving as a declaration of democratic constitutionalism. Without recognising this law, it is no longer possible to affirm and integrate national states into the broader international context.⁶ In emerging democracies, there has been a strong interest in developing systems to protect human rights – legal and institutional mechanisms that citizens can use if their rights are infringed. With the growing impact of international and transnational law, this has resulted in a significant alignment between national and international law in this domain.⁷ In the context of Europe, the fall of the Berlin Wall, which symbolised the end of the Cold War and the division between capitalist and socialist systems in Europe, acted as a catalyst for comprehensive constitutional and political change throughout the continent. This broad movement towards liberation involved both enhanced international collaboration and a revival of ethnic and nationalistic interests. The transformation of former socialist countries is especially significant. Beginning in 1990, these countries started to move away from socialist governance and societal structures, building liberal democratic systems based on Western models of authority. This led many political analysts at the time to describe it as the definitive victory of democracy and constitutionalism.⁸ The early 1990s also represented a significant historical turning point for Croatia, characterised by three key influences: the shift to a new social system that embraced political pluralism, the achievement of an independent and internationally recognised state, and the conflicts resulting from the dissolution of Yugoslavia, particularly the wars in Croatia and Bosnia and Herzegovina. Within this context, the issue of human rights was particularly important. It can be posited that the approach to various human rights aspects in Croatia, Yugoslavia, and the international community has heavily influenced historical developments in both Croatia and the surrounding region. This is particularly relevant to widespread human rights violations, as well as the issues surrounding transitional processes, especially the advancement of civil society organisations.⁹ Therefore, the following provides a historical overview of the development of the human rights protection system in Croatia, beginning with the recent history of socialism and advancing to the framework of an independent state that aspires to meet international standards.

5 Matulovic and Boskovic, 1996, pp. 306–308.

6 Bačić, 2006, p. 75.

7 Bačić, 2006, pp. 75–76.

8 Vasilescu, 1997, p. 66; Bačić, 2006, pp. 75–76.

9 Bing, 2008, pp. 195–198.

2. The evolution of human rights in Croatia: From Yugoslavia to an independent framework

Following World War I, the establishment of Yugoslavia aimed to maintain a distinctly democratic political system; however, this effort faced persistent challenges stemming from national rivalries, including Croats and Serbs, as well as difficult economic conditions and instability. Furthermore, after World War II, Josip Broz Tito's partisans emerged victorious among three competing military and political factions, leading to the formation of the People's Republic of Yugoslavia as a socialist state with a unique structure and ideology compared to other Eastern European socialist regimes¹⁰. In that regard, the early constitutions of various socialist states in Eastern Europe, including that of Yugoslavia in 1946, included individual rights that were often associated with the Universal Declaration of Human Rights adopted in 1948. Nonetheless, these rights were not effectively safeguarded by the state, particularly during the years when the Communist Party solidified its power and became increasingly repressive¹¹. Notably, the constitution recognised women's rights to equal treatment for the first time, highlighting their role as mothers and key contributors to the socialist state.¹² Later on, as the 1980s progressed, a notable shift occurred regarding the perception of human rights, with collective rights increasingly overshadowing individual freedoms.¹³ This transformation coincided with the rising nationalist sentiments during the turbulent disintegration of Yugoslavia.

After Tito's death, political chaos allowed for attempts at communism to resurface alongside a push for liberal democracy, culminating in national aspirations becoming a central theme during the 1990s.¹⁴ The breakup of Yugoslavia, which was initiated by Serbian political and military leaders, positioned the establishment of an independent Croatian state as essential to averting serious human rights violations.¹⁵ While Croatia indeed suffered from aggressive Serbian ambitions, the democratic shortcomings of the new administration were not merely the result of the violent conflict. The slow emergence of an authoritarian governance model, intertwined with nationalist sentiments, further complicated the

10 Initially, its structure and ideology were comparable to other Eastern European socialist regimes. However, after 1948, following the Tito-Stalin split, People's Republic of Yugoslavia developed a distinct model of socialism, characterised by its non-alignment policy and decentralisation, setting it apart ideologically and structurally from the Eastern Block.

11 For instance, the right to freedom of religion, though nominally recognised, was not genuinely protected, with religious institutions facing significant state control and suppression.

12 Popović, 2013, pp. 95–98.

13 Bing, 2008, pp. 196–198.

14 Bing, 2008, pp. 198–199.

15 Matulović and Bošković, 1991, p. 309.

development of human rights during this period.¹⁶ However, the declaration of an independent Republic of Croatia in 1991 prominently highlighted the significance of human and minority rights in its new constitutional framework.¹⁷ On 25th June 1991, key foundational legal documents were enacted, including the Declaration on the Proclamation of the Sovereign and Independent Republic of Croatia.^{18,19} The new constitution enshrined fundamental rights, emphasising principles such as freedom, equality, and harmonious coexistence among diverse ethnicities. Additionally, the Constitutional Act on Human Rights and Freedoms²⁰ underscored the obligation to respect and safeguard the rights of minority communities.²¹ Also, the deliberations of the Arbitration Commission regarding Croatia's recognition underscored the critical importance of human rights standards as foundational for the newly established state. However, significant challenges persisted in the actual implementation of these rights. The leaders of the Serbian community in Croatia pursued their autonomy vigorously, often resorting to violent means rather than peaceful negotiations to assert their rights.²²

Importantly, the international acknowledgement of Croatia in early 1992 was closely intertwined with human rights considerations, presenting intricate challenges in balancing nation-building with democratisation and civil society development. The events of 1990 to 1992 served as a historical foundation for the ongoing dialogue around human rights in Croatia.²³ However, the constitutional framework finally established robust normative guarantees for fundamental rights, although much of the political discourse frequently leaned on references to pre-communist Croatian statehood, complicating the refinement of national identity. Following decades of communist governance, the recognition of fundamental rights allowed for the opportunity to define national identity while addressing historical grievances among different ethnic communities.²⁴ The evolving perspective on human rights in Croatia has transitioned from a framework of inclusive yet limited rights within socialist Yugoslavia to a more narrow interpretation following independence, while current initiatives aim to align

16 Bing, 2008, pp. 196–198.

17 Matulovic and Boskovic, 1996, p. 304.

18 Declaration on the Proclamation of the Sovereign and Independent Republic of Croatia (*cro. Deklaracija o proglašenju suverene i samostalne Republike Hrvatske*), Official Gazette, no. 31/1991.

19 Mijić Vulinović, 2022, p. 15.

20 The Constitutional Act on Human Rights and Freedoms and on the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia (*cro. Ustavni zakon o ljudskim pravima i slobodama i o pravima etničkih i nacionalnih zajednica ili manjina u Republici Hrvatskoj*), Official Gazette, no. 34/1992.

21 Matulovic and Boskovic, 1996, p. 304.

22 Matulovic and Boskovic, 1996, pp. 311–312.

23 Bing, 2008, pp. 195–197.

24 Rodin, 2013, pp. 391–392.

with European standards.²⁵ This notable shift in understanding human rights during this transitional period showcases the challenges faced by the emerging independent state as it navigated its historical context.²⁶ However, later on, the Arbitration Commission determined that the Constitutional Act on Human Rights and Freedoms inadequately addressed minority rights, emphasising the need for ongoing discussions regarding the balance between self-determination and the rights of ethnic communities in Croatia.²⁷ It became increasingly evident that the newly sovereign Croatian state, despite proclaiming its independence, relied significantly on pre-existing international treaties from the former Yugoslavia, which affected the nascent system of human rights protection.²⁸ Additionally, the Constitutional Declaration affirming Croatia's sovereignty explicitly acknowledged the importance of fundamental human rights, democratic principles, and the rule of law, thereby laying a solid groundwork for future governance.²⁹ This acknowledgement was pivotal for establishing Croatia as a modern democratic nation committed to protecting human rights.

To conclude, Croatia's history of universal human rights protection offers a nuanced story that progresses from Yugoslavia's socialist goals to the aspirations of an independent nation founded on international human rights norms. Every phase of this journey, marked by significant political upheavals, nationalist movements, and evolving legal frameworks, has been crucial in forming Croatia's current human rights environment. The cornerstone of this framework is the Croatian Constitution, which is interconnected with international mechanisms that will be further analysed in the subsequent sections.

3. Constitutional protection of human rights and its interconnection with international mechanisms

Similar to other post-communist nations, Croatia was involved in both constitutionalisation and economic restructuring following its departure from socialism. This constitutionalisation process aimed to create a true multiparty democracy dedicated to upholding the rule of law and safeguarding the rights of individuals and minorities.³⁰

The foundations for the organisation of the government in the Republic of Croatia, as well as the system of human rights and freedoms, were established by its state-building acts predating the first Constitution, adopted on 25th June 1991.

25 Popović, 2013, p. 94.

26 Mijić Vulinović, 2022, p. 16.

27 Matulović and Bošković, 1991, p. 311.

28 Mijić Vulinović, 2022, p. 17.

29 Mijić Vulinović, 2022, p. 17.

30 Bačić, 2006, p. 78.

This date is recognised as the day Croatia acquired international legal personality. The Croatian Parliament, then part of the SFRY, passed key legal documents: the Declaration on the Proclamation of the Sovereignty and Independence, the Constitutional Law on Amendments for Implementation, and the Charter on the Rights of Serbs and Other National Minorities in Croatia.³¹ Even in political and methodological principles for the new Constitution, the first President of Croatia, Franjo Tuđman, highlighted that the essential starting point and objective of the Constitution are human (civil, political, social, and cultural) and national rights.³² Therefore, the final result of this constitutional process was the Constitution of the Republic of Croatia³³, which incorporated fundamental provisions for the protection of human rights, including the rights and freedoms of individuals and social groups, similar to other democratic constitutions.³⁴ The 1990 Constitution specifies the highest values of the constitutional order of the Republic of Croatia as: freedom, equality, national equality, peace, social justice, respect for human rights, the inviolability of property, the preservation of nature and the environment, the rule of law, and a democratic multiparty system. In 2001, constitutional amendments added gender equality to this list and emphasised that these values serve as the foundation for interpreting the Constitution.³⁵ Later on, the Constitution from 1990 has been amended several times. The constitutional changes in 2000 and 2001, as well as those in 2010, are particularly significant in terms of the organisation of government and the system of human rights and freedoms.³⁶ Hence, the Croatian Constitution has been revised to align with international democratic standards³⁷, meaning also that the list of constitutional guarantees for human rights and freedoms outlined in the Croatian Constitution is not intended to be definitive or exhaustive, but it is supplemented by provisions from international treaties to which Croatia has acceded.³⁸ In addition to the Constitution of the Republic of Croatia, significant provisions for the protection of rights are contained in the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Minorities, which was adopted in 1991. Committing to respect and protect national and fundamental rights and freedoms, the rule of law, and other values within its constitutional and international legal frameworks, this Constitutional Law directly references and aligns with essential international documents adopted by the UN, the Council of Europe, and the OSCE.³⁹

31 Bačić, 2006, p. 15.

32 Matulović and Bošković, 1991, p. 304.

33 Constitution of the Republic of Croatia (*cro. Ustav Republike Hrvatske*), Official Gazette, no. 56-1092/90, 22 December 1990.

34 Bačić, 2006, p. 85.

35 Mijić Vulinović, 2022, pp. 59–60.

36 Mijić Vulinović, 2022, p. 19.

37 Mijić Vulinović, 2022, p. 30.

38 Smerdel, 2020, p. 377; See more: Matulović and Bošković, 1996, pp. 313–318.

39 Bačić, 2006, p. 85.

Therefore, in Croatia, the protection of human rights and freedoms is addressed through two key mechanisms. First, the Constitution mandates that these rights, including those of national minorities, must be regulated by organic laws, which require a qualified majority for adoption, emphasising their significance. Second, international treaties play a crucial role in safeguarding human rights within the Croatian legal system. These treaties are considered part of the domestic legal order and have legal precedence over national laws. In this context, Article 134 of the Constitution of the Republic of Croatia states: 'International treaties that have been concluded and ratified in accordance with the Constitution and published, and which are currently in force, constitute part of the internal legal order of the Republic of Croatia and have legal superiority over laws. Their provisions can be changed or revoked only under the conditions and in the manner set forth in the treaties or in accordance with general principles of international law'^{40,41} To conclude, alongside the Constitution and national regulations, human rights are also safeguarded through international treaties.⁴² Consequently, in Croatia, similar to various European nations that adopt the monistic principle regarding the relationships between international and domestic law, international instruments for safeguarding human rights and fundamental freedoms are incorporated into the domestic legal framework and possess a status that is superior to regular legislation.⁴³ This viewpoint is reinforced by the provisions of the Law on Courts from 1994⁴⁴, which states that courts not only adjudicate based on the Constitution and laws but also refer to international treaties that form part of the legal order in Croatia. Additionally, the Constitutional Court of the Republic of Croatia supports the application of international law norms in the domestic legal framework, which strengthens the role of international law, particularly human rights law. In a decision evaluating the constitutionality of specific provisions related to local statutes, the Constitutional Court clarified that only ratified and published international treaties can have legal effect within the domestic legal order.⁴⁵ Accordingly, the Constitution, laws, and other legal documents must comply with the relevant international treaties, reflecting the hierarchy of legal norms. This greatly influences the rule of government bodies in establishing and realising human rights. The Croatian Parliament's primary responsibility is to ratify international treaties and ensure that existing laws are aligned and new laws are created accordingly. Moreover, executive and judicial authorities are tasked with acting in accordance with these provisions. Consequently, the responsibility

40 Article 134 of the Constitution of the Republic of Croatia, Official Gazette, no. 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14.

41 Gardašević, 2014, p. 58.

42 Office for Human Rights and the Rights of National Minorities, 2023, p. 39.

43 Smerdel, 2020, p. 103.

44 Article 5 of the Croatian Law on Courts, Official Gazette, no. 3-31/94.

45 Bačić, 2006, pp. 80–81.

of relevant state entities (such as higher courts, the Constitutional Court, the ombudsman, and the public prosecutor's office) is to oversee that lower norms comply with the higher ones and to enforce sanctions against those who violate guaranteed human rights.⁴⁶

However, while a legal framework was established to guarantee these rights, reports indicate a lack of institutional compliance with international standards, leading to ineffective democratic institutions. This issue is especially evident in the limitations on government power necessary for protecting human rights, with root causes linked to a poor economic situation and the legacy of the former one-party socialist system.⁴⁷ Finally, the Republic of Croatia has successfully articulated its commitment to protecting human rights and freedoms through legal frameworks in a relatively brief period, aligning these efforts with international and comparative law standards. Nonetheless, it has become evident that the implementation of these rights and the mechanisms for their protection have posed significant challenges, that will be touched upon in the following sections.⁴⁸

■ 3.1. *Republic of Croatia in the United Nations*

Within the United Nations framework, global human rights protection is facilitated through international legal instruments that cover civil, political, economic, social and cultural rights. This involves ensuring protection against racial discrimination and shielding individuals from torture and inhumane treatment. Additionally, it includes international legal protections for refugees, displaced persons, and stateless individuals, alongside protections for the rights of women, children, workers, and minorities. The UN develops universally binding international treaties that should be reflected in national legislation, enabling these provisions to be directly applied within the legal systems of member states.⁴⁹ These international human rights documents have gained increasing significance and influence since the later decades of the 20th century. The adoption of the Universal Declaration of Human Rights in December 1948⁵⁰ marked a pivotal effort to restore faith in human rationality and provide hope to humanity, which had been deeply shaken by the atrocities and devastation of the 20th century's major wars. This document successfully encapsulated the vision of prominent intellectuals on what needed to be accomplished to avoid the repetitive cycle of such horrors and crimes throughout history.⁵¹ The Universal Declaration of Human Rights lays out

46 Mijić Vulinović, 2022, p. 59.

47 Mijić Vulinović, 2022, p. 67.

48 Bačić, 2006, p. 85.

49 Petričušić, 2014, pp. 14–15.

50 Universal Declaration of Human Rights, UN General Assembly, Resolution 217A (III), , A/RES/217(III), 10 December 1948.

51 Smerdel and Sokol, 2006, p. 109.

a brief but impactful list of rights that have been elaborated in later treaties such as the 1966 International Human Rights Covenants. These documents emphasise four key structural elements. First, universal rights are the vehicles for promoting values like non-discrimination and an adequate standard of living. Second, aside from the right to self-determination, the rights outlined pertain to individuals rather than corporations. Third, these internationally recognised rights are viewed as interconnected and inseparable, rather than optional items to choose from. Fourth, while these rights are universally applicable to all individuals, states bear the primary responsibility for implementing them domestically for their citizens.⁵² Therefore, the Covenants built on the Declaration aimed to create a framework for monitoring and holding states accountable for safeguarding human rights and fundamental freedoms. Following this, various elements of human rights protection have been addressed by numerous UN international conventions, focusing on human rights and fundamental freedoms, and these will be explored further later.⁵³

When it comes to the relationship between Republic of Croatia and the UN, it can be defined as multifaced, focusing especially on peacekeeping, human rights, and sustainable development. It is important to emphasise that Croatia has ratified and accepted all major international human rights instruments since its inception, including all UN conventions that require reporting. Therefore, Croatia is dedicated to enhancing its collaboration with UN treaty bodies created under these conventions. The nation supports UN efforts by contributing expert representatives, such as a specialist on the Committee on the Elimination of Discrimination against Women. Croatia is actively engaged in setting new standards for human rights and fundamental freedoms protection within the UN and other regional organisations. It also plays a role in protecting human rights through its involvement in the UN Economic and Social Council, the Human Rights Commission, and the Commission on the Status of Women.⁵⁴ Also, since becoming a full member of the UN in May 1992, Croatia already has actively participated in the development and implementation of human rights on a global scale through its governmental bodies. Croatia maintains a Permanent Mission to the UN and is a member of all major human rights conventions within the organisation, which will be further analysed in Section 3.1.1. Following its treaty obligations, Croatia should submit regular reports on the state of human rights.⁵⁵ By collaborating with various specialised UN agencies, Croatian representatives contribute to the advancement of human rights, too. Namely, Croatia joined the International Labour Organisation (ILO) on 6th August 1992 and has been a part of its governing body since 2000. The country also became a member of the United Nations

⁵² Donnelly, 2003, p. 23.

⁵³ Smerdel and Sokol, 2006, p. 108.

⁵⁴ Barbir, 2022, p. 32.

⁵⁵ Mijić Vulinović, 2022, p. 79.

Educational, Scientific and Cultural Organization (UNESCO) on 1 June 1992, the World Health Organization (WHO) on 23rd June 1992, and the Food and Agriculture Organization (FAO) on 8th November 1993. Additionally, Croatia has been a member of the World Bank since 25th February 1993 and joined the International Monetary Fund (IMF) on 14th December 1992. It is also a member of the World Intellectual Property Organisation (WIPO) since 8th October 1991, and the United Nations Industrial Development Organization (UNIDO) since 2nd June 1992, holding observer status in the IMF. Within these institutions, Croatian representatives work with other member states to promote and implement human rights, focusing primarily on economic and social rights. This is supported through agricultural and industrial development, as well as free trade, which helps realise rights such as the right to work, a decent standard of living, and health.⁵⁶

Furthermore, regarding the assessment mechanisms for detecting the implementation and application of the international human rights instruments in Croatia, it is important to analyse the Universal Periodic Review (UPR) with the Human Rights Council engagements, Treaty Bodies' evaluations, , and especially the assessments by the relevant national bodies, with an emphasis on the national ombudsman's reports. Firstly, Croatia has submitted its third national report in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. It was prepared in coordination with the Ministry of Foreign and European Affairs and the competent administration bodies, and afterwards adopted by the Croatian Government. The good practices have been emphasised, meaning that the Croatian authorities noted the adaptation of the Protocol to be followed in Cases of Sexual Violence, straight after the ratification of the Istanbul Convention. They also mentioned the Protocol on Procedures to be followed in Cases of Domestic Violence, just as the project 'My Voice against Violence' that raised awareness about the unacceptability of violence against women and girls and the project 'LILY', with the preventive role in the same scope. Furthermore, the report also refers to the Strategy for Combating Poverty and Social Exclusion, defining the vulnerable groups. Also, the Guidelines for the improvement of regional cooperation in prosecuting war crimes and searching for missing persons was signed, and the Act on Missing Persons in the Homeland War was adopted.⁵⁷ Finally, the recommendations given to Croatia on the session of the Human Rights Council, included aligning national legislation with international obligations and ratifying conventions on enforced disappearance and migrant workers' rights. It was emphasised that it is also essential to strengthen national human rights institutions and ensure that the Ombudsman has adequate resources and independence. Moreover, advancing gender equality and combating discrimination, particularly

⁵⁶ Mijić Vulinović, 2022, p. 81.

⁵⁷ Human Rights Council (2020) National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Croatia, A/HRC/WG.6/36/HRV/1, 4–15 May 2020, pp. 2–3.

concerning gender-based violence, was considered crucial. The recommendations further emphasised enhanced conditions for refugees and asylum seekers while ensuring humane treatment and fair asylum procedures. Also, promoting human rights education and support for vulnerable groups, including minorities and persons with disabilities, is important. Lastly, improving oversight on anti-corruption efforts, media freedom, and conditions in detention facilities was considered necessary. Overall, these recommendations aimed to enhance human rights protections and promote social inclusion in Croatia.⁵⁸ Additionally, afterwards, in late 2021, after experiencing significant delays, the Croatian Government adopted the Second Periodic Report under the International Covenant on Economic, Social and Cultural Rights. To prepare for a discussion on Croatia, the UN Committee on Economic, Social and Cultural Rights held a preparatory meeting in March 2023. The Croatian Ombudsperson, fulfilling its role as a national human rights institution and working with the Children's Ombudsperson and the Ombudsperson for Persons with Disabilities, submitted an alternative report addressing the hurdles in implementing the Covenant. In August 2023, the UN Committee on the Elimination of Racial Discrimination (CERD) evaluated Croatia's combined 9th-14th periodic report on its progress in eliminating racial discrimination. Ahead of this, the Ombudsperson submitted an alternative report in July 2023 and took part in an oral hearing in Geneva, specifically pointing out issues related to the segregation of Roma children in primary schools. Furthermore, Croatia's Ministry of Foreign and European Affairs began working on a voluntary Mid-term Report regarding the implementation of recommendations from the Universal Periodic Review on human rights, demonstrating good governance practices. During this initiative, they also informed civil society organisations about the actions taken to address these recommendations.⁵⁹

3.1.1. *Croatia as the party of the UN's Human Rights Treaties*

Beyond the Constitution of the Republic of Croatia and its domestic laws governing various aspects of social and economic life, human rights and freedoms are safeguarded internationally through treaties. Croatia is a signatory to major international human rights agreements promulgated by the United Nations, each of which includes provisions prohibiting discrimination on multiple grounds.⁶⁰ Therefore, international documents are primarily the focus of International Public Law studies, but it is crucial to recognise that their provisions have influenced the political and methodological approaches used in drafting the Croatian Constitution. These documents served as a foundational standard for establishing

58 Human Rights Council, 2020; Report of the Working Group on the Universal Periodic Review, Croatia, A/HRC/46/16, Human Rights Council, Forty-sixth session, 22 February – 19 March 2021, pp. 11–23.

59 Pučka pravobraniteljica, 2024, p. 319.

60 Office for Human Rights and the Rights of National Minorities, 2023, pp. 2, 10.

guarantees for human rights and freedoms in the Constitution. By declaring succession from the Yugoslav Federation, Croatia became a party to 19 conventions adopted under the auspices of the United Nations and its specialised agencies.⁶¹ Namely, on 8th October 1991, Croatia notified the UN Secretariat that, following the principles of state succession regarding international treaties, it would adhere to the agreements previously entered into by the former Socialist Federal Republic of Yugoslavia. Through these succession notifications, Croatia eventually became a party to all significant human rights treaties. Nonetheless, Croatia's credibility in this commitment needed to be demonstrated first through its overall legislative efforts and then through the effective implementation of its obligations.⁶² Consequently, through the principle of succession, Croatia became a party to several significant treaties that will be analysed more in detail afterwards. Furthermore, beyond its commitments within the European Union, Croatia identified specific areas where it aims to make continuous contributions on a global scale. These areas primarily include the protection and promotion of human rights, with a particular focus on the rights of women and girls, ethnic and religious minorities, and LGBT groups.⁶³ In this regard, for instance, Article 1 of the Constitutional Act on the Rights of National Minorities⁶⁴ refers to international human rights documents, alongside the Constitution of Croatia, such as the 1945 United Nations Charter, the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, and the 1966 International Covenant on Economic, Social and Cultural Rights. Through this article, Croatia pledges to respect the principles and provisions of these international documents, including those that are not binding treaties but serve as political documents or international guidelines for the promotion and protection of human rights and fundamental freedoms. Similarly, other legislation, like the Gender Equality Act⁶⁵, also makes reference to international conventions and political documents.⁶⁶

Therefore, in the context of essential UN human rights instruments, Croatia has ratified most of them, alongside the Charter of the United Nations established

61 Smerdel and Sokol, 2006, p. 110.

62 Bačić, 2006, pp. 84–85; General rules on succession are prescribed by the Vienna Convention on Succession of States in respect of Treaties, Vienna, 23 August 1978, entered into force on 6 November 1996, United Nations, Treaty Series, vol. 1946, p. 3.

63 Office for Human Rights and the Rights of National Minorities, 2023, p. 10; Mijić Vulinović, 2022, pp. 79–80.

64 Constitutional Act on the Rights of National Minorities (*cro. Ustavni zakon o pravima nacionalnih manjina*), Official Gazette of the Republic of Croatia, no. 155/02, 47/10, 80/10, 93/11, 93/11.

65 Gender Equality Act (*cro. Zakon o ravnopravnosti spolova*), Official Gazette of the Republic of Croatia, no. 82/08, 69/17.

66 Smerdel, 2020, pp. 377–378.

in 1945⁶⁷ and the Universal Declaration of Human Rights adopted in 1948⁶⁸. The following is an overview of the key covenants and conventions and their implications on Croatia's system, just as the relevant UN reports on the effectiveness of the national system:

1. The 1966 International Covenant on Civil and Political Rights⁶⁹. The ICCPR is recognised as the most thorough and established UN treaty addressing civil and political rights, generating the majority of the UN's jurisprudence in the field. Initially adopted by the UN General Assembly in 1966, the ICCPR came into effect in 1976 after obtaining 35 ratifications. Following the Cold War, there was a notable increase in the number of state parties to both the ICCPR and its First Optional Protocol, as human rights issues became less politically charged within the UN context.⁷⁰ The ICCPR, has been ratified by the Socialist Republic of Yugoslavia, of which Croatia was a part. After gaining independence, the Republic of Croatia succeeded to the International Covenant on Civil and Political Rights on 12th October 1992, based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions.⁷¹ Croatia also accessed the CCPR-OP1 – Optional Protocol to the International Covenant on Civil and Political Rights on 12th October 1995,⁷² just as the second one for the abolishment of the death penalty.⁷³ When it comes to its implementation and application, it is worth to check the newer relevant reports.⁷⁴ For example, in the 2020 report by the Office of the UN High Commissioner for Human Rights concerning Croatia, the Human Rights Committee raised concerns about the infrequent use of the

67 Charter of the United Nations, Official Gazette of the Republic of Croatia, International Documents, no. 15/1993 and 7/1994; Lulić and Muhvić, 2012, pp. 13–48.

68 The Universal Declaration of Human Rights, Official Gazette of the Republic of Croatia, International Documents, no. 12/2009; Lulić and Muhvić, 2012, pp. 49–53.

69 International Covenant on Civil and Political Rights, New York, 16 December 1966, United Nations, Treaty Series, vol. 999; Centre for Human Rights Geneva (1988) A Compilation of International Instruments. New York: United Nations, pp. 18–37; Official Gazette of the Socialist Federative Republic of Yugoslavia, no. 7/1971. The Republic of Croatia is a party of this Convent based on the Decision on the Publication on Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions, Official Gazette of the Republic of Croatia, International Documents, no. 12/1993; Lulić and Muhvić, 2012, pp. 54–75.

70 Joseph and Castan, 2013, p. 8.

71 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org.

72 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org.; Optional Protocol to the International Covenant on Civil and Political Rights, Official Gazette of the Republic of Croatia, International Documents, no. 7/1995.

73 Second Optional Protocol to the International Covenant on Civil and Political Rights, Official Gazette of the Republic of Croatia, International Documents, no. 7/1995.

74 For the comparison with the first Reports submitted by the Republic of Croatia, see more in: Human Rights Committee, 2000.

ICCPR by domestic courts. The Committee noted a lack of sufficient awareness about the Covenant's provisions among the judiciary and legal professionals, as well as a lack of accessibility to this information for civil society, minorities, and individuals with disabilities. To address these issues, the Committee advised the state to implement measures to enhance the understanding of the Covenant among judges, lawyers, and prosecutors, ensuring its provisions would be considered in domestic legal proceedings. Additionally, the Committee recommended that efforts be made to broadly disseminate information about the Covenant across the country, including translating it and making it accessible to all segments of society.⁷⁵ Furthermore, the newer 2024 UN Human Rights Committee assessment of Croatia's compliance with the International Covenant on Civil and Political Rights⁷⁶ highlighted both positive developments and significant concerns. While commending Croatia's temporary protection for Ukrainian refugees, the Committee expressed deep concern regarding reports of irregular border crossings from Bosnia and Herzegovina and Serbia, including pushbacks and ill-treatment of migrants and asylum seekers. Croatia was urged to guarantee equitable access to asylum procedures for anyone needing international protection, to provide comprehensive human rights training to border officials (emphasising non-refoulement), and to ensure thorough, independent investigations into alleged abuses. Further concerns were raised about the prevalence of hate speech and historical revisionism, particularly by high-ranking officials, and the inadequate punishment of hate crimes. The Committee recommended strengthening efforts to combat hate speech and hate-motivated violence against minorities (Roma, Serbs, non-citizens, and LGBT individuals), and providing specialised training on hate crime identification and prosecution for law enforcement, prosecutors, and judges.⁷⁷

2. The 1966 International Covenant on Economic, Social and Cultural Rights⁷⁸. The Republic of Croatia succeeded to the International Covenant on Civil and Political Rights on 12th October 1992, meaning that it is a party based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of

⁷⁵ Human Rights Council, 2020, p. 1.

⁷⁶ International Covenant on Civil and Political Rights, 16 December 1966, General Assembly resolution 2200A (XXI), Entry into force: 23 March 1976.

⁷⁷ United Nations Human Rights Office of the High Commissioner, 2024.

⁷⁸ United Nations, 1988; Official Gazette of the Socialist Federative Republic of Yugoslavia, no. 7/1971. The Republic of Croatia is a party of this Convent based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions, Official Gazette of the Republic of Croatia, International Documents, no. 12/1993; Lulić and Muhvić, 2012, pp. 76–84.

Successions.⁷⁹ As was noted in the Report of the Committee on Economic, Social and Cultural Rights, during the time of its succession to this Covenant, Croatia was suffering from the recovery from the armed conflict, which disabled the fluent implementation of the rights provided by the Covenant, due to the complicated socio-economic, political and other circumstances.⁸⁰ However, drawing from the ICESCR, the Constitution of the Republic of Croatia managed to ensure so-called second-generation rights. These encompass rights like property ownership, entrepreneurial and market freedom, the right to work, social security, sufficient earnings for a dignified life, healthcare, association, and the right to strike. They also include the right to education, and freedom of scientific, cultural, and artistic creation, alongside the right to a healthy life. Unlike first-generation rights, these are long-term goals that government agencies are responsible for facilitating through active measures. However, due to economic conditions, many citizens are unable to fully realise the right to work and to earnings that ensure a dignified life, which, in turn, affects their right to a healthy life. The ICESCR imposes less stringent duties than those for first-generation rights but still mandates legal obligations that must be upheld.⁸¹ Despite this, Croatia has not yet signed the Optional Protocol to the ICESCR. As a result, citizens are not able to submit individual complaints to the independent UN committee responsible for safeguarding social, economic, and cultural rights.⁸² In the Report of the Office of the United Nations High Commissioner for Human Rights from 2020 regarding the economic, social, and cultural rights in Croatia, several challenges were emphasised. Firstly, regarding the right to work and employment conditions, it was noted that there are concerns about horizontal and vertical occupation segregation, with women overrepresented in low-paid and part-time jobs. Issues also include inadequate implementation of equality legislation and the principle of equal pay for work of equal value, leading to a persistent gender wage gap and employment discrimination against women related to pregnancy. Recommendations include introducing regulatory measures for gender mainstreaming, straightening efforts to eliminate occupational segregation, enforcing equal pay, and ensuring effective complaint mechanisms for employment discrimination. The report also emphasises the need to encourage paternity leave and increase access to formal

79 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org.

80 Committee on Economic, Social and Cultural Rights, 2001; Consideration of Reports Submitted by States Parties Under Articles 16 And 17 of the Covenant, Concluding observations of the Committee on Economic, Social and Cultural Rights, Croatia.

81 Mijić Vulinović, 2022, pp. 63–64.

82 Đaković et. al., 2023, p. 14.

employment for disadvantaged groups, including Roma women. Secondly, it was clarified that low social benefits and strict eligibility criteria disproportionately impact women, particularly older women and those without prior employment. The report suggests conducting a socioeconomic study of impoverished women to enhance social protection measures. Thirdly, Croatia has made progress in healthcare, however, challenges remain in ensuring access to reproductive health services, with reports on the denial of abortion rights due to conscientious objection by hospitals and abuse during medical procedures related to reproductive health. Recommendations have called for policies that prioritise the rights of vulnerable groups. Fourthly, the report urges the revision of educational materials to remove discriminatory content, the expansion of access to education for unaccompanied children, and the certainty that Roma children receive adequate education in their mother tongue. Finally, the report highlights issues related to trafficking of persons, and special attention is drawn to the barriers faced by marginalised populations in accessing adequate housing, social benefits and services.⁸³

3. The 1951 Convention relating to the Status of Refugees⁸⁴. The former SFRY was a party to both the Convention and the Protocol, and thus the Republic of Croatia ratified the 1951 Convention relating to the Status of Refugees⁸⁵ and its 1967 Protocol on January 19th 1992, soon after achieving independence, through its notification of succession.⁸⁶ Consequently, the Republic of Croatia is a party based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions.⁸⁷ The ratification of this Convention was crucial, since in the past decade Croatia has faced a significant refugee crisis. As a nation affected by aggression, it dealt with its own displaced people while also accommodating a large number of refugees from neighbouring regions, mostly from Bosnia and Herzegovina. In 1992, Croatia registered 531,839 refugees, along with 300,000 displaced persons, making up nearly a quarter of the country's population. Croatia ratified

⁸³ Human Rights Council, 2020, pp. 4–6.

⁸⁴ Convention relating to the Status of Refugees, Geneva, 28 July 1951, United Nations, Treaty Series, vol. 189, with the Protocol relating to the Status of Refugees, New York, 31 January 1967, United Nations, Treaty Series, vol. 606; Centre for Human Rights Geneva, 1988, pp. 294–310.

⁸⁵ Official Gazette of the Socialist Federative Republic of Yugoslavia. The Republic of Croatia is a party of this Convention based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions, Official Gazette of the Republic of Croatia, International Documents, no. 12/1993; Lulić and Muhvić, 2012, pp. 207–221.

⁸⁶ Lapaš, 2008, p. 5.

⁸⁷ See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org; Lulić and Muhvić, 2012, pp. 222–225.

key international documents on the movement and residence of foreigners, including refugees, with its Constitution granting asylum rights, barring non-political crimes or activities against international law. To address refugee issues, it enacted the Asylum Act⁸⁸ with support from the UNHCR, involving representatives from relevant ministers in its drafting.⁸⁹ In the Report of the Office of the United Nations High Commissioner for Human Rights from 2020 regarding the treatment of refugees in Croatia, UNHCR highlighted key issues in the legal framework and current practices. Concerns include restricted access to asylum processes, reports of police violence, and inadequate integration support. UNCHR recommended improving asylum procedures, addressing mistreatment, and enhancing integration through language courses and employment opportunities. Additionally, unaccompanied minors are often placed in unsuitable facilities, prompting calls for specialised centres to ensure proper care and prioritise their best interests. The report stresses the need for better border protections and rights for unaccompanied children.⁹⁰

4. The 1965 International Convention on the Elimination of All Forms of Racial Discrimination⁹¹. The Republic of Croatia succeeded in the International Convention on the Elimination of All Forms of Racial Discrimination on 12th October 1992, meaning it is a party based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions.⁹² According to reports in 2022, progress toward accepting Article 14 of the Convention remained stagnant. Consequently, citizens continue to be unable to file individual complaints with the Committee overseeing its implementation.⁹³ In 2023, CERD, issued findings on Croatia in its session. The Committee highlighted concerns about racial discrimination against Roma and Serb minorities, urging Croatia to enforce anti-discrimination laws and raise awareness. It also called for faster and impartial prosecution of serious humanitarian law violations, regardless of ethnicity.⁹⁴ In July 2023, the

88 Asylum Act (cro. Zakon o azilu), Official Gazette of the Republic of Croatia, no. 103/2003.

89 Damjanović and Tomičević, 2004, p. 74.

90 Human Rights Council, 2020, pp. 8–9.

91 International Convention on the Elimination of All Forms of Racial Discrimination, New York, 7 March 1966, United Nations, Treaty Series, vol. 660; Centre for Human Rights Geneva, 1988, pp. 56–68.

92 United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org; Official Gazette of the Socialist Federative Republic of Yugoslavia no. 6/1967. The Republic of Croatia is a party of this Convent based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions, Official Gazette of the Republic of Croatia, International Documents, no. 12/1993; Lulić and Muhvić, 2012, pp. 91–101.

93 Đaković et. al., 2023, p. 14.

94 UN Committee on the Elimination of Racial Discrimination, 2023.

Ombudswoman submitted a shadow report to the UN Committee on the Elimination of Racial Discrimination (CERD). This report, regarding Croatia's implementation of the Convention on the Elimination of All Forms of Racial Discrimination, is part of the responsibilities of our institution as a National Human Rights Institution (NHRI) with 'A' status. It aligns with CERD's General Recommendation No. 28 on the role of national human rights institutions in fulfilling the Convention's obligations and implementing CERD recommendations. According to the report, in Croatia, racial or ethnic discrimination is prohibited by the Constitution, EU law, international law in force, and Croatian laws, primarily through the Anti-Discrimination Act, as well as the Criminal Code and others. Despite these regulations, racial and ethnic discrimination remains a problem, particularly towards foreign workers from distant third countries, whose numbers have significantly increased in recent years.⁹⁵ Previously, in the Report of the Office of the United Nations High Commissioner for Human Rights from 2020, it was noted that the UNESCO's National Roma Inclusion Strategy (2013-2020) prioritised improving educational inclusion for Roma children. However, UNHCR reported increasing intolerance towards the Serbian minority, marked by hate speech and the displaying of Nazi symbols. The Human Rights Committee highlighted challenges faced by national minorities in using their languages and ongoing racist attacks against Roma and Serbians, with inadequate investigations and compensation for victims. To address these issues, UNHCR recommended a national campaign for minority rights and media awareness, while the Human Rights Committee called for enhancing minority language rights.⁹⁶

5. The 1979 Convention on the Elimination of All Forms of Discrimination against Women⁹⁷. The Republic of Croatia succeeded in the Convention on the Elimination of All Forms of Discrimination against Women on 9th September 1992, meaning it is a party based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions⁹⁸ Croatia also signed the CEDAW-OP - Optional Protocol to the Convention on the Elimination of All

⁹⁵ The Ombudswoman of the Republic of Croatia, 2024.

⁹⁶ Human Rights Council, 2020, p. 8.

⁹⁷ International Convention on the Elimination of All Forms of Racial Discrimination, New York, 7 March 1966, United Nations, Treaty Series, vol. 660; Centre for Human Rights Geneva, 1988, pp. 112–124.

⁹⁸ See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org; Official Gazette of the Socialist Federative Republic of Yugoslavia no. 11/1981. The Republic of Croatia is a party based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions, Official Gazette of the Republic of Croatia, International Documents, no. 12/1993; Lulić and Muhvić, 2012, pp. 108–118.

Forms of Discrimination against Women on 5th June 2000 and ratified it on 7th March 2001⁹⁹, just as it accepted CEDAW-OP, Arts. 8–9 – Inquiry procedure under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 7th March 2001.¹⁰⁰ Nonetheless, Croatia further postponed fulfilling its international obligations, including the report on the implementation of the International Convention on the Elimination of All Forms of Discrimination against Women, which is now four years overdue.¹⁰¹ The Committee urged Croatia to leverage the Beijing Declaration and Platform for Action in its efforts to fulfil the obligations outlined in this Convention. Additionally, it stressed the need to incorporate a gender perspective, consistent with the Convention's provisions, into all initiatives designed to achieve the Sustainable Development Goals.¹⁰² In the Report of the Office of the United Nations High Commissioner for Human Rights from 2020, it was noted that the Committee on the Elimination of Discrimination against Women urged Croatia to enact legislation to address sociocultural attitudes that impede women's rights and to enhance legal education for professionals on these rights. It recommended raising awareness among women about their rights and encouraging reporting of discrimination. The Committee on the Rights of Persons with Disabilities highlighted the need for initiatives to empower women with disabilities and protect them from violence. Concerns were raised about the effectiveness of domestic violence laws, with issues including dual arrest, lack of investigations, lenient sentencing, insufficient legal aid, and inadequate shelters for victims.¹⁰³ Furthermore, in the Comprehensive national-level review prepared by the Office for Gender Equality of the Government of the Republic of Croatia for the purpose of the Thirtieth anniversary of the Fourth World Conference on Women and adoption of the Beijing Declaration, and Platform for Action (1995), from June 2024, it has been concluded that over the past five years, Croatia has made notable progress in gender equality through legal reforms, national strategies, and collaborative initiatives. However, continued efforts are needed to combat discrimination and improve women's social and economic status. The National Plan for Gender Equality (2021-2027) outlines seven key priorities, including raising public awareness, improving women's labour market position, addressing

99 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org; Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, International Documents, no. 3/2001 and 4/2001; Lulić and Muhvić, 2012, pp. 119–123.

100 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org.

101 Đaković et. al., 2023, p. 15.

102 Human Rights Council, 2023, p. 1.

103 Human Rights Council, 2020, pp. 6–7.

gender-based violence, promoting gender-sensitive education, and increasing women's political participation. Future initiatives focus on combating violence against women and children, enhancing victim support services, and strengthening anti-hate speech measures. Additionally, efforts will be directed toward education, poverty reduction, and ensuring equal opportunities in all areas of life. An emphasis will remain on intersectional cooperation, professional development, and the continuous improvement of policies and practices.¹⁰⁴

6. The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁰⁵. The Republic of Croatia succeeded in the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment on 12th October 1992, meaning it is a party based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions.¹⁰⁶ Also, the then president of the Republic of Croatia, Stjepan Mesić, announced the Law on the Ratification of the Optional Protocol to the Convention, which was adopted by the Croatian Parliament during its session on 20th January 2005¹⁰⁷. Croatia also accepted the CAT, Art. 22 – Individual complaints procedure under the Convention against Torture on 12th October 1992 and has accepted the CAT, Art. 20 – Inquiry procedure under the Convention against Torture.¹⁰⁸
7. The 1989 Convention on the Rights of the Child¹⁰⁹. The Republic of Croatia succeeded in the Convention on the Rights of the Child on 12th October 1992, meaning it is a party based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a

104 Office for Gender Equality of the Government of the Republic of Croatia, 2024, pp. 74–75.

105 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984, United Nations, Treaty Series, vol. 1465; Centre for Human Rights Geneva, 1988, pp. 212–225.

106 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org; Official Gazette of the Socialist Federative Republic of Yugoslavia no. 9/1991. The Republic of Croatia is a party based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions, Official Gazette of the Republic of Croatia, International Documents, no. 12/1993; Lulić and Muhvić, 2012, pp. 124–135.

107 Optional Protocol to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Official Gazette of the Republic of Croatia, International Documents, no. 2/2005 and 3/2007; Lulić and Muhvić, 2012, pp. 136–146.

108 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org.

109 Convention on the Rights of the Child, New York, 20 November 1989, United Nations, Treaty Series, vol. 1577; See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org.

Party based on Notifications of Successions.¹¹⁰ Croatia signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict¹¹¹ and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography¹¹² in 2002. Also, Croatia ratified the CRC-OP-IC - Optional Protocol to the Convention on the Rights of the Child on 18th April 2017¹¹³ and has accepted the CRC-OP-IC, Art. 13 – Inquiry procedure under the Optional Protocol to the Convention on the Rights of the Child.¹¹⁴ Nevertheless, despite a 19-year delay, Croatia still did not submit a periodic report regarding the implementation of the above-mentioned Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.¹¹⁵ In the Report of the Office of the United Nations High Commissioner for Human Rights from 2020, it was noted that the Committee on the Rights of Persons with Disabilities urged Croatia to ensure equal protection for children with disabilities in all relevant legislation and to enhance deinstitutionalisation efforts. It recommended implementing a moratorium on new institutional admissions and straightening psychological, financial, and social support for families.¹¹⁶

8. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families¹¹⁷. According to the latest reports, Croatia did not express any intention to join the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹¹⁸ The Committee on the Elimination of Discrimination against Women urged the State to consider ratifying both

110 Official Gazette of the Socialist Federative Republic of Yugoslavia no. 15/1990. The Republic of Croatia is a party based on the Decision on the Publication of Multilateral International Treaties to which the Republic of Croatia is a Party based on Notifications of Successions, Official Gazette of the Republic of Croatia, International Documents, no. 12/1993. Amendments in Official Gazette of the Republic of Croatia, International Documents, no. 20/1997, 4/1998 and 13/1998; Lulić and Muhvić, 2012, pp. 147–165.

111 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, Official Gazette of the Republic of Croatia, International Documents, no. 5/2002 and 2/2003; Lulić and Muhvić, 2012, pp. 164–168.

112 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Official Gazette of the Republic of Croatia, International Documents, no. 5/2002 and 7/2002; Lulić and Muhvić, 2012, pp. 169–175.

113 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org.

114 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org.

115 Đaković et. al., 2023, p. 15.

116 Human Rights Council, 2020, p. 7.

117 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, New York, 18 December 1990, United Nations, Treaty Series, vol. 2220.

118 Đaković et. al., 2023, pp. 12–13.

this convention and the International Convention for the Protection of All Persons from Enforced Disappearance, but these efforts did not yield any results.¹¹⁹ Even though it has been proven by the reports that the rights of migrants has been violated in Croatia, especially regarding their treatment by the police, and even though Croatia got several recommendations from other states in the Human Rights Council of the UN to implement the mentioned Convention, that didn't result in its success, neither has it been argumentatively reasoned by the Croatian authorities. Therefore, it will be valuable to follow any further progress in this regard.¹²⁰

9. The 2006 Convention on the Rights of Persons with Disabilities¹²¹. The Republic of Croatia signed the Convention on the Rights of Persons with Disabilities on 30th March 2007.¹²² The Act of the Ratification on this Convention has been adopted by the Croatian Parliament at the session on 1st June 2007.¹²³ Croatia has ratified it on 15th August 2007.¹²⁴ Additionally, Croatia signed the CRPD-OP – Optional Protocol to the Convention on the Rights of Persons with Disabilities on 30 March 2007 and ratified it on 15th August 2007.¹²⁵ It also accepted the CRPD-OP, Art. 6-7 – Inquiry procedure under the Convention on the Rights of Persons with Disabilities.¹²⁶ In the Report of the Office of the United Nations High Commissioner for Human Rights¹²⁷ from 2020, it was noted that the Human Rights Committee raised concerns about the excessive use of involuntary hospitalisation for individuals with intellectual or psychosocial disabilities, recommending it be a last resort with proper legal safeguards and an independent monitoring system to address abuses. It also called for dignified psychiatric care and a

119 Human Rights Council, 2023, p. 1.

120 Human Rights Council, 2020, pp. 9, 11–23.

121 United Nations, 2006; See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org.

122 Convention on the Rights of Persons with Disabilities, Official Gazette of the Republic of Croatia, International Documents, no. 6/2007 and 3/2008, amendment in 5/2008; Lulić and Muhvić, 2012, pp. 176–200.

123 Declaration on the proclamation of the Act on the Ratification of the Convention on the Rights of Persons with Disabilities and the Facultative Protocol to the Convention on the Rights of Persons with Disabilities, 6. June 2007, Croatian Parliament, Official Gazette 6/2007.

124 Convention on the Rights of Persons with Disabilities, Official Gazette of the Republic of Croatia, International Documents, no. 6/2007 and 3/2008, amendment in 5/2008; Lulić and Muhvić, 2012, pp. 176–200.

125 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org; Optional Protocol to the Convention on the Rights of Persons with Disabilities, Official Gazette of the Republic of Croatia, International Documents, no. 6/2007 and 3/2008; Lulić and Muhvić, 2012, pp. 201–204.

126 See more in: United Nations Human Rights Treaty Bodies, Treaty Body Database, OHCHR.org.

127 For the status of the persons with disabilities in Croatia after gaining independence, see more in: Michailakis, 1997, pp. 97–98.

plan for deinstitutionalisation with community-based options. The Committee on the Rights of Persons with Disabilities urged Croatia to expand reasonable accommodation and universal design in various sectors beyond the Anti-Discrimination Act, ensure inclusive education at all levels, and provide training for public authorities on disability rights. It recommended legislation to respect the autonomy of persons with disabilities, ensuring their rights to consent to medical treatment, access justice, vote, marry, maintain parental rights, and work, as well as promoting their creative potential through initiatives like disability art festivals.¹²⁸

To provide a clear and systematic overview of the implementation of the aforementioned UN treaties in Croatia in the national legal system, a detailed summary has been prepared. The following section outlines Croatia's approach to integrating the provisions of these international treaties into its national legal framework.

For each UN convention and covenant, two main aspects are highlighted:

1. The date of Accession/Succession/Ratification: This indicates when Croatia formally became a party to the treaty, signifying its commitment to uphold the treaty's provisions.
2. National Implementation Mechanisms: This includes relevant constitutional provisions and major legislative acts that incorporate the principles and requirements of the respective UN treaties into the Croatian legal system.

The subsequent Table offers a concise reference point, summarising the accession dates and key legislative measures enacted to implement the treaties. This expanded text provides a more comprehensive context for readers, helping to understand the legal and institutional measures adopted by Croatia to fulfil its international obligations.

128 Human Rights Council, 2020, pp. 7–8.

Table 1: National implementation of the UN conventions/covenants

UN conventions/ covenants	Time of accession/ succession/ratification	Examples of the national implementation mechanisms
<p>The 1966 International Covenant on Civil and Political Rights</p> <p>CCPR-OP1 – Optional Protocol to the International Covenant on Civil and Political Rights</p>	<p>12th October 1992 (succession)</p> <p>12th October 1995 (accession)</p>	<ul style="list-style-type: none"> – The Constitution of the Republic of Croatia (OG, no. 05/14) provides numerous civil and political rights in its part II titled cro. 'Osobne i političke slobode i prava' (Article 21 to Article 47). It is important to mention that in its Article 21, Constitution has explicitly forbidden the death penalty. – Constitutional Law on the Rights of National Minorities (OG, no. 93/11) undertakes to respect and protect the rights of national minorities and other fundamental rights and freedoms of man and citizen. – The Law on International Legal Assistance in Criminal Matters (OG, no. 178/04) states that the 'international legal assistance is provided in the broadest sense, in accordance with the principles of the domestic legal order, the principles of the ECHR and Fundamental Freedoms and the ICCPR.' – The Law on International and Temporary Protection (OG, no. 33/23) in its Article 44, while defining the safe country of origin, is directly referring to the ICCPR. – Specific laws, such as the Criminal Code (OG, no. 36/24), the Anti-Discrimination Act (OG, no. 112/12) or Act on Courts (OG, no. 36/24) also further implement these rights.
<p>The 1966 International Covenant on Economic, Social and Cultural Right</p> <p>Optional Protocol to the International Covenant on Economic, Social and Cultural Right</p>	<p>12 October 1992 (succession)</p> <p>Not signed</p>	<ul style="list-style-type: none"> – The Constitution of the Republic of Croatia (OG, no. 05/14) provides numerous civil and political rights in its part III titled cro. 'Gospodarska, socijalna i kulturna prava' (Article 48 to Article 70). – The Anti-Discrimination Act (OG, no. 112/12) is the fundamental regulation of anti-discrimination legislation, which ensures the promotion of equality as the highest value of the constitutional order, creates conditions for achieving equal opportunities, and regulates the protection against discrimination. It applies particularly in the areas of: employment, education, science and sports, social security, healthcare, judiciary, housing, media, membership in organisations and cultural creation.¹²⁹ – The provisions on the economic, social and cultural rights are also contained in the special laws, such as: the Labour Act (OG, no. 64/23), Gender Equality Act (OG, no. 69/17), Family Act (OG, no. 156/23), the Act on Life Partnerships of Persons of the Same Sex (OG, no. 98/19), the Act on Maternity and Parental Benefits (OG, no. 152/22), Act on Social Welfare (OG, no. 156/23), the Act on the Protection of Patient Rights (OG, no. 37/08), the Act on Education in Primary and Secondary Schools (OG, no. 156/23), Constitutional Law on the Rights of National Minorities (OG, no. 93/11), etc.

129 See more in: Ministry of Labour, Pension System, Family and Social Policy, 2021, p. 12.

<p>The 1951 Convention relating to the Status of Refugees</p> <p>1967 Protocol to the Convention relating to the Status of Refugees</p>	<p>19 January 1992 (ratification)</p> <p>19 January 1992 (ratification)</p>	<ul style="list-style-type: none"> – Article 33 of the Constitution of the Republic of Croatia (OG, no. 05/14) says that ‘a foreign national and stateless persons can seek asylum in the Republic of Croatia, except if they are prosecuted for non-political crimes and activities contrary to the fundamental principles of international law. A foreigner who is legally residing in the territory of Croatia cannot be expelled or extradited to another state, except when it is necessary to enforce a decision made in accordance with international agreements and the law.’ – The Law on International and Temporary Protection (OG, no. 33/23) regulates the status and rights of refugees, just as the Act on Mandatory Health Insurance and Health Care of Foreigners in the Republic of Croatia (OG, no. 46/22) specifically in the scope of their health care.
<p>The 1965 International Convention on the Elimination of All Forms of Racial Discrimination</p>	<p>12 October 1992 (succession)</p>	<ul style="list-style-type: none"> – The Constitution of the Republic of Croatia (OG, no. 05/14), Article 14 explicitly provides the rights and freedoms to everyone, no matter the race. – Constitutional Law on the Rights of National Minorities (OG, no. 93/11) is explicitly referring to the Convention and granting the rights to national minorities. – The Anti-Discrimination Act (OG, no. 112/12) is the fundamental regulation of anti-discrimination legislation and it ensures protection and promotion of equality as the highest value of the constitutional order of Croatia, and regulates the protection against, beside other, discrimination based on race.
<p>The 1979 Convention on the Elimination of All Forms of Discrimination against Women</p> <p>Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women</p>	<p>9 September 1992 (succession)</p> <p>7 March 2001 (ratification)</p>	<ul style="list-style-type: none"> – The Constitution of the Republic of Croatia (OG, no. 05/14), Article 3 emphasises the gender equality as one of the highest values of the constitutional order of Croatia and the foundation for the interpretation of the Constitution. Also, in Article 14, it guarantees all the rights and freedoms no matter the gender. – The Gender Equality Act (OG, no. 69/17) Article 6(1) contains a definition of discrimination based on gender, in accordance with the provisions of the Convention. – The Civil Service Act (OG, no. 85/24), Article 8, also defines the principle of prohibition of discrimination, which prohibits discrimination or favours towards citizens based on, beside other, gender. – The Criminal Code (OG, no. 36/24), Article 125 contains sanctions for violations of citizens’ equality based on gender, defining the denial or limitation of such freedoms or human and citizen rights categorised by the Constitution, law, or other regulations. – The Criminal Procedure Act contains Article 6 that prohibits discrimination in the treatment of any person, and a violation of this provision excludes the possibility of using evidence obtained in that manner.¹³⁰
<p>The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</p>	<p>12 October 1992 (succession)</p>	<ul style="list-style-type: none"> – The Constitution of the Republic of Croatia (OG, no. 05/14), Article 17 states that even in the case of immediate danger to the survival of the state, the application of the provisions of the Constitution regarding the right to life, the prohibition of torture, cruel or degrading treatment or punishment cannot be restricted. – The Criminal Code (OG, no. 36/24) contains Article 91 and especially Article 104 that explicitly prohibit the torture, and other cruel, inhumane or degrading treatment or punishment.

<p>The 1989 Convention on the Rights of the Child</p> <p>Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict</p> <p>Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography</p> <p>Optional Protocol to the Convention on the Rights of the Child</p>	<p>12 October 1992 (succession)</p> <p>1 November 2002 (ratification)</p> <p>13 May 2002 (ratification)</p> <p>18 April 2017 (ratification)</p>	<ul style="list-style-type: none"> – The Constitution of the Republic of Croatia (OG, no. 05/14), Article 63 explicitly guarantees the protection of children. – The Act on the Ombudsman for Children (OG, no. 73/17) outlines the scope and functioning of the Ombudsman for Children, as well as conditions for the selection and dismissal of the Ombudsman and their deputies. The Ombudsman is responsible for protecting, monitoring, and promoting the rights and interests of children, in accordance with the Constitution of the Republic of Croatia, international treaties, binding legal acts of the EU, and national laws. – The Family Act (OG, no. 156/23) and the Social Welfare Act (OG, no. 156/23) incorporate specific rights of children. Beside those, the Act on International and Temporary Protection (OG, no. 33/23) also contains the specific provisions related to the protection of the children. Additionally, the Constitutional Law on the Rights of National Minorities (OG, no. 93/11) takes into consideration the protection of children provided by the Convention.
<p>The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</p>	<p>No accession/succession/ratification</p>	<p>–</p>
<p>The 2006 Convention on the Rights of Persons with Disabilities</p> <p>Optional Protocol to the Convention on the Rights of Persons with Disabilities</p>	<p>15 August 2007 (ratification)</p> <p>15 August 2007 (ratification)</p>	<ul style="list-style-type: none"> – The Constitution of the Republic of Croatia (OG, no. 05/14) notes that the State dedicates special attention to the protection of persons with disabilities and their inclusion in social life and guarantees their right to special protection at work. – The Anti-Discrimination Act not only safeguards equality as a fundamental value of the constitutional order in Croatia, but also establishes conditions for equal opportunities and protection against disability discrimination. It also defines discrimination to include the failure to accommodate persons with disabilities according to their specific needs concerning: access to public resources, participation in public and social life, access to the workplace and suitable working conditions. <p>The Social Welfare Act (OG, no. 156/23), Article 15 defines the person with disabilities and regulates the social welfare needs of them more in detail.</p> <p>Other acts that are also important for regulating the status and rights of persons with disabilities are: The Act on the Croatian Sign Language and Other Communication Systems for Deaf and Deafblind Persons in the Republic of Croatia (OG, no. 82/15), The Act on Maternity and Parental Benefits (OG, no. 59/17), The Act on Child Allowance (OG, no. 58/18), The Family Act (OG, no. 103/15), The Act on the Mobility of Blind Persons with Assistance from Guide Dogs (OG, no. 131/08), The Act on a Unified Expert Body (OG, no. 95/15) and The Act on the Protection of Persons with Mental Disorders (OG, no. 76/14).</p>

Source: The table is the result of the authors' individual research.

However, in addition to previously mentioned conventions, Croatia is also a party to several other significant international agreements. These include the 1948

Convention on the Prevention and Punishment of the Crime of Genocide,¹³¹ the 1968 Convention on the Non-Applicability to Statutory Limitations to War Crimes and Crimes Against Humanity,¹³² the 1962 Slavery Convention along with its 1953 Protocol,¹³³ the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,¹³⁴ the 1950 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,¹³⁵ the 1954 Convention Relating to the Status of Stateless Persons,¹³⁶ the 1952 Convention on the Political Rights of Women,¹³⁷ the 2000 Convention against Transnational Organised Crime,¹³⁸ the four Geneva Conventions of 1949 and their two Additional Protocols of 1977,¹³⁹ the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid,¹⁴⁰ and the 1960 UNESCO Convention against discrimination in Education.^{141,142} Croatia has also become a member of numerous conventions adopted under the International Labour Organisation (ILO). Some of these include: Convention No. 29 on Forced or Compulsory Labour (1930),¹⁴³ Convention No. 102 on Minimum Standards of Social

131 Convention on the Prevention and Punishment of the Crime of Genocide, New York, 9 December 1948, United Nations, Treaty Series, vol. 1021.

132 Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, New York, 26 November 1968, United Nations, Treaty Series, vol. 754.

133 Slavery Convention, signed at Geneva on 25 September 1926 and amended by the Protocol, New York, 7 December 1953, United Nations, Treaty Series, vol. 212.

134 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, Geneva, 7 September 1956, United Nations, Treaty Series, vol. 266.

135 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Lake Success, New York, 21 March 1950, United Nations, Treaty Series, vol. 96.

136 Convention relating to the Status of Stateless Persons, New York, 28 September 1954, United Nations, Treaty Series, vol. 360.

137 Convention on the Political Rights of Women, New York, 31 March 1953, United Nations, Treaty Series, vol. 193.

138 Convention against Transnational Organized Crime, New York, 15 November 2000, United Nations, Doc. A/55/383.

139 See more in: Geneva Convention for the Improvement of the Condition of the Wounded and Sick in Armed Forces in the Field (GCI); Geneva Convention for the Improvement of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea (GCII); Geneva Convention Relative to the Treatment of Prisoners of War (GCIII); Geneva Convention Relative to the Protection of Civilians in Time of War (GCIV); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (API); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-international Armed Conflicts (APII).

140 International Convention on the Suppression and Punishment of the Crime of Apartheid, New York, 30 November 1973, United Nations, Treaty Series, Vol. 1015.

141 Convention against Discrimination in Education, Paris, 14 December 1960, UNESCO, CL/3933.

142 Mijić Vulinović, 2022, pp. 79–80.

143 Forced Labour Convention, Geneva, 1930, International Labour Organization, No. 29.

Security (1952),¹⁴⁴ Convention No. 87 on Freedom of Association and Protection of the Right to Organise (1948),¹⁴⁵ Convention No. 98 on the Right to Organise and Collective Bargaining (1949),¹⁴⁶ Convention No. 105 on the Abolition of Forced Labour (1957),¹⁴⁷ Convention No. 122 on Employment Policy (1964),¹⁴⁸ Convention No. 135 on Workers' Representatives (1971),¹⁴⁹ Convention No. 138 on the Minimum Age for Admission to Employment (1973),¹⁵⁰ Convention No. 100 on Equal Remuneration for Men and Women,¹⁵¹ and Convention No. 111 on Discrimination (Employment and Occupation) (1958).^{152,153}

3.1.2. Croatia before the UN Treaty Bodies

Finally, in order to illuminate key challenges in Croatia's human rights practices, it is essential to analyse the obligations toward, and the cases before the UN Treaty Bodies. Namely, when it comes to the International Covenant on Civil and Political Rights (ICCPR), and its Treaty Body, Human Rights Committee, it is important to emphasise that Croatia submits periodic reports and is subject to examinations concerning compliance with the Covenant. Also, as a party to the Optional Protocol, Croatia allows individual complaints, which will be examined in more detail. Secondly, Croatia also participates in the reporting process before the Committee on Economic, Social and Cultural Rights (CESCR), and as the Treaty Body of the International Covenant on Economic, Social and Cultural Rights (ICESCR), addressing its obligations related to economic, social, and cultural rights. Croatia is also a party to the Optional Protocol, although only limited communications have been reported under it so far. Thirdly, the United Nations High Commissioner for Refugees (UNHCR) monitors compliance with refugee rights, which includes Croatia's obligations under the Convention relating to the Status of Refugees and its Protocol. Fourthly, the Committee on the Elimination of Racial Discrimination (CERD) receives Croatia's reports on the application of the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), assessing adherence

144 Social Security (Minimum Standards) Convention, Geneva, 1952, International Labour Organization, No. 102.

145 Freedom of Association and Protection of the Right to Organise Convention, Geneva, 1948, International Labour Organization, No. 87.

146 Right to Organise and Collective Bargaining Convention, Geneva, 1949, International Labour Organization, No. 98.

147 Abolition of Forced Labour Convention, Geneva, 1957, International Labour Organization, No. 105.

148 Employment Policy Convention, Geneva, 1964, International Labour Organization, No. 122.

149 Workers' Representatives Convention, Geneva, 1971, International Labour Organization, No. 135.

150 Minimum Age Convention, Geneva, 1973, International Labour Organization, No. 138.

151 Equal Remuneration Convention, Geneva, 1951, International Labour Organization, No. 100.

152 Discrimination (Employment and Occupation) Convention, Geneva, 1958, International Labour Organization, No. 111.

153 Mijić Vulinović, 2022, pp. 79–80.

to the principles of the Convention. Fifthly, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) reviews Croatia's reports and considers its recommendations to improve the status of women in the country, to comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Also, the Optional Protocol allows for individual complaints regarding violations of women's rights, but there are no cases currently available on the relevant data bases. Furthermore, the Committee against Torture (CAT) receives periodic reports from Croatia, addressing issues related to torture and ill-treatment, referring to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT). The Committee on the Rights of the Child (CRC) also reviews Croatia's policies and practices related to children's rights through periodic reporting based on the relevant Convention on the Rights of the Child (CRC) and its Optional Protocols. Also, The Committee on the Rights of Persons with Disabilities engages in reviewing Croatia's reports on the application of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

However, besides the reporting procedures, Croatia has not been the subject of a numerous individual complaints, despite being a party of the above-mentioned Treaties and its Optional Protocols. Nevertheless, in the following, the author provides an analysis of the cases brought before the UN Treaty Bodies against Croatia. This analysis will highlight recurring issues, especially those that affected the position of minority groups during and after the war.

3.1.2.1. Human Rights Committee, United Nations, *Dagmar Urbanetz Linderholm v. Croatia*, CCPR/C/66/D/744/1997, Communication No. 744/1997, 20 May 1996

Mrs. Dagmar Urbanetz Linderholm, residing in England, brought a Communication before the UN Human Rights Committee, alleging that Croatia had violated her rights under Articles 26 and 14(1) of the ICCPR. Her claim concerned the 1945/48 expropriation of her parents' hotel and subsequent irregularities in restitution proceedings under 1991 legislation. The Croatian state party responded to the Communication, but the HRC found it inadmissible under Article 5(2)(a) of the Optional Protocol. This was because a similar application had already been rejected by the European Commission of Human Rights. Therefore, the HRC did not consider the merits of Ms. Linderholm's claim.

3.1.2.2. Human Rights Committee, United Nations, *Paraga v. Croatia*, CCPR/C/71/D/727/1996, Communication No. 727/1996, 16 April 1996

Communication No. 727/1996 to the Human Rights Committee concerned allegations by Mr Dobroslov Paraga, a prominent Croatian human rights activist and a former president of the Croatian Party of Rights (HSP), of systematic violations of his rights under the International Covenant on Civil and Political Rights (ICCPR). Paraga's central argument posited a pattern of politically motivated state actions

dating back to 1991, aimed at silencing his political opposition and undermining his party. A key element of Paraga's claims involved his arrest and detention in November 1991 on charges of conspiracy, ultimately dismissed for a lack of evidence. He argued this arrest was not only arbitrary but also constituted a blatant attempt to suppress his political activities, violating his rights to liberty and a fair trial under Article 9 of the ICCPR. This was further supported by his claims regarding the inadequate investigation into the murder of his party's vice president, suggesting a possible government-sponsored assassination attempt aimed at eliminating a key political opponent. The lack of a thorough investigation, he argued, represented a failure of the state to protect his right to life and security of his person, further deepening the allegation of politically motivated persecution. Paraga also highlighted the strategically timed charges of illegal mobilisation and slander, presented as attempts to discredit him, publicly infringed upon his rights to freedom of expression (Article 19) and political participation (Article 25) by utilising the legal system for political suppression. The attempted ban of the HSP reinforced this pattern, demonstrating an effort to eliminate his political platform entirely, violating his right to freedom of association (Article 22). Finally, Paraga contended that the extended legal proceedings, including the protracted resolution of the slander charges and his eventual eviction from the party's office, demonstrated a deliberate strategy of delay and harassment, effectively denying him his right to a trial 'without undue delay' as stipulated in Article 14. The Croatian government's counterarguments focused on procedural issues, notably the timing of many events relative to the Optional Protocol's entry into force and the alleged failure by Paraga to exhaust domestic remedies. However, the Committee ultimately centred its decision on the merits of Paraga's claim that the lengthy legal processes constituted a violation of Article 14, paragraph 3(c), of the ICCPR.¹⁵⁴

3.1.2.3. Human Rights Committee, United Nations, *Vojnović v. Croatia*, CCPR/C/95/D/1510/2006, Communication No. 1510/2006, 28 April 2009

Communication no. 1510/2006, was a case brought before the UN Human Rights Committee concerning alleged human rights violations including Dušan Vojnović, his wife Dragica, and their son Milan, by the Republic of Croatia. The core issues centred on the termination of their specially protected tenancy in a Zagreb apartment and subsequent alleged violations of their rights under the International Covenant on Civil and Political Rights. The Vojnović family, Croatian citizens of Serbian origin, resided in a state-owned apartment from 1986 until 1992. However, due to credible death threats, they were forced to leave in 1991 – Dušan and Milan relocated to Serbia, while Dragica remained in Croatia until October 1992. In 1995, a Zagreb Municipal Court ruled that their tenancy rights had been terminated

¹⁵⁴ Human Rights Committee, United Nations, *Paraga v. Croatia*, CCPR/C/71/D/727/1996, Communication No. 727/1996, 16 April 1996.

due to non-occupancy exceeding six months, a decision they were not notified of until 1998. Despite attempts to repurchase the apartment in 1998, their request was denied. Subsequent legal proceedings, initiated with a successful review of the 1995 court decision in 2000, extended over several years and concluded with the family's unsuccessful appeal to the Croatian Constitutional Court in 2005. However, this communication detailed not only this protracted housing dispute but also several additional allegations of human rights abuses. Croatia challenged the admissibility of the complaint to the UNHRC, citing the exhaustion of domestic remedies, the matter already being before the ECHR (a claim later deemed invalid *ratione temporis* by the UNHRC), and claims deemed inadmissible on grounds of *ratione temporis* and *ratione personae*. The UNHRC, after a thorough examination, determined that while portions of the initial complaint were inadmissible for various reasons, the claims regarding violations of Article 2 (para. 1), Article 14 (para. 1), Article 17, and Article 26 of the ICCPR were admissible. Their analysis found violations of Article 14, para. 1 (right to a fair trial), and Article 17 (right to respect for the home), both in conjunction with Article 2 (para. 1) (right to life). The Zagreb Municipal Court's refusal to consider relevant evidence and witnesses, along with the significant and unjustified delay in the proceedings, amounted to an unfair trial. Moreover, the termination of the tenancy was deemed arbitrary, given the documented threats and the resulting duress forcing the family's departure. While Article 26 (equality before the law) was invoked, its violation was subsumed in the Court's findings on Articles 14 and 17. The UNHRC's decision concluded with a finding of human rights violations and an order for Croatia to provide an effective remedy, including appropriate compensation, to the Vojnović family within 180 days. The Vojnović case serves as a poignant example of the challenges faced by minority groups in the assertion of their rights and the importance of effective legal recourse in ensuring that fundamental human rights are upheld and protected.¹⁵⁵

3.1.2.4. Human Rights Committee, United Nations, *M.L. v. Croatia*, CCPR/C/127/D/2505/2014, Communication No. 2505/2014, 27 November 2013

M.L., a Croatian national of Serbian ethnicity, filed Communication No. 2505/2014 with the UN Human Rights Committee, alleging that Croatia violated his rights by destroying his property in 1992 during the Croatian War of Independence and subsequently failing to provide compensation. His property, a tourist rental house, was deliberately destroyed by Croatian authorities. Despite pursuing various domestic legal avenues – including out-of-court settlements and administrative appeals – M.L. was unsuccessful in obtaining compensation, largely due to procedural obstacles, including the rejection of his claim by the High Administrative

¹⁵⁵ Human Rights Committee, United Nations, *Vojnović v. Croatia*, CCPR/C/95/D/1510/2006, Communication No. 1510/2006, 28 April 2009.

Court on technical grounds related to his lack of an address or legal representation in Croatia. Croatia challenged the UNHRC communication's admissibility, citing insufficient domestic remedy exhaustion, and issues of *ratione materiae*, *ratione temporis*, and insufficient substantiation. While acknowledging the concerning allegations of discriminatory intent behind the property destruction, the Committee ruled that claims regarding the 1992 destruction were inadmissible *ratione temporis* as they predated the Optional Protocol's entry into force for Croatia. Additionally, claims regarding the right to property and compensation were deemed inadmissible *ratione materiae* as the Covenant does not independently guarantee these rights. The Committee also found aspects of M.L.'s claims regarding access to information and insufficiency substantiated. Therefore, the UNHRC declared the communication inadmissible under Articles 1, 2, 3, and 5(2)(b) of the Optional Protocol.

3.1.2.5. Human Rights Committee, United Nations, *D.V. v. Croatia*, CCPR/C/122/D/2859/2016, Communication No. 2859/2016, 14 July 2016

D.V., an Australian and Serbian citizen, alleged that Croatia violated his human rights through his protracted extradition and pre-trial detention-related war crimes charges. Arrested in Australia in 2006 based on a Croatian warrant, he fought extradition for years, ultimately being extradited in 2015 and then held in pre-trial detention for over a year before his trial commenced in 2016. He claimed violations of multiple articles of the ICCPR, primarily focusing on arbitrary detention and denial of a fair trial. However, the UNHRC found his communication inadmissible. While acknowledging the lengthy detention, the UNHRC stated it couldn't review the merits of his ongoing criminal trial or the legality of his detention while that trial was pending, emphasising its non-interference in domestic criminal proceedings. The Committee also found that D.V. did not sufficiently substantiate claims beyond his lengthy detention, concluding that the communication was inadmissible due to insufficient substantiation and incompatibility with the Covenant provisions. Therefore, the UNHRC declared the communication inadmissible under Articles 3 and 5(2)(b) of the Optional Protocol.¹⁵⁶

4. Conclusion

Based on a comprehensive historical, contextual, legislative, and practical analysis of human rights protection in Croatia, it can be concluded that the country generally normatively aligns with the international human rights framework. As a party to numerous UN instruments and their affiliated bodies, Croatia is obligated to

¹⁵⁶ Human Rights Committee, United Nations, *D.V. v. Croatia*, CCPR/C/122/D/2859/2016, Communication No. 2859/2016, 14 July 2016.

uphold a wide array of human rights and to implement these standards nationally. However, there remains a continuous call for the ratification of unratified international agreements, which would integrate the highest levels of human rights protection and non-discrimination into Croatian law. This includes the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Revised European Social Charter. In this context, the Ministry of Foreign Affairs has indicated that the draft Action Plan for the Protection and Promotion of Human Rights for 2024 and 2025, which is yet to be adopted, includes plans for a thorough assessment of the prerequisites required for the ratification of these instruments¹⁵⁷.

However, despite these normative commitments, reports from relevant institutions and an examination of cases before the UN Human Rights Committee indicate that Croatia still scores poorly regarding human rights protection, particularly in certain areas of enforcement. As a country with a post-communist history marked by low political accountability and challenging economic conditions, Croatia encounters considerable obstacles in realising its economic, social, and cultural rights, especially in relation to the right to a decent standard of living, education, and employment.¹⁵⁸ Reports from the Croatian Ombudsman illustrate how unfavourable economic circumstances adversely affect human rights protection. They also highlight the lack of awareness among Croatian citizens regarding their entitlements and the mechanisms available to claim these rights, leading to widespread inaction in defending against possible violations. Furthermore, the ineffectiveness of the judicial system is frequently cited as a significant barrier to achieving human rights and fundamental freedoms, particularly in relation to the right to a fair trial, which is often undermined by delays. Moreover, it is evident that public officials often lack the necessary training to fulfil their roles in protecting human rights and freedoms.¹⁵⁹ Discrimination – especially based on national and ethnic identity – also remains a crucial issue within Croatia’s human rights framework, which has been highlighted in case proceedings before the UN Human Rights Committee. The prevalence of hate speech in public discourse further demonstrates a pervasive misunderstanding of the concepts of freedom of expression and hate speech.¹⁶⁰

The struggle of European and international institutions to effectively promote human rights implementation, beyond establishing legal structures, along with the Croatian government’s reluctance to extend these rights universally, and the challenges of capable NGOs to hold the government accountable, contribute to persistent human rights deficits – particularly affecting the ethnic

157 Pučka pravobraniteljica, 2024, pp. 320–321.

158 Mijić Vulinović, 2022, pp. 33–34.

159 Mijić Vulinović, 2022, p. 68.

160 Mijić Vulinović, 2022, p. 76.

Serb minority, women, and the LGBT community.¹⁶¹ Although reports from the Ombudsman and Human Rights House indicate some progress, this advancement is still insufficient. Additionally, the challenges presented by the Covid-19 pandemic and the recent earthquakes in certain regions of Croatia have further intensified these issues.

In summary, Croatia, a relatively young and modern democracy, continues to grapple with the ideological legacy of its past, creating a disconnect between its human rights normative framework, which closely adheres to international standards, and the institutional shortcomings in upholding the principles of constitutionalism and legality in practice. By effectively implementing recommendations from both international and national bodies, enhancing institutional safeguards for human rights, and improving public education about these rights, Croatia has the potential to make significant strides in the protection of human rights.

161 Popović, 2013, p. 95.

Bibliography

- Bačić, P. (2006) 'Constitutionalism, European Organisations and Human Rights Protection System in Croatia', *Zbornik Radova Pravnog Fakulteta u Splitu*, 43(2), pp. 75–102.
- Barbir, D. (2022) *Zaštita ljudskih prava i temeljnih sloboda u Republici Hrvatskoj*. Šibenik: Veleučilište u Šibeniku.
- Bing, A. (2008) 'Hrvatska i ljudska prava 1990. - 1992. - okvir za istraživanje (etnocentizam, autoritarni populizam, ljudska prava i demokracija)', *Časopis za suvremenu povijest*, 40(1), pp. 195–217.
- Donnelly, J. (2003) *Universal Human Rights in Theory and Practice*. Second Edition. New York: Cornell University Press.
- Đaković, T., Horvat, K., Refi Homolak, M., Sinčić, S. (2023) *Ljudska prava u Hrvatskoj: pregled stanja za 2022. godinu*. Zagreb: Kuća ljudskih prava Zagreb.
- Gardašević, Đ. (2014) 'Ljudska prava i temeljne slobode u Ustavu RH' in Kregar, J., Gardašević, Đ., Gotovac, V., Jelić, I., Jurić, M., Ofak, L., Petričušić, A., Selances, G., Staničić, F. (eds.) *Ljudska prava. Uvod u studij*. Zagreb: Pravni fakultet Sveučilišta u Zagrebu, pp. 13–34.
- Human Rights Council (2020) *Report of the Office of the United Nations High Commissioner for Human Rights. Compilation on Croatia, 9 March 2020. Working Group on the Universal Periodic Review, Thirty-sixth session, 4-15 May 2020. A/HRC/WG.6/36/HRV/2*. Geneva: United Nations General Assembly.
- Joseph, S., Castan, M. (2013) *The International Covenant on Civil and Political Rights. Cases, Materials and Commentary*. Third Edition. Oxford: Oxford University Press; <https://doi.org/10.1093/law/9780199641949.001.0001>.
- Kofler, B. (2008) 'Croatia' in Kucsko-Stadlmayer, G. (ed.) *European Ombudsman-Institutions. A comparative legal analysis regarding the multifaceted realisation of an idea*. Wien: Springer, pp. 133–138; https://doi.org/10.1007/978-3-211-72882-6_17.
- Lapaš, D. (2008) *Međunarodnopravna zaštita izbjeglica*. Zagreb: Hrvatski pravni centar.
- Lulić, M., Muhvić, D. (2012) *Ljudska prava. Izbor međunarodnih dokumenata*. Osijek: Pravni fakultet Osijek, Biblioteka Ljudska prava.
- Matulović, M., Bošković, A. (1991) 'Protection of Human Rights and Minority Rights in Croatia', *Zbornik Pravnog fakulteta Sveučilišta u Rijeci*, 17(2), pp. 303–328.
- Mijić Vulinović, I. (2022) *Sustav zaštite ljudskih prava u Republici Hrvatskoj*. Zagreb: Naklada Ljevak.
- Michailakis, D. (1997) *Government Action on Disability Policy: A Global Survey*. Sweden: GOTAB.
- Ministry of Labour, Pension System, Family and Social Policy (2021) *Second Periodic Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights for the period up to 2020*. Zagreb: Government of the Republic of Croatia.
- Mišćenić, E., Kesonja, D. (2018) 'Croatia' in Mercat-Bruns, M., Oppenheimer, D. B., Sartorius, C. (eds.) *Comparative Perspectives on the Enforcement and Effectiveness*

- of *Antidiscrimination Law. Challenges and Innovative Tools*. Cham: Springer, pp. 129–152; <https://doi.org/10.1007/978-3-319-90068-1>.
- Office for Human Rights and the Rights of National Minorities (2023) *National Plan for the Protection and Promotion of Human Rights and Combatting Discrimination for the period to 2027*. Zagreb: Government of the Republic of Croatia.
 - Office for Gender Equality of the Government of the Republic of Croatia (2024) *Comprehensive national-level review, Thirtieth anniversary of the Fourth World Conference on Women and adoption of the Beijing Declaration and Platform for Action (1995)*. Zagreb: Ured za ravnopravnost spolova Vlade Republike Hrvatske.
 - Office for Gender Equality of the Government of the Republic of Croatia (2013) *Četvrto i peto periodično izvješće Republike Hrvatske prema članku 18. UN Konvencije o uklanjanju svih oblika diskriminacije žena*. Zagreb: Ured za ravnopravnost spolova Vlade Republike Hrvatske.
 - Petričušić, A. (2014) 'Osnovni međunarodni dokumenti o ljudskim pravima' in Kregar, J., Gardašević, Đ., Gotovac, V., Jelić, I., Jurić, M., Ofak, L., Petričušić, A., Selances, G., Staničić, F. (eds.) *Ljudska prava. Uvod u studij*. Zagreb: Pravni fakultet Sveučilišta u Zagrebu, pp. 13–34.
 - Popović, M. (2013) 'A Troubled Past, a European Future? Challenges in the Establishment of a Culture of Human Rights in Croatia', *Journal for Human Rights*, 2013(1), pp. 94–119.
 - Pučka pravobraniteljica (2024) *Izvješće pučke pravobraniteljice za 2023. godinu: Analiza stanja ljudskih prava i jednakosti u Hrvatskoj*. Zagreb: Ured pučke pravobraniteljice.
 - Rawls, J. (1971) *A Theory of Justice*. Oxford: Oxford University Press; <https://doi.org/10.1017/S0008423900037306>.
 - Rodin, S. (2013) 'Croatia: Developing Judicial Culture of Fundamental Rights' in Arnold, R. (ed.) *The Universalism of Human Rights*. Dordrecht: Springer, pp. 391–404.
 - Smerdel, B. (2020) *Ustavno uređenje Europske Hrvatske*, Second edition. Zagreb: Narodne novine.
 - Smerdel, B., Sokol, S. (2006) *Ustavno pravo*. Zagreb: Pravni fakultet u Zagrebu.
 - Šarin, D. (2015) 'Ustavni sud Republike Hrvatske kao institucionalni zaštitnik ljudskih prava i temeljnih sloboda', *Zbornik radova Pravnog fakulteta u Splitu*, 52(3), pp. 755–784.
 - The Ombudswoman of the Republic of Croatia (2024) *Međunarodni dan eliminacije rasne diskriminacije* [Online]. Available at: <https://www.ombudsman.hr/hr/meunarodni-dan-eliminacije-rasne-diskriminacije/> (Accessed: 10 November 2024).
 - United Nations Committee on the Elimination of Racial Discrimination (2023) *UN Committee on the Elimination of Racial Discrimination publishes findings on Croatia, Italy, Namibia, Senegal, Turkmenistan and Uruguay*, 31 August. Press Release [Online]. Available at: <https://www.ohchr.org/en/press-releases/2023/08/un-committee-elimination-racial-discrimination-publishes-findings-croatia> (Accessed: 15 December 2024).

- United Nations Human Rights Office of the High Commissioner (2024) *UN Human Rights Committee publishes findings on Croatia, Honduras, India, Maldives, Malta, Suriname, and Syria*, 25 July, Press Releases [Online]. Available at: <https://www.ohchr.org/en/press-releases/2024/07/un-human-rights-committee-publishes-findings-croatia-honduras-india-maldives> (Accessed: 15 October 2024).
- Vasilescu, F.B. (1997) 'The End of Millenium: The Triumph of Constitutionalism in Europe', in Council of Europe (ed.) *The Constitutional Heritage Of Europe, Collection: Science And Technique Of Democracy*. Strasbourg: Council of Europe Publishing (Science and Technique of Democracy, No. 18), pp. 42–59 [Online]. Available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-STD\(1996\)018-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-STD(1996)018-e) (Accessed: 15 December 2024).