

NATIONAL HUMAN RIGHTS INSTITUTIONS IN CROATIA

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ABSTRACT

With the exception of the Constitutional Court of the Republic of Croatia and other courts, this paper provides an overview of the national human-rights institutions (NHRIs) in Croatia, which mainly derive from constitutional provisions governing human rights and fundamental freedoms (hereinafter 'fundamental rights'). These are state bodies, agencies and institutions endowed with a constitutional or statutory mandate to safeguard such rights. A multitude of NHRIs operate at both national and regional levels, many of which are dedicated to the rights of vulnerable groups. The paper examines in greater depth the composition, functions, and activities of the Croatian People's Ombudsperson, the specialised ombudspersons for gender equality, disability, and protection of children, the Information Commissioner, the Personal Data Protection Agency, the Council for Electronic Media, and other governmental and parliamentary entities that address issues pertaining to fundamental rights. It also considers the various commissions and inter-sectoral NHRIs operating at national and regional tiers. Nevertheless, the mere existence of numerous institutions does not, in itself, guarantee the effective protection and promotion of human rights and fundamental freedoms. Moreover, the majority of Croatian NHRIs fall short of fully complying with – or meeting – the standards set out in the 1993 United Nations Paris Principles.

KEYWORDS

*UN Paris Principles
Croatia's human rights institutions
Croatia's ombudspersons
Information Commissioner
Personal Data Protection Agency
Council for Electronic Media*

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1. National Human Rights Institutions in the Republic of Croatia

| 1.1. *The Paris Principles*

In addition to the extensive protection of fundamental rights afforded by the Constitutional Court of the Republic of Croatia and other courts, Croatia has established a network of NHRIs, defined as ‘state bodies with a constitutional and/or legislative mandate to protect and promote human rights’.² These institutions have been established either as a constitutional obligation or pursuant to Croatia’s membership in the EU, its participation in global or regional international organisations, its status as a party to international treaties, or under national laws and regulations where the creation of such an institution was deemed beneficial for addressing specific fundamental rights challenges.

However, not all Croatian NHRIs are fully compliant with the 1993 United Nations Paris Principles.³ These Principles, formulated in 1993 through the efforts of NHRIs worldwide, led to the creation of the Global Alliance of National Human Rights Institutions (GANHRI),⁴ which coordinates the activities of NHRIs internationally and accredits members in accordance with their level of compliance with the Paris Principles. The Principles define the role, composition, status and functions of NHRIs, establishing internationally recognised minimum standards that such institutions must meet to be considered credible and effective. They set out requirements regarding a broad mandate and functions, legal or constitutional independence from government, pluralism, sufficient powers and resources, cooperative operations, and international engagement. The Paris Principles are ‘broadly accepted as the test of an institution’s legitimacy and credibility, and have become part of the human rights lexicon’.⁵

The GANHRI accredits NHRIs based on the extent of their compliance with the Paris Principles. There are currently three levels of accreditation:

‘A’ status – Voting member: fully compliant with the Paris Principles;

‘B’ status – Observer member: not fully compliant or has not yet submitted sufficient documentation;

‘C’ status – Non-member: not compliant with the Paris Principles.

Institutions accredited with ‘A’ status are entitled to participate fully in the international and regional activities and meetings of NHRIs as voting members. They may hold office within the GANHRI Bureau or any of its sub-committees. They also have the right to participate in sessions of the Human Rights Council, to speak under any agenda item, submit documentation, and occupy separate seating. All ‘A’ status NHRIs are subject to reaccreditation every five years to ensure they continue to meet the Principles. Reaccreditation requires submission of supporting documentation, and unless compelling

2 | GANHRI, National Human Rights Institutions [Online]. Available at: <https://ganhri.org/nhri/> (Accessed: 3 February 2025). For more details, see de Beco and Murray, 2014.

3 | UN, 1993.

4 | The GANHRI was previously known as the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).

5 | OHCHR, 2010, p. 7.

and exceptional circumstances are demonstrated, failure to do so will result in loss of status, necessitating a new application.

The GANHRI Sub-Committee on Accreditation (hereinafter ‘the SCA’) is mandated to review and assess accreditation applications submitted by the GANHRI Chair and to make recommendations regarding the applicant’s compliance with the Paris Principles.⁶

This paper provides an overview of Croatia’s current NHRIs, the establishment of which derives primarily from the constitutional provisions concerning fundamental rights. Other NHRIs operating in Croatia are only briefly addressed in this paper.⁷

1.2. Constitutionally Based National Human Rights Institutions in Croatia

1.2.1. People’s Ombudsperson

Pursuant to Art. 93.1 of the Constitution of the Republic of Croatia (hereinafter ‘the Constitution’),⁸ the Croatian People’s Ombudsperson (*pučki pravobranitelj*) (hereinafter ‘the CPO’) is a commissioner of the Croatian Parliament, entrusted with the promotion and protection of fundamental rights as enshrined in the Constitution, national legislation, and ratified international human rights instruments. Croatia thus adopted a parliamentary, monocratic, and general model of the Ombudsperson. The CPO commenced operations in 1992, following the entry into force of the first People’s Ombudsperson Act (hereinafter ‘the CPO Act’).⁹

Art. 93.3 of the Constitution guarantees the autonomy and independence of the CPO. The CPO Act, considered organic law, further stipulates that ‘any form of influence on the Ombudsperson’s work shall be forbidden’ (Art. 7.1). The CPO and their deputies enjoy the same legal immunity as Members of Parliament. Their roles are incompatible with any other public or professional office, as well as with membership in political parties.

The Croatian Parliament elects the CPO for a renewable term of eight years. Candidates are selected through a public call, after which the Parliamentary Committee responsible for human rights provides an opinion. The Parliamentary Committee competent for constitutional matters then nominates at least two candidates for parliamentary consideration.¹⁰

The CPO is responsible for adopting the Office’s Rules of Procedure, interpreting their provisions, issuing implementation instructions, and ensuring proper application.

6 | The SCA members are elected by their respective regional networks. They serve a three-year renewable term. There are four SCA members representing each of the four regions: Africa, Americas, Asia Pacific and Europe. The current SCA member from Europe is the Croatian People’s Ombudsperson Tena Šimonović Einwalter (elected by the Parliament for an eight-year term 2021–2029). GANHRI, Sub-Committee on Accreditation – Membership [Online]. Available at: <https://ganhri.org/sub-committee-on-accreditation/> (Accessed: 3 February 2025).

7 | For more details, see CPO, 2023.

8 | Constitution of the Republic of Croatia (*Ustav Republike Hrvatske*), edited and consolidated text prepared by the Constitutional Court of the Republic of Croatia on 15 January 2014 [Online]. Available at: https://www.usud.hr/sites/default/files/dokumenti/The_consolidated_text_of_the_Constitution_of_the_Republic_of_Croatia_as_of_15_January_2014.pdf (Accessed: 9 February 2025).

9 | The current People’s Ombudsperson Act (*Zakon o pučkom pravobranitelju*) entered into force on 9 July 2012, Official Gazette (*Narodne novine*) (hereinafter ‘OG’) 76/12.

10 | Art. 93.3 of the Constitution; Art. 10 of the CPO Act.

To improve accessibility for citizens, the CPO has established three regional offices in addition to the headquarters in Zagreb. Members of the public may access these offices in person, via e-mail, telephone, or standard postal mail. Contact details are publicly available in the telephone registry and on the CPO's official website.

To enhance pluralism, the CPO Act introduced the Council for Human Rights as an advisory body. The Council formulates strategic guidelines, fosters cooperation between the CPO, civil society, the academic community and the media, and addresses matters of relevance to the CPO's work. The CPO appoints Council members for a renewable four-year term. Members represent academia, civil society organisations (hereinafter 'the CSOs'), the media, and national minorities. Additionally, the CPO has developed a network of anti-discrimination contact points through cooperation agreements with 11 CSOs from across the country, all working in the areas of anti-discrimination and equality.

The CPO's financial resources are secured through the State Budget. However, the Office may also undertake activities funded by external donors, such as the EU or the United Nations.

The CPO has a broad mandate and general functions, enabling effective promotion and protection of all fundamental rights. Specifically, the CPO: examines complaints of unlawful practices and irregularities in the activities of state bodies, self-government bodies, and public legal persons (lodging a complaint is free of charge); protects the rights of individuals deprived of liberty; monitors the overall state of fundamental rights and highlights the need for their protection; monitors the conformity of laws and other regulations with the Constitution and international human rights instruments; promotes alignment with international and European legal standards and ensures their consistent application; conducts research and analysis; maintains an institutional database and relevant documentation; informs the public and relevant stakeholders of violations or infringements of fundamental rights; fosters cooperation with CSOs, international organisations, and academic and research institutions.

The CPO may issue recommendations, opinions, proposals and warnings to the authorities involved in the subject of complaints. These bodies are obliged to inform the CPO of any measures taken. The CPO, therefore, possesses adequate powers, and the SCA has classified it as an NHRI with quasi-jurisdictional functions.¹¹

Each year, the CPO submits a regular report to Parliament, which includes an evaluation of the overall status of the protection of fundamental rights in Croatia. The report also contains recommendations for addressing systemic deficiencies and irregularities that have led to violations of citizens' fundamental and statutory rights. The CPO may also submit special reports on specific issues within its mandate. There are no legal or practical consequences should Parliament decline to accept the CPO's annual report.

Beyond the CPO Act, the CPO's responsibilities are defined in other legislation.

Under the Act on the National Preventive Mechanism,¹² the CPO serves as the national authority responsible for implementing the National Preventive Mechanism,

11 | GANHRI, NHRI Accreditation Database [Online]. Available at: [https://ganhri.org/nhri-accreditation-database/\(under Croatia\)](https://ganhri.org/nhri-accreditation-database/(under+Croatia)) (Accessed: 3 February 2025).

12 | Act on the National Preventive Mechanism for Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*Zakon o Nacionalnom preventivnom mehanizmu za sprečavanje mučenja i drugih okrutnih, neljudskih ili ponižavajućih postupaka ili kažnjavanja*), OGs 18/11, 33/15.

established pursuant to the UN Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Croatia has been a party since 2005.

Moreover, under the Anti-Discrimination Act,¹³ the CPO functions as the central body responsible for combating discrimination on all grounds, acting as the national equality body. The European Commission against Racism and Intolerance (hereinafter ‘the ECRI’) of the Council of Europe has assessed that the CPO possesses all the powers recommended in ECRI’s General Policy Recommendation (GPR) No. 7 § 24, and is aligned with GPR No. 2 concerning national specialised bodies combating racism, xenophobia, antisemitism and intolerance at the national level.¹⁴

The CPO also serves as the external body designated to receive reports of irregularities under the Whistleblowers’ Protection Act.¹⁵

In light of the above, the CPO fully complies with the Paris Principles and currently holds an ‘A’ status, which was last reaffirmed in March 2019.¹⁶ While there is always scope for improvement, the CPO and its Office serve as a model of an independent, pluralistic, cooperative, accessible, internationally active and adequately state-funded NHRI, with a broad mandate and a comprehensive range of functions that enable the effective promotion and protection of all fundamental rights.

1.2.2. Specialised Ombudspersons

The Constitution also provides for the existence of ‘other commissioners of the Croatian Parliament responsible for the promotion and protection of human rights and fundamental freedoms’ (Art. 93.5). The Republic of Croatia has three specialised parliamentary commissioners (ombudspersons): the Ombudsperson for Gender Equality; the Ombudsperson for Persons with Disabilities; the Ombudsperson for Children, each established under a separate statute.¹⁷

Gender equality constitutes one of the fundamental values of the constitutional order of the Republic of Croatia.¹⁸ The Ombudsperson for Gender Equality (*pravobranitelj za ravnopravnost spolova*) (hereinafter ‘the OGE’) became operational in 2003. Under the Gender Equality Act of 2008, the OGE performs the duties of an independent body tasked with combating discrimination in the area of gender equality.

The Ombudsperson for Children (*pravobranitelj za djecu*) (hereinafter ‘the OC’) was also established in 2003 as the first specialised institution of its kind in Croatia dedicated to the protection and promotion of the rights and interests of children. Its establishment was prompted by the 1996 Recommendations of the United Nations Committee on the Rights of the Child. Upon reviewing the Croatian Government’s report on the implementation of the Convention on the Rights of the Child, the Committee recommended

13 | Anti-Discrimination Act (*Zakon o suzbijanju diskriminacije*), OGS 85/08, 112/12.

14 | CPO, 2023, p. 17. Incumbent CPO Tena Šimonović Einwalter is the 1st Vice-Chair of the ECRI.

15 | The Whistleblower Protection Act (*Zakon o zaštiti prijavitelja nepravilnosti*), OG 46/22.

16 | GANHRI, Our members [Online]. Available at: <https://ganhri.org/membership/> (Accessed: 3 February 2025).

17 | Gender Equality Act (*Zakon o ravnopravnosti spolova*), OGS 82/08, 125/11, 20/12, 138/12, 69/17; Act on the Ombudsperson for Children (*Zakon o pravobranitelju za djecu*), OG 73/17; Act on the Ombudsperson for Persons with Disabilities (*Zakon o pravobranitelju za osobe s invaliditetom*), OGS 107/07, 125/11, 20/12.

18 | Art. 3 of the Constitution.

the establishment of an independent supervisory institution. The OC acts on the basis of individual complaints or on its own initiative, addressing violations of children's rights and interests, either in specific cases or more generally.

Based on the United Nations Convention on the Rights of Persons with Disabilities, the National Strategy for the Equalisation of Opportunities for Persons with Disabilities 2007–2015 was adopted. One of the measures within this Strategy was the establishment of the Ombudsperson for Persons with Disabilities (*pravobranitelj za osebe s invaliditetom*) (hereinafter 'the OPD') to enhance the legal protection of persons with disabilities.

All three specialised ombudspersons are vested with powers similar to those of the CPO, particularly in relation to discrimination within their respective domains. Additionally, the OGE functions as an equality body tasked with addressing discrimination on the grounds of sex, gender, gender identity, sexual orientation, and family status. The OC similarly acts as an equality body combating discrimination against children. The OPD, however, does not fall within the mandate of the ECRI.

Per the relevant legislation, all three specialised ombudspersons operate independently and autonomously, adhering to principles of fairness and moral integrity. They must not be subject to instructions or directives in the execution of their duties. Each is appointed for a renewable term of eight years. Nonetheless, their respective procedures of election and the grounds for removal from office differ significantly from those applicable to the CPO.

The Parliament appoints the OGE and the OPD based on nominations submitted by the Government. In contrast, the OC is appointed by the Parliament upon proposal by a competent parliamentary committee, which selects candidates through a public call for applications.

All three ombudspersons may be dismissed prior to the expiry of their term in accordance with the grounds prescribed by the relevant legal provisions. One such ground includes the parliamentary rejection of their annual activity reports. The ECRI has expressed concern that the parliamentary vote on such reports, as well as the potential for dismissal upon rejection, constitute serious threats to the independence of the OGE and the OC. The same concerns apply to the OPD, which the United Nations Committee on the Rights of Persons with Disabilities has not recognised as an Independent Monitoring Mechanism under the UN Convention on the Rights of Persons with Disabilities.¹⁹

Furthermore, the OC's independence is further constrained by the requirement to submit its annual work plan for approval to the Parliamentary Committee responsible for family and youth affairs.²⁰

1.2.3. Information Commissioner

The right of access to information is enshrined in the Constitution (Art. 38). The Act on the Right of Access to Information (hereinafter 'the ARAI'),²¹ adopted in 2013, established

19 | Committee on the Rights of Persons with Disabilities (CRPD), Independent Monitoring Mechanisms (IMM) Repository [Online]. Available at: <https://www.ohchr.org/en/treaty-bodies/crpd/crpd-independent-monitoring-mechanisms-imm-repository> (Accessed: 4 February 2025).

20 | CPO, 2023, p. 21.

21 | Act on the Right of Access to Information (*Zakon o pravu na pristup informacijama*), OGs 25/13, 85/15, 69/22.

the Information Commissioner (*povjerenik za informiranje*) (hereinafter 'the IC') as the authority responsible for safeguarding, monitoring, and promoting the right of access to and re-use of information as guaranteed by the Constitution.

The IC's principal duties include conducting second-instance (appellate) proceedings concerning access to and re-use of information. The IC carries out inspections and enforces compliance with the law, engages in international cooperation, and works with EU institutions, domestic experts, and public authorities. Furthermore, the IC informs the public, promotes awareness of access rights, and recommends measures and training programmes.

The Parliament appoints the IC for a renewable five-year term following a public call announced by the Parliamentary Committee responsible for constitutional matters. The Committee proposes at least two candidates from among the applicants and submits its recommendation to Parliament, having first obtained the consent of the Parliamentary Committee responsible for information.

The IC operates independently and is accountable to the Parliament. The IC is required to submit reports on the implementation of the ARAI and any additional reports upon request by the Parliament. Notably, there are neither legal nor practical consequences if Parliament fails to adopt the IC's report.

As an appellate state authority, the IC adjudicates parties' rights in access to information proceedings. Consequently, either the public authority involved or the individual who filed the appeal may initiate administrative proceedings before the High Administrative Court of the Republic of Croatia. The Court must rule on such disputes within 90 days. If the first-instance decision granted access to information, the initiation of a dispute has a suspensive effect.

A distinguishing feature of the IC is its Office's authority to conduct inspections concerning the application of the ARAI. These inspections may be triggered by a remonstrance, a third-party proposal, or *ex officio*. Inspections may be conducted directly or indirectly. A direct inspection involves an on-site review of data, documentation, and operational practices of the supervised public authority. An indirect inspection is based on data and documentation submitted to the IC by the public authority.

Moreover, the constitutional principle of proportionality, a foundational legal standard in both regulatory frameworks and individual adjudications, is explicitly articulated in Art. 38.4 of the Constitution: 'Limitations to the right of access to information must be proportionate to the nature of the need for such limitation in each individual case and necessary in a free and democratic society, as stipulated by law'. In line with this, the ARAI introduced the 'Test of Proportionality and Public Interest', defined in Art. 5.7 as 'the assessment of proportionality between the reasons for granting access to information and reasons for imposing limitations and granting access to information only if the public interest prevails'. The IC is currently the only NHRI in Croatia that adjudicates party rights through a case-by-case application of the proportionality test, the balancing test, and the necessity test within a democratic society (public interest). This practice significantly contributes to aligning the conduct of state authorities, outside the judiciary, with European legal standards.

Given the characteristics of the IC and the outcomes of its work in practice, it appears to be the NHRI in Croatia that most comprehensively meets the criteria of the Paris Principles.

1.2.4. Personal Data Protection Agency

The Constitution guarantees the security and confidentiality of personal data. Personal data may not be collected, processed, or used without the consent of the data subject, except under conditions established by law. The use of personal data contrary to the stated purpose of their collection is prohibited. The protection of data and the supervision of information system operations must be governed by law (Art. 37).

The Croatian Personal Data Protection Agency (*Agencija za zaštitu osobnih podataka*) (hereinafter 'the PDPA') was established in 2004 under the Act on Personal Data Protection. It currently functions as the supervisory authority within the meaning of Art. 51 of Regulation (EU) 2016/679 (General Data Protection Regulation, GDPR).²²

The PDPA is an independent public authority that reports to the Parliament. The Director and Deputy Director are appointed by the Parliament, upon proposal by the Government, following a public call for candidacies. They serve a four-year term and may be reappointed for one additional term.

The PDPA actively participates in the work of various Supervisory Coordination Groups, including the Schengen Information System II, the Visa Information System, the Customs Information System, and the European Asylum Dactyloscopy Database, as well as the Europol Cooperation Board.

Given its institutional features and its performance in practice, the PDPA appears to satisfy all the criteria set out in the Paris Principles.

1.2.5. Council for Electronic Media

The Constitution guarantees freedom of expression, which explicitly encompasses the freedom of the press and other media, as well as the free establishment of all institutions of public communication. Censorship is prohibited. Journalists possess the right to freedom of reporting and access to information (Art. 38). Furthermore, the Constitution guarantees the freedom of cultural and artistic creativity, along with the protection of the moral and material rights deriving from cultural, artistic, intellectual, and other creative efforts (Art. 69). Regulation and support mechanisms within the Croatian media market apply to all public, commercial (electronic and print), and non-profit media.

The Agency for Electronic Media (*Agencija za elektroničke medije*) (hereinafter 'the AEM') has operated since 2007 as an autonomous, independent, and non-profit legal entity vested with public authority. Any form of influence on the work of the AEM that might compromise its autonomy or independence is expressly forbidden. The Republic of Croatia is the founder of the AEM, with the Croatian Parliament exercising the founding rights. The AEM is registered in the Court Register.

The governing bodies of the AEM comprise the Director and the Council for Electronic Media (*Vijeće za elektroničke medije*) (hereinafter 'the CEM'). The Director of the AEM also serves as Chair of the CEM. The CEM administers the AEM and performs the functions of a regulatory authority in the field of electronic media. The principal responsibilities of the CEM are defined by the Electronic Media Act (hereinafter 'the EMA')²³ and the Croatian Radio and Television Act. These responsibilities include, inter alia, the allocation of

22 | Act on the Implementation of the General Data Protection Regulation (*Zakon o provedbi Opće uredbе o zaštiti podataka*), OG 42/18.

23 | Electronic Media Act (*Zakon o elektroničkim medijima*), OGs 111/21, 114/22.

resources from the Media Pluralism and Diversity Fund and the examination of citizens' complaints.

Pursuant to Art. 59 of the EMA, the CEM comprises seven members appointed by the Croatian Parliament upon the proposal of the Government, following a public call for candidates. Appointments are made for a five-year term, renewable upon expiry. Only Croatian nationals possessing relevant professional expertise, competencies, and experience are eligible for appointment. Several additional restrictions apply, primarily to prevent conflicts of interest.

The appointment of CEM members has consistently generated significant political tension. During the most recent amendments to the EMA, the CPO noted that several CSOs had expressed concern that the selection process did not adequately safeguard the independence of the CEM or its members. Moreover, these organisations emphasised the need to enhance the transparency of the CEM's decision-making processes.²⁴

The independence and operational effectiveness of both the CEM and the AEM are essential for the continued development of Croatian society. Technological advancements, increasing convergence, widespread broadband Internet access, and the proliferation of smartphones have profoundly transformed the Croatian media landscape. Foreign entertainment content now dominates across all platforms, both linear and non-linear. In this environment, domestic productions and European content would scarcely remain viable in the global media market without the support of mandated quotas.

In Croatia, the lack of proper enforcement of the Media Act has significantly undermined journalistic ethics and standards, largely due to pressures stemming from the market economy. Increasing attention is being paid to the proliferation of so-called 'fake news' and the erosion of editorial accountability, particularly across non-linear platforms. The regulation of non-linear services presents distinct challenges, especially regarding the protection of minors and the combating of hate speech. To this end, the EMA prohibits any act that encourages, favours, incites, or disseminates hatred or discrimination on the basis of race, ethnicity, skin colour, sex, language, religion, political or other convictions, national or social origin, antisemitism, xenophobia, or advocacy of fascist and other totalitarian ideologies.

Finally, a persistent concern within the Croatian media landscape is the lack of transparency surrounding media ownership structures. While such structures are frequently described as opaque, no concrete evidence has yet been presented in this regard.²⁵

| 1.3. List of Other National Human Rights Institutions in Croatia

1.3.1. Government and Parliamentary Bodies

The following working bodies of the Croatian Parliament, established by its Standing Orders, address issues related to fundamental rights:²⁶

24 | CPO, 2023, p. 27.

25 | Open Government Partnership, Croatia – Amending Legal Framework for Transparency in Media Sector (HR0048) [Online]. Available at: <https://www.opengovpartnership.org/members/croatia/commitments/HR0048/> (Accessed: 1 February 2025).

26 | Standing Orders of the Croatian Parliament (*Poslovnik Hrvatskoga sabora*), OG 81/13, with last amendments in 86/23.

1. Committee on the Constitution, Standing Orders and Political System (*Odbor za Ustav, Poslovnik i politički sustav*);
2. Committee on Human and National Minority Rights (*Odbor za ljudska prava i prava nacionalnih manjina*);
3. Gender Equality Committee (*Odbor za ravnopravnost spolova*);
4. Committee on the Family, Youth and Sports (*Odbor za obitelj, mlade i sport*);
5. Health and Social Policy Committee (*Odbor za zdravstvo i socijalnu politiku*);
6. Council for Civilian Oversight of Security and Intelligence Agencies (*Vijeće za građanski nadzor sigurnosno-obavještajnih agencija*).
7. The Croatian Government exercises executive authority through a range of professional services. In accordance with the Government Act,²⁷ the following government offices support the Government's expert work on fundamental rights:
8. Government Office for Human Rights and Rights of National Minorities (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*);²⁸
9. Government Office for Gender Equality (*Ured za ravnopravnost spolova Vlade Republike Hrvatske*);
10. Government Office for Cooperation with Non-governmental Organisations (*Ured za udruge Vlade Republike Hrvatske*).²⁹

1.3.2. Commissions and Inter-Sectoral National Human Rights Institutions at National and Regional Levels

First, in 2002, the Constitutional Act on the Rights of National Minorities (hereinafter 'CA-RNM')³⁰ prescribed the right of members of national minorities to elect their representatives to the councils of national minorities (*vijeća nacionalnih manjina*) within local and regional self-government units. The aim was to improve, preserve, and protect the position of national minorities in society, as well as to ensure their participation in public life and in the decision-making processes regarding local affairs at the municipal, city, and county levels. Council representatives are elected by members of their respective minority groups through a direct secret ballot for a term of four years. Upon registration in the Register of Councils, the elected council acquires the status of a non-profit legal entity. Among other competences, the councils hold the right to nominate candidates for positions within state administration and self-government bodies. They are also entitled to be informed of all matters discussed by the working bodies of self-government representative bodies that concern the position of national minorities, enabling them to propose appropriate measures. However, the Advisory Committee of the Framework Convention on the Rights of National Minorities has noted numerous complaints regarding

27 | Art. 27 of the Act on the Government of the Republic of Croatia (*Zakon o Vladi Republike Hrvatske*), OG 150/11, with last amendments in 78/24.

28 | This Office is designated as the National Focal Point for the EU Charter of Fundamental Rights, and a staff member is appointed as National Liaison Officer to the EU Agency for Fundamental Rights (FRA).

29 | This Office serves as the first-level intermediate body within the EU Social Fund Operational Programme Efficient Human Resources.

30 | Constitutional Act on the Rights of National Minorities (*Ustavni zakon o pravima nacionalnih manjina*), OGs 155/02, 47/10, 80/10, 93/11.

the limited influence of local or regional minority councils on decision-making processes within self-government bodies.³¹

The CA-RNM further introduced the Council for National Minorities (*Savjet za nacionalne manjine*) at the national level. This body was established to facilitate the participation of national minorities in public life, particularly by considering and proposing regulations and approaches for resolving issues related to the implementation and protection of minority rights. Its members are exclusively persons belonging to national minorities and are appointed by the Government for a four-year term. Seven are selected from among candidates proposed by the councils of national minorities, and five are drawn from distinguished public figures proposed by minority associations, citizens, national minority Members of Parliament, religious communities, and legal entities. National minority Members of Parliament are members of the Council by virtue of their office. Over time, the Council has evolved into a powerful NHRI, supported by generous financial resources from the state.³²

Second, in 2011, the Government adopted the first Protocol on the Procedure in Cases of Hate Crimes, with the most recent version adopted in 2021.³³ In addition to the competent state authorities, such as the Ministry of the Interior, the central responsibility lies with the Government Office for Human Rights and Rights of National Minorities. This Office is tasked with collecting and publishing data on hate crimes, strengthening the institutional response to such crimes, and cooperating with civil society organisations (CSOs) and international bodies. The Office's Working Group for Monitoring Hate Crimes (*Radna skupina za praćenje zločina iz mržnje*) includes representatives of institutions responsible for addressing hate crimes, academia, and CSOs engaged in monitoring and combating hate crimes, elected by the Council for Civil Society Development. Representatives of the CPO are also members. The OSCE has recognised this system as an example of good practice among participating states, highlighting the Protocol and the Working Group's establishment as particularly significant achievements.³⁴

Third, in 2015, amendments to the Police Act introduced 'complaints working commissions', that is, civilian oversight commissions (*povjerenstva za rad po pritužbama – povjerenstva za građanski nadzor nad radom policije*). These bodies constitute a third-instance forum for complaints lodged by individuals who believe their rights and freedoms have been violated through action or inaction by police officers in the exercise of police powers. The commissions are established both at the Ministry of the Interior's headquarters and in each police department throughout the country. Each commission comprises three members and three substitute members, citizens recognised for their professional and personal standing in society. Members are appointed and dismissed by Parliament upon the recommendation of the Parliamentary Committee responsible

31 | CPO, 2023, p. 35.

32 | Council of Europe, National Minorities (FCNM), 6th State Report due on 1 March 2023 – Croatia. [Online]. Available at: <https://www.coe.int/en/web/minorities/croatia> (Accessed: 6 February 2025).

33 | Protocol for Procedure in Cases of Hate Crimes (*Protokol o postupanju u slučaju zločina iz mržnje*), OG 43/21.

34 | Office for Human Rights and the Rights of National Minorities, Combating Hate Crimes (*Suzbijanje zločina iz mržnje*). [Online]. Available at: <https://ljudskaprava.gov.hr/suzbijanje-zlocina-iz-mrznje/602> (Accessed: 6 February 2025).

for human rights, which in turn acts on nominations received from CSOs, professional associations, and non-governmental organisations (hereinafter 'the NGOs').³⁵

Fourth, pursuant to the 2017 Gender Equality Act, the heads of public bodies are required to appoint an official or senior civil servant to act as a gender equality coordinator (*koordinator za ravnopravnost spolova*). These coordinators are responsible for implementing the Gender Equality Act and the National Policy for the Promotion of Gender Equality, in cooperation with the Government Office for Gender Equality. Furthermore, local and regional self-government units are required to establish and fund county commissions for gender equality (*županijska povjerenstva za ravnopravnost spolova*), which promote gender equality at the local level. These commissions function as working and consultative bodies of county assemblies and include members of county assemblies, gender equality coordinators, NGO representatives, and independent experts. Municipalities and cities may also establish their own gender equality commissions.

Fifth, at the beginning of 2021, the Croatian Government established the Council for the Development of Civil Society (*Savjet za nadzor civilnog društva*),³⁶ an advisory body that promotes cooperation between the Government and CSOs in the implementation of strategic plans aimed at fostering a supportive environment for civil society, philanthropy, social capital, and inter-sectoral collaboration. The Council comprises 37 members appointed by the Government for a renewable three-year term, based on nominations from state administration bodies, government offices, and CSOs. According to the CPO, CSOs have rated their cooperation with the Council as stagnant.³⁷ Since 2016, Croatia has lacked a national strategy to support the effective functioning of civil society. The most recent such strategy covered the period from 2012 to 2016.

Sixth, in 2021, the Independent Mechanism for Monitoring the Actions of Police Officers of the Ministry of the Interior concerning illegal migration and international protection (*Nezavisni mehanizam nadzora postupanja policijskih službenika Ministarstva unutarnjih poslova u području nezakonitih migracija i međunarodne zaštite*) was established. This Mechanism was created through a Cooperation Agreement between the Ministry of the Interior and the Croatian Academy of Medical Sciences, Croatian Academy of Legal Sciences, Centre for Cultural Dialogue, Croatian Red Cross, and Professor Iris Goldner Lang. Its activities include observing police conduct at border crossings and police stations, conducting announced visits to the green border, and reviewing finalised legal files concerning complaints of unlawful treatment of irregular migrants and applicants for international protection. However, the CPO has stressed that the Mechanism must not replace or assume the responsibilities of the competent institutions charged with investigating allegations of misconduct within the police.³⁸

Seventh, later in 2021, the Government established the Human Rights Council (*Savjet za ljudska prava*),³⁹ an inter-sectoral and advisory body tasked with addressing fundamental rights issues in Croatia. Its responsibilities include the continuous monitoring

35 | Art. 1 of the Act on Amendments to the Police Act (*Zakon o izmjenama i dopunama Zakona o policiji*), OG 33/15.

36 | Decision on Establishing the Council for the Development of the Civil Society (*Odluka o osnivanju Savjeta za razvoj civilnoga društva*), OG 14/21.

37 | CPO, 2023, p. 33.

38 | *Ibid.*, p. 28.

39 | Decision on Establishing the Council for Human Rights (*Odluka o osnivanju Savjeta za ljudska prava*), OG 136/21.

and analysis of public policies impacting fundamental rights, and cooperation with ombudspersons, other NHRIs, and NGOs active in the human rights field. The Council is chaired by the Vice-President of the Government responsible for fundamental rights and includes 14 representatives of state administration bodies and government services, as well as three representatives of NGOs concerned with fundamental rights. The Government appoints both the Chair and members for a three-year term.

In accordance with the Government's Human Rights National Plan to 2027, County Coordinating Bodies for Human Rights (*županijske organizacije za ljudska prava*) have been established at the regional level.⁴⁰ These entities are closely connected to the Human Rights Council and operate either as committees of county assemblies or as inter-sectoral bodies created by those assemblies.

Eighth, under the 2022 Social Welfare Act, the Civilian Oversight Commission (*Povjerenstvo za odlučivanje o osnovanosti pritužbe*) was established.⁴¹ This NHRI acts as a third-instance decision-making body for petitions submitted by social welfare system users who are dissatisfied with the Ministry's response to complaints regarding conduct or failures to act by individuals within the social welfare system. The Commission comprises five citizen representatives who were either proposed by CSOs or applied individually following a public call. The Parliamentary Committee responsible for social policy proposes candidates for appointment and dismissal by Parliament, with members serving a four-year renewable term. Decisions of the Commission do not constitute administrative acts; however, if a complaint is found to be well-founded, the Ministry must revisit the complaint and issue a new decision on its merits.

Ninth, beyond these bodies, the Government has established numerous other inter-sectoral bodies focused on specific population groups, including:

1. Interdepartmental Working Group for the Implementation of Activities for the Reception and Care of Refugees from Ukraine (*Međuresorna radna skupina za provedbu aktivnosti prihvata i zbrinjavanja izbjeglog stanovništva iz Ukrajine*);
2. Permanent Council for the Integration of Foreigners into Croatian Society (*Stalno povjerenstvo za provedbu integracije stranaca u hrvatsko društvo*);
3. Advisory Group of Third-Country Nationals and Persons of Migrant Origin (*Savjetodavna skupina državljana trećih zemalja i osoba migrantskog porijekla*);
4. National Team for the Prevention and Combating of Violence against Women and Domestic Violence (*Nacionalni tim za sprečavanje i borbu protiv nasilja nad ženama i nasilja u obitelji*);
5. National Committee for Combating Human Trafficking (*Nacionalni odbor za suzbijanje trgovanja ljudima*), among others.

Consequently, the protection of fundamental rights, particularly for vulnerable groups, is addressed by a large number of NHRIs operating at both national and regional

40 | Government's National Plan for the Protection and Promotion of Human Rights and Combatting Discrimination for the Period to 2027 (*Nacionalni plan zaštite i promicanja ljudskih prava i suzbijanja diskriminacije za razdoblje do 2027. godine*), p. 86. [Online]. Available in English at: <https://ljudskaprava.gov.hr/nacionalni-plan-zastite-i-promicanja-ljudskih-prava-i-suzbijanja-diskriminacije-za-razdoblje-do-2027-godine/989> (Accessed: 6 February 2025).

41 | Arts. 150–160 of the Social Welfare Act (*Zakon o socijalnoj skrbi*), OG 18/22, with last amendments in 156/23.

levels in Croatia. However, the mere proliferation of such institutions does not automatically translate into a high quality of human rights protection and promotion. Moreover, many of the aforementioned NHRIs do not fully satisfy the requirements of the Paris Principles. To paraphrase Voßkuhle, simply expanding the activities of different NHRIs in the pursuit of maximal rights protection is not sufficient; what truly matters is the efficient coordination and integration of their respective contributions.⁴²

This lesson appears to remain unlearned in Croatia. The issue of whether rationalisation of the Croatian NHRI system is necessary was addressed in the 2010 project 'Rationalisation of the Croatian Human Rights Protection System', commissioned by the United Nations Development Programme.⁴³ This project examined the organisational, financial, and political effectiveness of Croatia's NHRI landscape, focusing on four Ombudsman institutions, three government offices with responsibilities in the field of human rights, and the Human Rights Centre. The study's key findings were two-fold. First, the Croatian human rights system suffers from serious underfunding. Resources could be used more effectively, provided that any savings from rationalisation remain within the system and support the expansion of substantive work. Second, practical cooperation among the institutions on substantive matters is more valuable than formal mergers or institutional consolidation.⁴⁴

2. Concluding Remarks

This paper provides essential information on the NHRIs in Croatia, which mainly derive from constitutional provisions governing fundamental rights. These rights, particularly those of vulnerable groups, fall within the remit of numerous NHRIs operating at both national and regional levels. However, efficacy is not merely a function of quantity; a proliferation of NHRIs does not inherently guarantee high standards in the protection and promotion of fundamental rights. Furthermore, a majority of Croatian NHRIs fail to satisfy, either in whole or in part, the criteria established by the Paris Principles.

In evaluating the state of fundamental rights in Croatia, it is essential to move beyond superficial indicators – such as the mere number of NHRIs – and a formalistic reliance on statutory language. Instead, focus must be directed towards substantive realities.

In this regard, it may be concluded that Croatia continues to encounter human rights challenges rooted in unresolved issues from its socialist legacy, the Homeland War, and post-war conditions, all of which are compounded by the political and legal uncertainties inherent in transitional societies. Concurrently, the state is confronted with contemporary demands for the recognition of emerging individual and collective rights.

The Croatian constitutional state seeks to uphold and safeguard these emerging rights while balancing them against the traditional tenets of Croatian society, which is predominantly Catholic, close-knit, and family-oriented, with deeply rooted historical traditions and worldviews that are notably resistant to rapid transformation. These multifaceted challenges are unfolding within an increasingly fraught political, social,

42 | Voßkuhle, 2013, p. 3.

43 | Carver, Dvornik and Redžepagić, 2010.

44 | See: 'Executive Summary' in Carver, Dvornik and Redžepagić, 2010, p. 4. See also Carver, 2011.

and economic landscape, marked by heightened tensions, protracted conflicts, and the corrosive influence of rising populism.

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