



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Croatia

ILO
TECHNICAL
NOTE

Copyright © International Labour Organization 2016
First published 2016

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: rights@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licences issued to them for this purpose. Visit www.ifro.org to find the reproduction rights organization in your country.

The state of application of the provisions for social security of the international treaties on social rights: ILO Technical Note: Croatia / International Labour Office. – Geneva: ILO, 2016

ISSN 2415-1416

International Labour Office

social security / economic and social rights / poverty alleviation / treaty / benefit administration / wage rate / compliance / reporting system / ILO Convention / comment / EU / UN / Croatia / ILO pub

ILO Cataloguing in Publication Data

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

Available only in electronic version

Outline

CHAPTER I. Country profile: adequacy of social security benefits, income and poverty indicators. Determination of the Standard Reference Wage used for calculating the replacement level of benefits

CHAPTER II. Checklists of the main provisions of the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) and corresponding national legislation

CHAPTER III. Integrated Management of compliance and reporting obligations of Croatia under social security provisions of the ratified international treaties on social rights

CHAPTER IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

International Training Centre of the ILO: International Labour Standards, Rights at Work and Gender Equality (ILSGEN) Programme
International Labour Office: International Labour Standards Department (NORMES), Social Security Unit, and Social Protection Department (SOCPRO)

ILO Production Team:

- Alexandre Egorov – Head of Social Security Unit (Editor), ILO/NORMES
- Alessandro Chiarabini – ILSGEN Manager, ITCILO/ILSGEN
- Maura Miraglio – ILS Specialist, ITCILO/ILSGEN
- Svetlana Mandzhieva – Legal Specialist, ILO/NORMES
- Valeria Nesterenko – Statistician, ILO/SOCPRO
- Olena Vazhynska – Development Economist, ITCILO/ILSGEN

The information and data contained in the Technical Note is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

CHAPTER I. Country profile: adequacy of social security benefits, income and poverty indicators. Determination of the Standard Reference Wage used for calculating the replacement level of benefits

- [Country profile by national indicators and minimum standards of social security](#)
- [Table. 1. Eurostat indicators](#)
- [Table 2. National indicators of guaranteed minimum resources](#)
- [Table 3. MISSOC indicators](#)
- [Table 4. ISSA indicators](#)
- [Fig. 1. Article 65: Type of social security schemes and method of benefit calculation](#)
- [Fig. 2. Article 66: Type of social security schemes and method of benefit calculation](#)
- [Fig. 3. Article 67: Type of social security schemes and method of benefit calculation](#)
- [Table 5. Calculation of the reference wage under all options permitted by Articles 65-66 of the C102](#)
- [ILO assessment of the options offered by Articles 65-66](#)
- [Fig. 4. Share of males in paid employment by economic activity in total number of males in paid employment](#)
- [Fig. 5. The average wages of a typical skilled/unskilled manual male employee determined by cross-tabulating of the two classifications](#)
- [Fig.6. Comparison of the reported reference wage to other wage indicators in Croatia](#)

Country profile by national indicators and minimum standards of social security

Table 1. Eurostat indicators	2010	2013	2014
At-risk-of-poverty threshold (40%, single person)	€2,324	€2,031	€2,090
At-risk-of-poverty threshold (50%, single person)	€2,905	€2,539	€2,613
At-risk-of-poverty threshold (60%, single person)	€3,486	€3,047	€3,135
At-risk-of-poverty rate –(40%, of median equivalised income)	8.5%	8.2%	8.2%
At-risk-of-poverty rate –(50%, of median equivalised income)	13.4%	13.5%	13.4%
At-risk-of-poverty rate after social transfers –(60%, of median equivalised income)	20.6%	19.5%	19.4%
At-risk-of-poverty rate before social transfers, pensions excluded –(60%, of median equivalised income)	30.0%	29.7%	29.9%
Aggregate replacement ratio	0.32	0.37	0.40
Persistent at-risk-of-poverty rate –(60%, of median equivalised income)		13.2%	
Severe material deprivation (% of total population)	14.3%	14.7%	13.9%
Gini coefficient	31.6	30.9	30.2

Table 2. National indicators of guaranteed minimum resources, MISSOC (2015)	
Gross minimum wage (ceiling)	HRK 3,029.55 (€399)
Guaranteed min benefit (base)	HRK 800 (€105)
Beneficiary	Differentiated guaranteed min
Single person household or single parent	100% of base
Adult household member	60% of base
Child	40% of base

Table 3. MISSOC (2015)

<i>Social Security branch</i>	Compensation rate/Level of benefit	Qualifying period
Sickness benefit	Not less than the statutory threshold of 70% of the insurance base	9 months of consecutive insurance or 12 with interruptions during the last two years
Unemployment benefit	70% of the base salary for the first 90 days and 35% for the rest of the payment period. Min - HRK 1,125.60 (€148), max - HRK 3,834.60 (€505)	9 months of previous employment during the last 24 months
Old-age benefit	0.825 of the national average wage of employed persons in 1998 x indexation x periods of insurance completed x pension factor	15 years for both men and women
Employment injury benefit	100% of the base	No qualifying period
Family benefit	Monthly income per member of the household and monthly amount of benefit: * up to HRK 543.14 (€72): HRK 299.34 (€39), * between HRK 543.14 (€72) and HRK 1,119.53 (€148): HRK 249.45 (€33); * between HRK 1,119.53 (€148) and HRK 1,663.00 (€219): HRK 199.56 (€26). * sole parent: according to the three groups of income mentioned above the payable allowance is increased by 15%: * HRK 344.24 (€45), * HRK 286.87 (€38), * HRK 229.49 (€30).	Means tested
Maternity benefit	100% of the monthly earnings of the insured person, min compensation is HRK 1,663 (€219)	12 months of consecutive insurance or 18 months with interruptions during the last two years
Invalidity benefit	Depends on the national average wage, indexation percentage, qualifying periods and the kind of the pension: 0.825 of the national average wage of employed persons in 1998 x indexation x periods of insurance completed x pension factor	Insurance record equal to one third of working life
Survivor's benefit	Percentage of the pension to which the deceased would have been entitled: * one survivor: 70%, * two survivors: 80%, * three survivors: 90%, * four or more survivors: 100%.	5 years of insurance period, or 10 years of qualifying periods

Table 4. ISSA (2014)

National average net salary	5,556 kunas		
State budget base	3,326 kunas		
Social Security branch	Min amount of benefits	RR	Qualifying conditions
Sickness benefit	831.50 kunas	70% to 100% of the insured's average monthly earnings in the previous six-month period	No minimum qualifying period
Unemployment benefit		70% of the insured's average wage in the last three months, up to a maximum of 70% of the national average net salary in the previous year, is paid for up to 90 days. Thereafter, 35% accordingly.	Must be aged 15 to 65 with at least nine months of employment in the last 24 months
Old-age benefit	59.05 kunas for each year of coverage	Based on the insured's earnings, according to the average wage of all employed persons and the length of the insured's coverage period	Age 65 (men) or age 60 and 9 months (women, gradually rising by three months a year to 65 by 2030) with at least 15 years of coverage
Family benefit	At least 199.56 kunas a month is paid for each child in a household with income from 33.67% to 50% of the state budget base; at least 249.45 kunas a month for household income from 16.34% to 33.66%; at least 299.34 kunas a month for household income that does not exceed 16.33% of the state budget base		Income tested
Maternity benefit		100% of the insured's monthly earnings	
Employment Injury benefit	831.50 kunas	100% of the insured's average monthly earnings in the previous six-month period	No minimum qualifying period
Invalidity benefit	59.05 kunas for each year of coverage	Based on the length of the insured's coverage period and previous earnings	No min qualifying period. Must have coverage during at least 33.3% of the working life after age 20 (age 23 for insured persons with postsecondary education; age 26 for a university degree).
Survivor's benefit	59.05 kunas for each year of coverage	Based on the old-age or disability pension the deceased received or was entitled to receive and the number of survivors. The minimum number of years of coverage for pension calculation purposes is 21.	Widow(er) aged 50 or older, younger than 50 and caring for eligible children, or with a disability (a woman who is widowed at age 45 becomes eligible at age 50); children up to age 15 (age 18 if unemployed, age 26 if a student, no limit if disabled); and parents aged 60 who were supported by the deceased (or younger than age 60 and assessed with a permanent loss of working capacity)

Exchange rate: US\$1.00 = 5.46 kunas

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

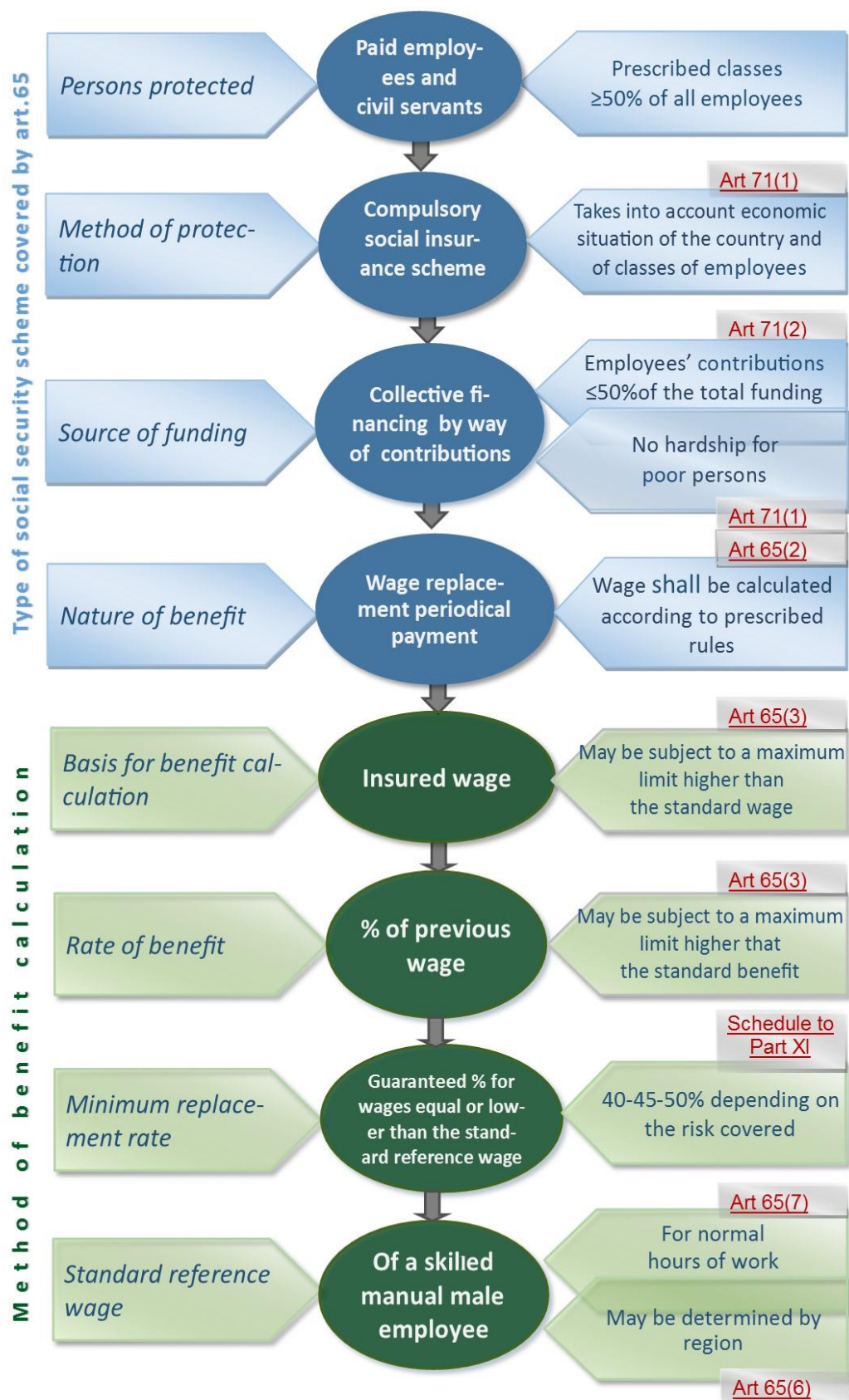


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

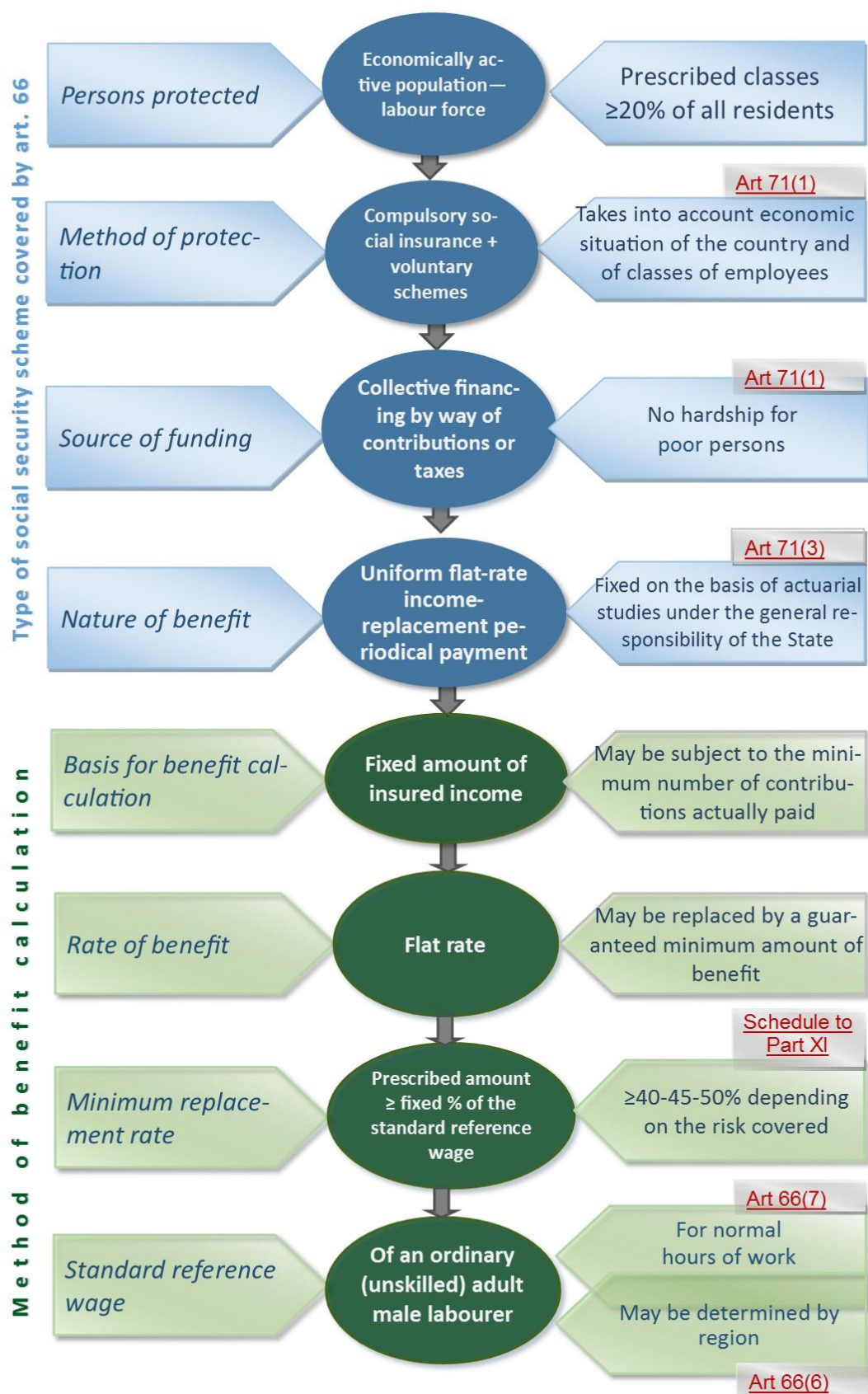


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation

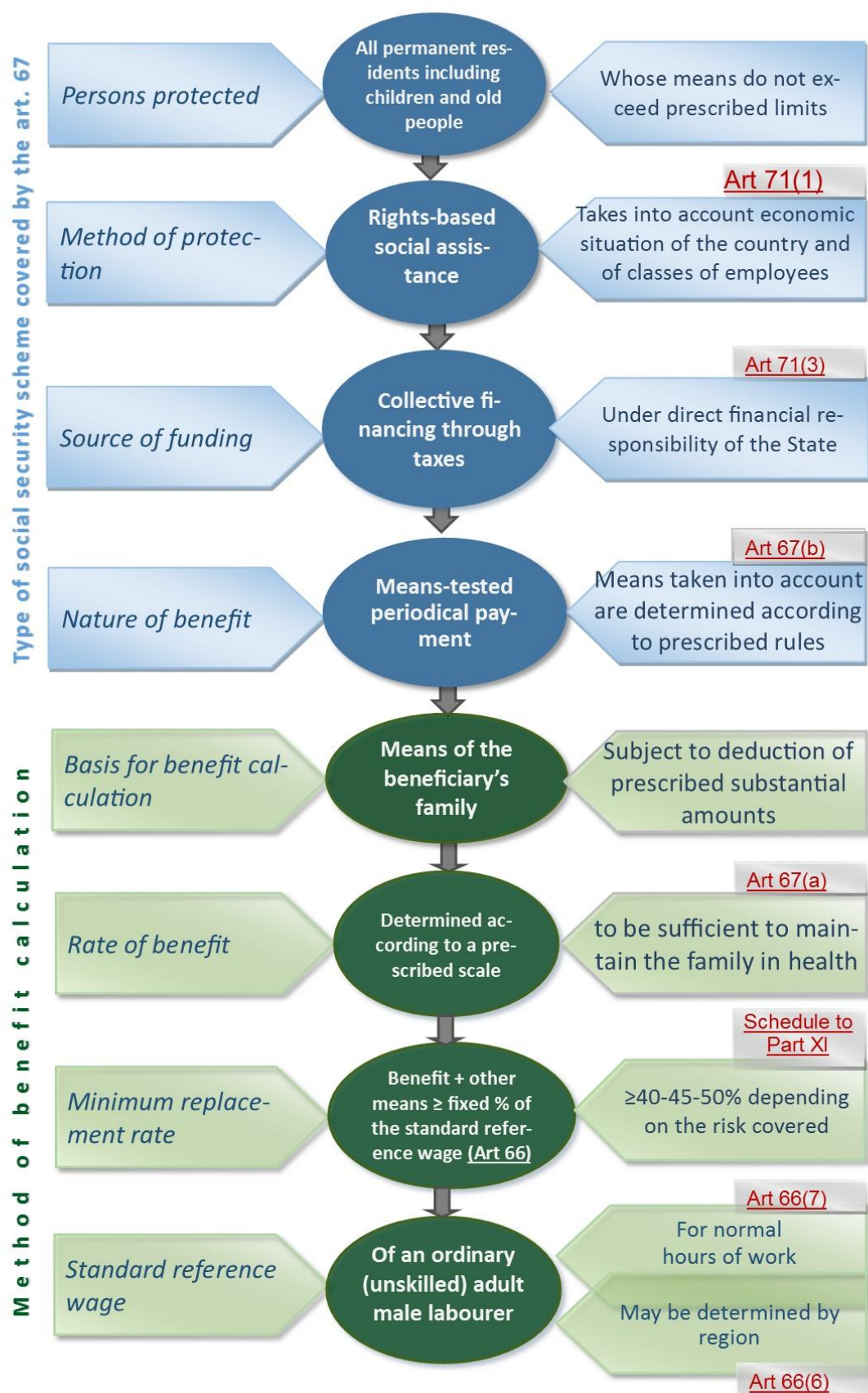


Table 5. Calculation of the reference wage under all options permitted by Articles 65-66 of the C102

Articles in the ECSS/C.102		Comments	Reference wage: amount	
			ILO calculations ¹ -2010	Government ²
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: typical skilled male worker in manufacturing	741 euros	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	1292.5 euros	
Article 66 (para 4): an ordinary manual male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: typical unskilled male worker in manufacturing	741 euros**	

* Gross wages are used unless stated otherwise

** to check with the country

¹ ILO calculations based on EUROSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government on the application of ECSS and C.102

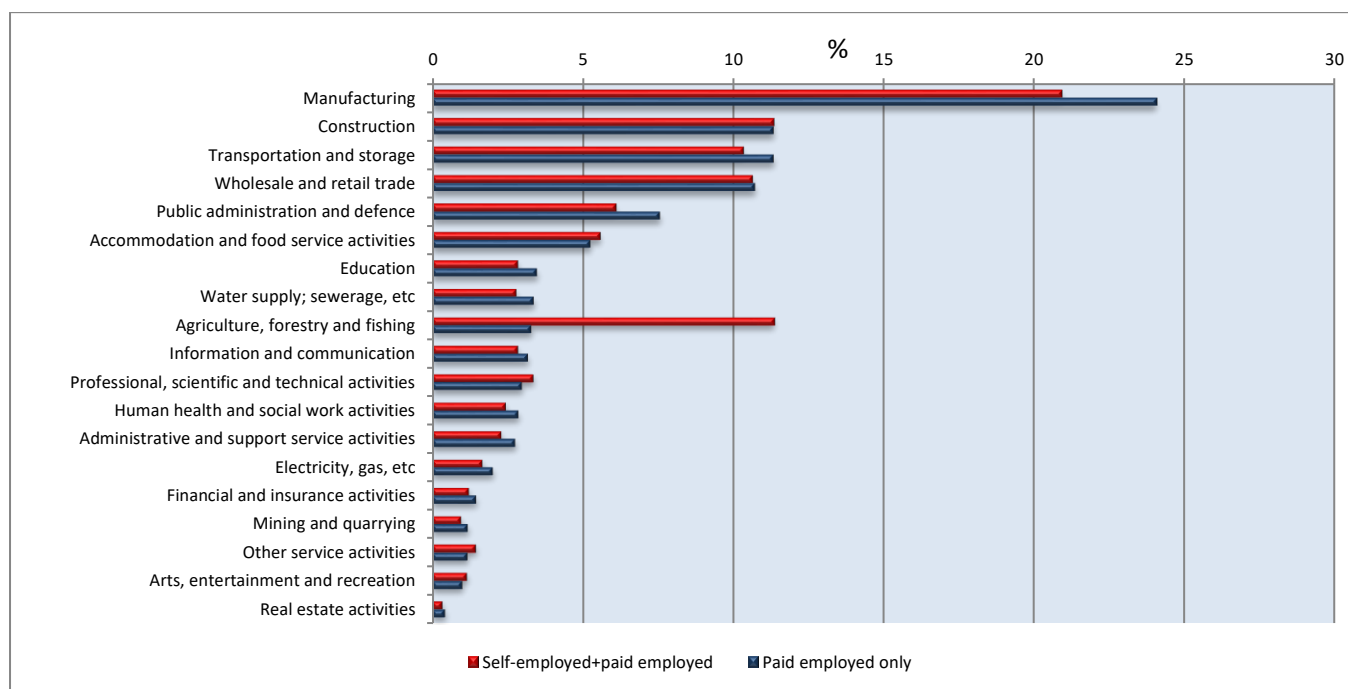
³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008
<http://unstats.un.org/unsd/cr/registry/isic-4.asp>

ILO assessment of the options offered by articles 65-66:

OPTION 2 - a typical manual male employee is found in the sector with the highest number of employed males = Manufacturing

Fig. 4. Share of employed males by economic activity in total male employment and share of males in paid employment by economic activity in total number of males in paid employment (ISIC rev.4, 2013, LFS)



Source: Eurostat LFS - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa_egaps&lang=en

Fig. 5. The average wages of a typical skilled/unskilled manual male employee are determined by cross-tabulating of the two classifications:

- ISCO 08 – International Standard Classification of Occupations (group 7- skilled and 9 – ordinary)
- ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008

		ISCO 08	
ISIC rev.4	ISCO 08	Total	
	ISIC rev.4	7. Craft and related trades workers	9. Elementary occupations
	Total		
	...		
	C. Manufacturing	skilled	unskilled
	...		

ISCO 08:

ISCO 08: Major group 7

Craft and related trades workers apply their specific knowledge and skills to produce or process goods. The tasks call for an understanding of all stages of the production process, the materials and tools used and the nature and purpose of the final product. Most occupations in this group require skills at the second ISCO level.

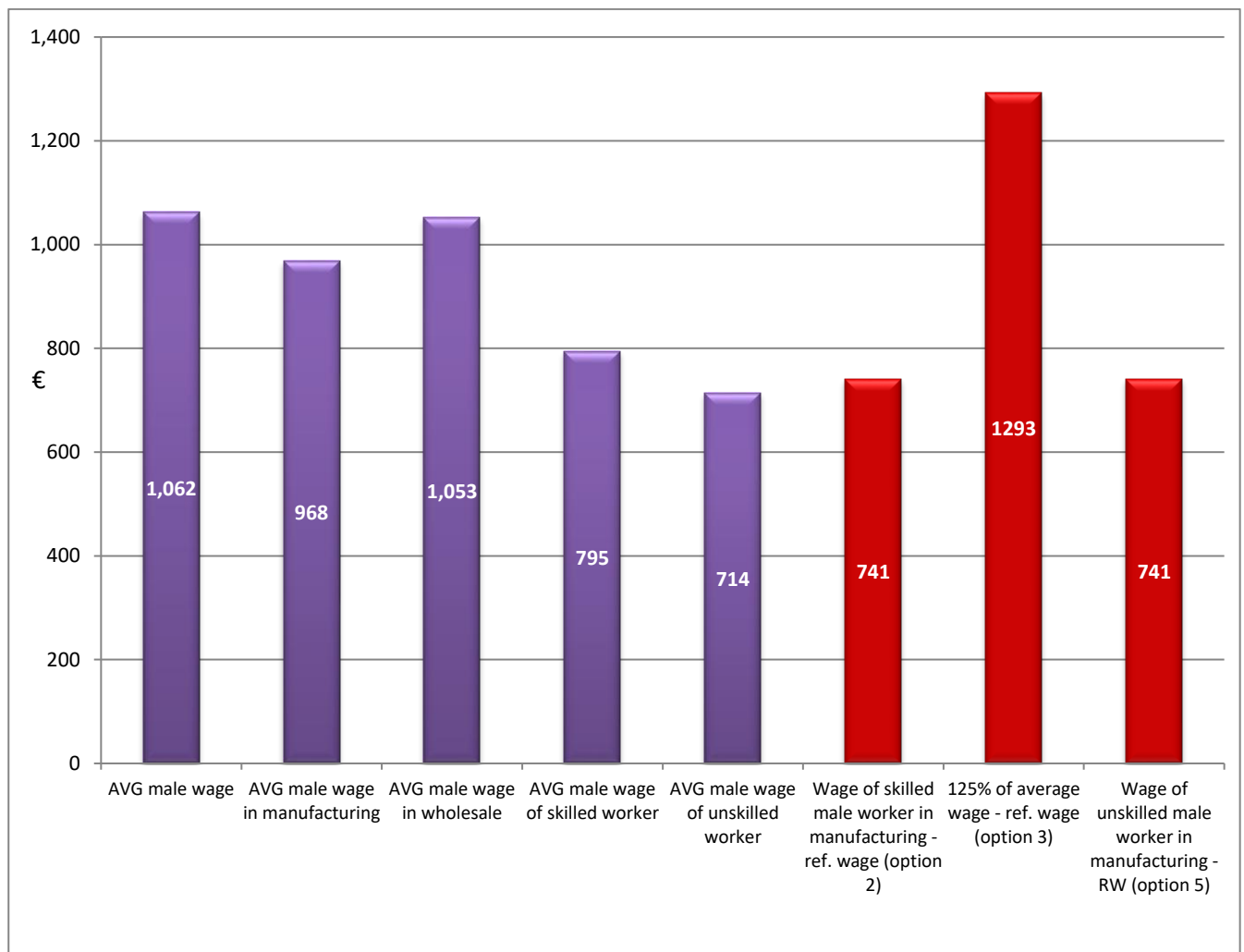
The work is carried out by hand and by hand-powered and other tools.

ISCO 08: Major group 9

Elementary occupations involve the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort.

Most occupations in this major group require skills at first level of ISCO (involve physical and manual tasks, require only primary education at most)

Fig. 6. Comparison of the reported reference wage to other wage indicators in Croatia, 2010, euros



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en for option 3 – 125% of average wage (include both full-time and part-time employees)

*CHAPTER II. Checklists of the main provisions
of the ILO Social Security (Minimum
Standards) Convention, 1952 (No. 102) and
corresponding national legislation*

- [Table 1. Unemployment benefit \(Part IV\)](#)
- [Table 2. Old-Age benefit \(Part V\)](#)
- [Table 3. Survivors' benefit \(Part X\)](#)

Table 1. Unemployment benefit (Part IV)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 20 Risk covered = involuntary unemployment	Suspension of earnings due to inability to obtain <u>suitable</u> employment when: <ul style="list-style-type: none"> capable of, and available for, work? 			NO INFORMATION	
Article 21 Persons protected = Prescribed classes of:	<u>Employees</u> in paid employment which represent 50% of all employees OR <u>Residents</u> whose means are below a prescribed limit.			NO INFORMATION	
Article 22 Calculation of the benefit	The benefit is a periodical payment? <ul style="list-style-type: none"> <u>Article 65</u>: Calculated as a percentage of previous earnings: $\geq 45\%$ <u>Article 67</u>: Means-tested benefit: calculated according to a fixed scale. 			The amount of the benefits for the first 90 days of use is 70% and the rest of time 35% of the basis (average of the salary reduced by contributions for mandatory insurances in the last 3 months). The lowest amount of the benefit cannot be lower than 50% of the minimum salary reduced by contributions for mandatory insurances	
Article 23 Maximum qualifying period	What qualifying period of employment, contribution or residence a person has to complete for entitlement to unemployment benefits?			9 months of work in the last 24 months	

	Table 1. Unemployment benefit (Part IV)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 24 Minimum duration of payment of unemployment benefit	<p>Is unemployment benefit limited to:</p> <ul style="list-style-type: none"> • For protected employees: 13 weeks within 12 months? • For protected residents: 26 weeks within 12 months ? <p>Does the duration of the benefit vary with the length of the contribution period and/or the benefit previously received?</p>			Duration of the right to benefits: 90 to 450 days	
Article 24(3) Waiting period of 7 days	Is there a waiting period before the unemployment benefit becomes payable?			NO INFORMATION	

Table 2. Old-Age benefit (Part V)					
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
<ul style="list-style-type: none"> Article 26 Risk covered = Old age 	<ul style="list-style-type: none"> Pension age \leq 65 years OR > 65 years if elderly persons maintain their working ability 			65 years of age	
<p>Article 27</p> <p>Persons protected =</p> <p>Prescribed classes of:</p>	<p><u>Employees</u> in paid employment which represent 50% of all employees</p> <p>OR</p> <p><u>Economically active population</u> (employees, self-employed, farmers, etc.) which represent 20% of all residents,</p> <p>OR</p> <p><u>All residents</u> whose means are below a prescribed limit</p>			All the persons who in any way obtain earnings through their own work are encompassed by the general mandatory pension insurance system: economically active population representing at least 20% of the population.	
<p>Article 28</p> <p>Amount of pension</p>	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> <u>Article 65</u>: Calculated as a percentage of previous earnings: \geq 40% OR <u>Article 66</u>: Calculated at a flat rate or guaranteed minimum rate: \geq 40% of the reference wage of an unskilled male labourer OR 			<p>Article used: article 66.</p> <p>Methods of calculation provided:</p> <p>Pension = personal points x pension factor x actual pension value</p> <p>Pension supplement = pension x 27.00%</p> <p>Old-age pension for 15 years in 2012: 856.05 kn</p> <p>Pension supplement: 612.55 kn</p>	

	Table 2. Old-Age benefit (Part V)				
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
	<ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 				
Article 29 Maximum qualifying period	<ul style="list-style-type: none"> Employees and Economically active persons: 30 years of employment or contributions? Residents: 20 years of residence? Reduced benefit after 15 years of employment or contribution? 			15 years of pension insurance period or part-time employment period.	
Article 30 Minimum duration of benefit	Benefit granted until death?			NO INFORMATION	

Table 3. Survivors' benefit (Part X)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 60 Risk covered = Death of the breadwinner	<p>Are widows and dependent children protected in case of loss of death of the breadwinner?</p> <p>In the case of a widow, is the right to conditional benefit on her being incapable of self-support?</p>			Family members who acquire the right to benefits are spouses and children – parents, brothers and sisters of the insured person if they were dependent	
Article 61 Persons protected = Prescribed classes of:	<p>Employees in paid employment which represent 50% of all employees</p> <p>OR</p> <p>Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents,</p> <p>OR</p> <p>Residents whose means are below a prescribed limit</p>			Persons protected: Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents	
Article 62 Type and Calculation of benefit	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> Article 65: Calculated as a percentage of previous earnings: ≥ 40% <p>OR</p> <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate: ≥ 40% of the wage of an unskilled male labourer <p>OR</p> <ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 			<p>Article used: article 66</p> <p>Methods of calculation provided: Benefit = personal points x pension factor x actual pension value</p> <p>Salary of unskilled worker in 2011: 3,229kn</p> <p>Benefit after 15 years of contribution: 1,540kn</p>	

	Table 3. Survivors' benefit (Part X)				
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 63 Qualifying period	<ul style="list-style-type: none"> 15 years of contribution or employment OR <ul style="list-style-type: none"> 10 years of residence of the breadwinner Reduced benefit for survivors after 5 years of contribution or employment of the breadwinner 			15 years of contribution Reduced benefit for survivors after 5 years of contribution is prescribed.	
Article 64 Duration of benefit	When does the benefit stop for: <ul style="list-style-type: none"> The widow? The children? 			Children: up to 15; 18 if unemployed; 26 if student; for lifetime in case of disability. Also if the surviving parent remarries. The widow/er: until he/she remarries or has an employment contract.	

*CHAPTER III. Integrated Management of
compliance and reporting obligations of Croatia
under social security provisions of the ratified
international treaties on social rights*

- [Table 1. Up-to-date social security standards in force](#)
- [Table 2. Pending comments of the supervisory bodies](#)
- [Table 3. Up-to-date standards on which reports are due in 2017](#)
- [Table 4. Up-to-date standards on which reports are due in 2018](#)
- [Table 5. Up-to-date standards on which reports are due in 2019](#)
- [Parts of Convention No.102 no longer applicable following ratification of more advanced standards](#)
- [Fig. 1. Example of time management of the 5 years reporting cycle on international and European social security standards](#)
- [Fig. 2. Example of time management for reporting on social security standards](#)

Table 1. Up-to-date social security standards in force

<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, Art. 15§2	Art.16	Art.8§1	Art.15		Art.13§1§2§3	
						Art.27§1b,c				Art.14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14
		C056			C042		C103				C24 Art.6-8, C25 Art.6-8



Social Security Standards in force for Croatia



Denounced standards



Social Security Standards not in force

C056 - Automatic Denunciation on 20 Aug 2013 by MLC

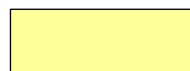
C102 - Part VI no longer applicable as a result of ratification of C121

Table 2. Pending comments of the supervisory bodies

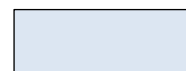
Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11,		🙄 Art.1§1	Art.23	Art.3, Art. 15§2	🙄 Art.16	Art.8§1	Art.15	🙄	Art.13§1§2§3	
	🙄 Art.13§1	Art.1§3	Art.27§1b,c			Art.14					
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14
		C056			C042		C103				C24 Art.6-8, C25 Art.6-8



Social Security Standards in force for Croatia



Pending comments of the supervisory bodies



Social Security Standards not in force



Critical comments or non-compliance

Table 3. Up-to-date standards on which reports are due in 2017

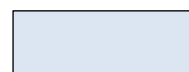
Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR*	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, Art. 15§2	Art.16	Art.8§1	Art.15		Art.13§1§2§3	
						Art.27§1b,c				Art.14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14
		C056			C042		C103				C24 Art.6-8, C25 Art.6-8



Social Security Standards in force for Croatia



Report in 2017



Social Security Standards not in force

* ICESCR – State report was due on 30 Jun 2006, not yet submitted

Table 4. Up-to-date standards on which reports are due in 2018

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, Art. 15§2	Art.16	Art.8§1	Art.15		Art.13§1§2§3	
						Art.27§1b,c				Art.14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14
		C056			C042		C103				C24 Art.6-8, C25 Art.6-8



Social Security Standards in force for Croatia



Social Security Standards not in force



Report in 2018

Table 5. Up-to-date standards on which reports are due in 2019

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, Art. 15§2	Art.16	Art.8§1	Art.15		Art.13§1§2§3	
						Art.27§1b,c				Art.14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14
		C056			C042		C103				C24 Art.6-8, C25 Art.6-8



Social Security Standards in force for Croatia



Social Security Standards not in force



Report in 2019

Parts of Convention No.102 no longer applicable following ratification of more advanced standards

C102 - Social Security (Minimum Standards)

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

C121 - Employment Injury Benefits → C102, Part IV

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention

C128 - Invalidity, Old-Age and Survivors' Benefits → C102, Parts V, IX, X

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

C130 - Medical Care and Sickness Benefits → C102, Part III

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.
2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

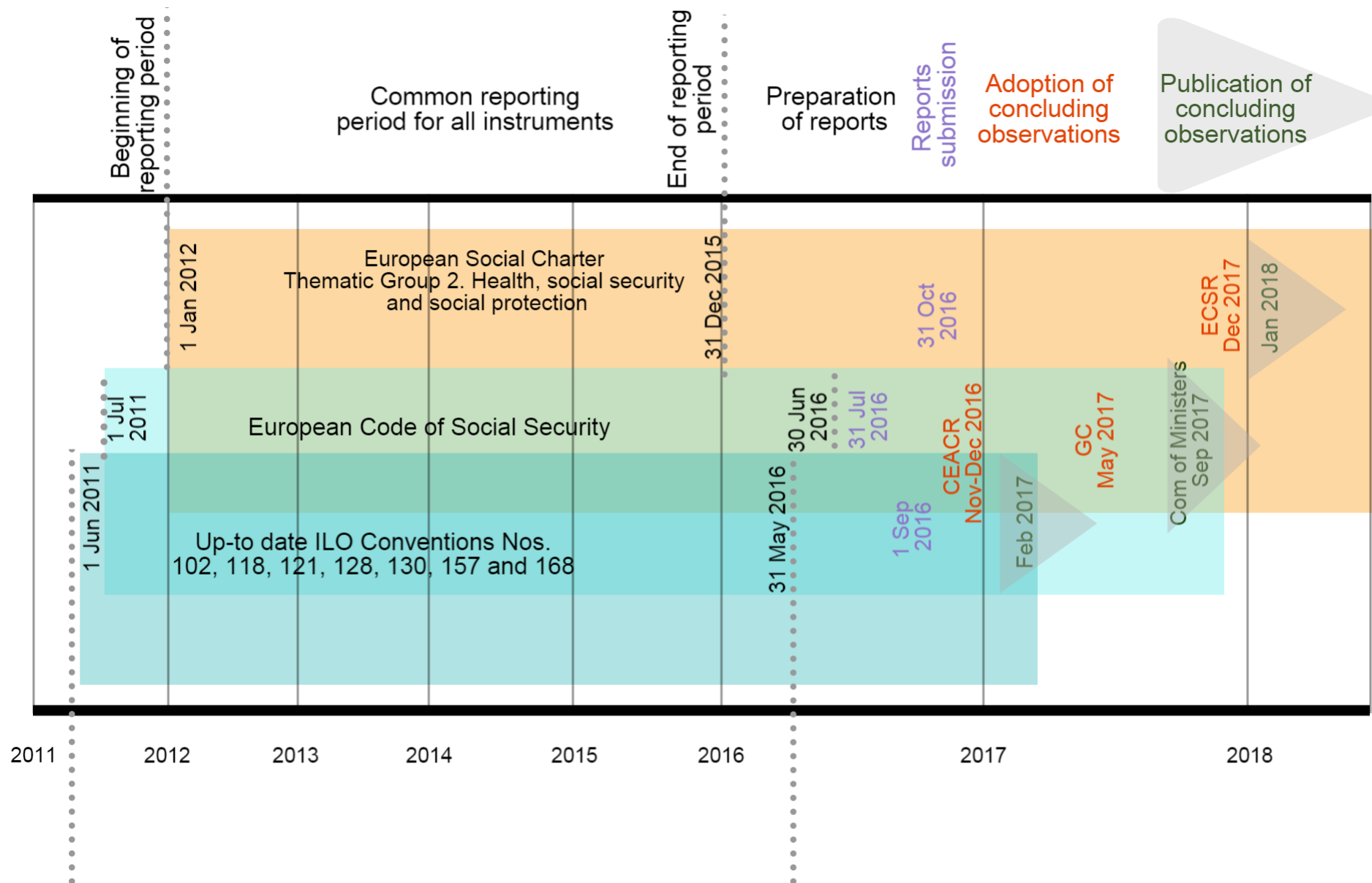
C130, Part II → C102, Part II

N.B! For information and reporting purposes, more advanced provisions on medical care contained in C130 include all those contained in Part II of C102.

C168 → C102, Part IV

N.B! For information and reporting purposes, more advanced provisions on unemployment benefit of C168 include those contained in Part IV of C102.

Fig. 1. Example of time management of the 5 years reporting cycle on international and European social security standards



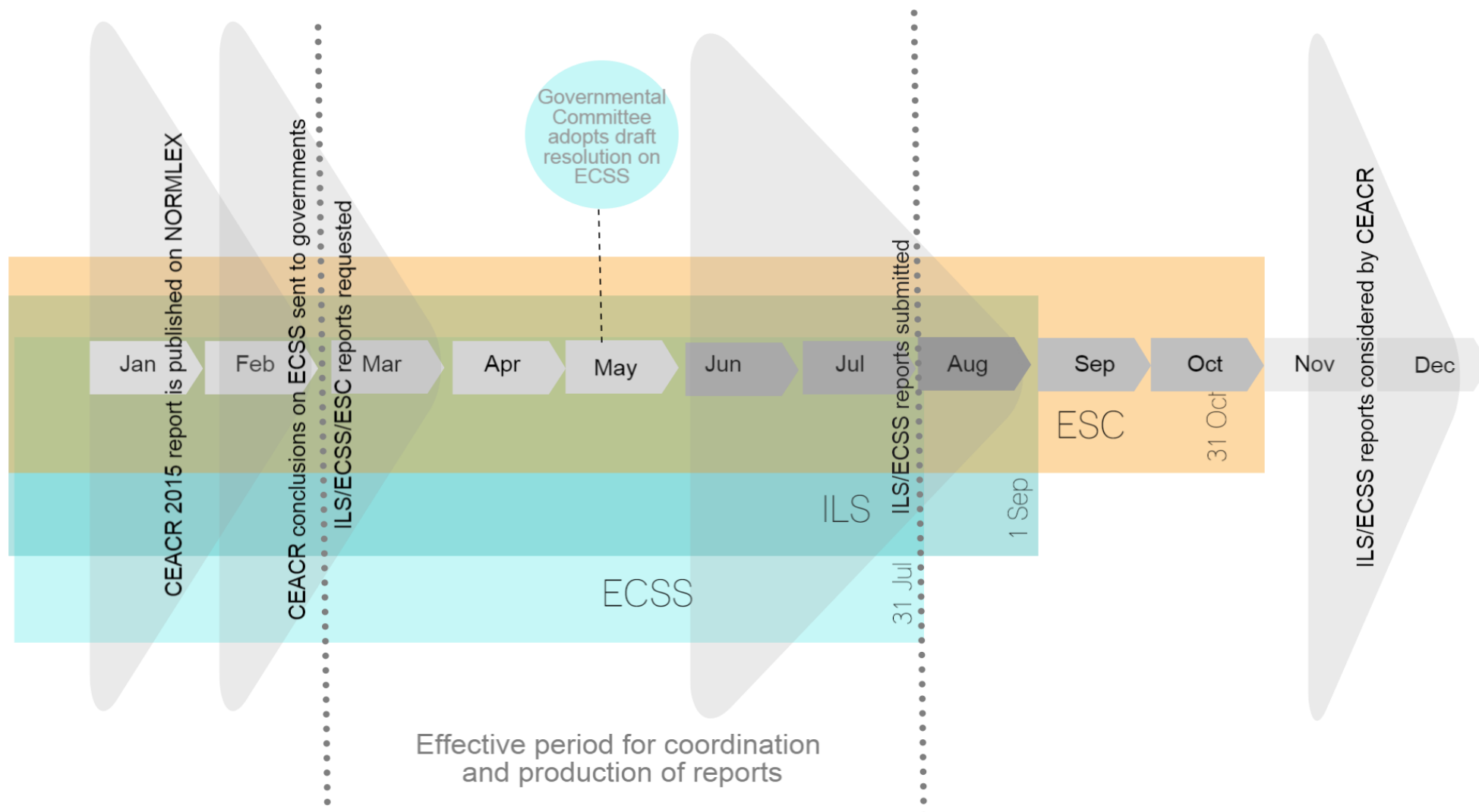


Fig. 2. Example of time management for reporting on social security standards

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Croatia](#)
- [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)

1. [**United Nations**](#)

- [International Covenant on Economic, Social and Cultural Rights](#)
- [Convention on the Rights of the Child](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [Convention on the Right of Persons with Disabilities](#)

2. [**Council of Europe**](#)

- [European Social Charter](#)

3. [**International Labour Organization**](#)

- [Social Security \(Minimum Standards\) Convention, 1952 \(No.102\)](#)
- [Employment Injury Benefits Convention, 1964 \(No. 121\)](#)

4. [**EU Country-Specific Recommendations**](#)

Table 1. In force international treaties on social rights ratified by Croatia

Body	International Treaty	Entry into force for Croatia	Next report due on
United Nations	International Covenant on Economic, Social and Cultural Rights	12 Oct 1992	Last due date 30 Jun 2006
	Convention on the Rights of the Child	12 Oct 1992	07 Oct 2019
	Convention on the Elimination of All Forms of Discrimination against Women	09 Sep 1992	July 2019
	Convention on the Rights of People with Disabilities	15 Aug 2007	15 Sep 2011
Council of Europe	European Code of Social Security		
	European Social Charter	26 Feb 2003	31 Oct 2016
International Labour Organization	Convention 102	08 Oct 1991	1 Jun - 1 Sep 2017
	Convention 103	08 Oct 1991	1 Jun - 1 Sep 2016 1 Jun - 1 Sep 2018
	Convention 121	08 Oct 1991	1 Jun - 1 Sep 2017
	Convention 128		
	Convention 130		
	Convention 168		
	Convention 183		
	Convention 003	08 Oct 1991	-
	Convention 012	08 Oct 1991	1 Jun - 1 Sep 2017
	Convention 017	08 Oct 1991	-
	Convention 018	08 Oct 1991	-
	Convention 024	08 Oct 1991	1 Jun - 1 Sep 2017
	Convention 025	08 Oct 1991	1 Jun - 1 Sep 2017
European Union	Country-Specific Recommendation of 14 July 2015		

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

Instrument	Supervisory body	Type of a State party report/Reporting cycle	Comments of a supervisory body
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

UN Covenant on Economic, Social and Cultural Rights – Concluding observations 2001

[*UN Office of the High Commissioner for Human Rights website link, Treaty bodies database*](#)

D. Principal subjects of concern

12. The Committee is deeply concerned about the scale of unemployment in the State party, which creates conditions in which the right to work cannot be enjoyed by a considerable part of the population, particularly in those areas with large numbers of returnees. The Committee is also concerned about reports of discrimination in employment on the basis of gender, age and ethnic origin.

13. The Committee expresses concern that women are generally employed in lower-paying and lower status jobs and are poorly represented in public service and office. There continues to be no legal prohibition against sexual harassment in the workplace. Despite the welcome inclusion of offences of sexual violence in the reformed Criminal Code (1999) and the offences of marital rape and domestic violence in the new Family Law (1999), the lack of sensitization concerning such crimes among the police and the lack of effective procedures to deal with those crimes leaves women with little practical protection against violence in the home.

17. The Committee notes with concern that there are no reliable data with which the State party can identify the most disadvantaged and marginalized groups.

18. The Committee is concerned about the deterioration in the general standard of living in the State party, which has ensued in part from economic instability, high levels of unemployment, non-payment of salaries of many workers, the unrecovered pension payments made by Croats prior to independence and the destruction during the war of vital infrastructure and settlements that have not yet been reconstructed. The Committee is concerned that some reconstruction efforts appear to have been disproportionately benefiting certain ethnic groups.

E. Suggestions and recommendations

24. The Committee strongly recommends that the State party undertake a comprehensive review of the situation of women in all aspects of life, as members of the family, in the workforce and as public servants, in order to assess those situations in which women are at a disadvantage and to develop appropriate laws and policies to address their inequality.

29. The Committee recommends that the State party arrange to provide extensive human rights training for members of all professions that have a direct role in the promotion and protection of human rights, including judges, lawyers, the police and the military. Instruction on the Covenant should be part of such training.

31. The Committee urges the State party to structure its data collection efforts in the future in such a way as to be able to identify clearly the most disadvantaged and marginalized groups of society. It calls on the State party to conduct studies of all its laws, policies and practices with a view to assessing their effects on those groups, especially with regard to those areas that most

directly affect their basic living conditions, such as employment, housing restitution, relocation, tenancy rights, health care, naturalization and education. All data should be disaggregated by minority groups, as well as by gender, religion, disability and any other relevant criteria that will help the State party develop targeted programmes to help those most in need.

32.The Committee recommends that the State party reinforce its efforts to address the high level of unemployment.

33.The Committee recommends as a matter of urgency that the State party continue its negotiations with the relevant authorities to ensure that Croatians who made pension contributions prior to independence are able to benefit from their pensions.

34.The Committee recommends that the State party carefully review the probable effects of its plans to privatize portions of the national health-care system on the most disadvantaged and marginalized sectors of society, including, in particular, the unemployed and underemployed, the homeless and those living in poverty.

Convention on the Rights of the Child – Concluding observations 2014

[*UN OHCHR website link, Treaty bodies database*](#)

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

Allocation of resources

While welcoming the State party's commitment, expressed during the dialogue, that, in times of fiscal and budgetary constraints, efforts are made to sustain social investment for, and the social protection of, children, the Committee expresses its concern at the negative effects of austerity measures on public spending, which affect benefits and services provided to families with children, especially the Roma, as well as the high level of corruption. The Committee reiterates its concern about the lack of disaggregated data with regard to resources allocated for children at the national and local levels.

The Committee urges the State party to:

- (a) Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights and, in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators related to children's rights;**
- (b) Adopt a child-rights approach in the preparation of the State budget, with clear allocations for children to the relevant sectors and agencies, as well as specific indicators and a tracking system;**
- (c) Establish mechanisms to monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources allocated to the implementation of the Convention;**
- (d) Define strategic budgetary lines for children in disadvantaged or vulnerable situations who may require affirmative social measures, and ensure that those budgetary lines are protected, even in situations of economic crises, natural disasters and emergencies;**
- (e) Provide impact assessments of austerity measures in areas that are directly or indirectly related to children's rights;**
- (f) Take all necessary measures to prevent and combat corruption;**
- (g) Provide disaggregated information on the proportion of the national budget allocated to the implementation of children's rights at the national and local levels.**

Data collection

While noting that some progress has been made with regard to statistical data collection, the Committee reiterates its concern that data available through official statistics are not representative of the situation of all children, especially children belonging to different ethnic groups and children living in vulnerable situations. In particular, the Committee is concerned that data are not disaggregated and are presented in age groups that do not correspond to the definition of the child, as provided for in the Convention, or they focus on adults; some of the data relevant for understanding the situation of children in the State party are not systematically registered, such as data on school dropouts; and challenges regarding consistency and reliability of data remain.

In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, the Committee urges the State party to expeditiously improve its data collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, geographic location, ethnic or national origin and socioeconomic background, in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that the data and indicators be shared among the government bodies concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

Dissemination, awareness-raising and training

The Committee takes note of the various efforts made by the State party to disseminate information, provide training and raise awareness on the Convention. However, it is concerned that public awareness of children's rights remains low, the Convention is not systematically disseminated among children and the public at large and the State party is not undertaking training activities with regard to the Convention in a systematic and targeted manner, particularly for professionals working with and for children.

The Committee recommends that the State party:

- (a) Strengthen its efforts to disseminate the Convention, including in minority languages;**
- (b) Sensitize the public in general, including children, about children's rights;**
- (c) Ensure systematic, mandatory and ongoing training on children's rights for the public at large, children and professionals, in particular the judiciary, social workers, law enforcement officials, health-care personnel, persons working in all forms of alternative care and the media.**

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

While welcoming the adoption of the Act against Discrimination and the Act on Gender Equality, in 2008, and other efforts undertaken to counter discrimination, such as amending the Penal Code to include hate crimes, the Committee is concerned that de facto discrimination against children in marginalized and disadvantaged situations continues to be prevalent and that the number of complaints received by the Ombudsperson for Children relating to discrimination against children, in particular Roma children in the field of education, has risen.

In the light of article 2 of the Convention, the Committee recommends that the State party ensure that all children in the State party enjoy equal rights under the Convention without discrimination. In particular, it recommends that the State party:

- (a) Intensify efforts to ensure the effective elimination of all forms of discrimination against children, through, inter alia, awareness-raising programmes and intercultural and interreligious dialogue, especially at the community level and in schools;**
- (b) Ensure that its programmes address the situation of discrimination against children in marginalized and disadvantaged situations, including children belonging to ethnic and religious minority groups, Roma children, children living in poverty, children with malignant or rare diseases and foreign children.**

E. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20–21, 25 and 27 (4))

Family environment

The Committee welcomes the different social support services for families, including the Family Centres, as well as the amendment to the Social Welfare Act of 2014, which, inter alia, introduced guaranteed minimum benefits. However, the Committee is concerned about:

- (a) Insufficient availability and quality of support services offering counselling and assistance to families, with regard to the performance of their child-rearing responsibilities;
- (b) Insufficient measures of support for families with working parents, such as part-time work, flexible working hours, and other measures to meet parents' needs to provide quality care for children while at work;
- (c) Lack of quality support services for children with disabilities and their families, children in remote areas and children living in poverty;
- (d) Lack of adequate guidance and supervision for families in which there are signs of neglect or abuse;
- (e) Lack of transparency in decisions to pronounce supervision of parental care and clearly established criteria on the selection of supervisors, as well as inadequate monitoring and evaluation of supervision measures;
- (f) Inadequate human, technical and financial resources provided to Social Welfare and Family Centres.

The Committee recommends that the State party strengthen its efforts to provide families with the necessary support to enable them to fulfil their obligation towards their children and to ensure their well-being and development. In particular the Committee recommends that the State party:

- (a) Further strengthen assistance and support services to parents and legal guardians in their child-rearing responsibilities and promote measures to support working parents, including considering collaboration with the business sector;**
- b) Ensure that the needs of all children are met, including children with disabilities and children living in remote areas and situations of poverty;**
- (c) Provide guidance and supervision for families whose children may be exposed to neglect or abuse;**
- (d) Establish a clear framework for supervisory measures, including control and evaluation measures, criteria for the selection of supervisors, as well as effective appeal mechanisms;**
- (e) Allocate sufficient human, technical and financial resources to ensure the effective functioning of the Social Welfare and Family Centres and provide continuous training to professionals employed in those centres.**

Children deprived of a family environment

While welcoming the Master Plan for the Deinstitutionalization and Transformation of Social Welfare Institutions 2011–2018, the Committee is concerned that:

- (a) Despite the implementation of the deinstitutionalization plan, the number of children in institutional care is not decreasing;
- (b) Institutional care is the predominant means, rather than a measure of last resort, for addressing the needs of children deprived of a family environment, including very young children, and there is a considerable number of children in institutional care being subject to such placement due to socio-economic hardship and/or lack of support services for impoverished families;

- (c) There is a lack of adequate monitoring and supervision of institutional care and foster parents;
- (d) There is inadequate support and after-care services for children when they leave institutional care;
- (e) Despite a recruitment campaign and other positive developments relating to foster care, there are not enough foster parents in all regions and insufficient training in, and support for, child-rearing is provided to them;
- (f) Models of specialized foster care, inter alia, for children with behavioural problems, children with disabilities, children living with HIV/AIDS and pregnant girls and mothers under 18 years of age are still not used, in practice, and not adequately conceptualized and regulated.

Drawing the State party's attention to the United Nations Guidelines for the Alternative Care of children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributing to such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In that regard, the Committee recommends that the State party:

- (a) Ensure full implementation of the Master Plan for the Deinstitutionalization and Transformation of Social Welfare Institutions 2011 – 2018, in particular through strengthening support for family- and community-based care for children, wherever possible, and foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children;**
- (b) Establish adequate safeguards and clear criteria, based on the best interests of the child, for determining whether a child should be placed in alternative care, and ensure that the views of the child are respected;**
- (c) Conduct periodic reviews of the placement of children in foster care and institutions and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;**
- (d) Strengthen its support to children leaving alternative care to ensure their independent living;**
- (e) Strengthen the promotion and recruitment of foster families to ensure regional distribution and provide systematic training in, and support for, child-rearing for foster families;**
- (f) Strengthen its system of specialized foster care for children with behavioural problems, children with disabilities, children living with HIV/AIDS and pregnant girls and mothers under 18 years of age .**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33)

Children with disabilities

The Committee welcomes the measures taken by the State party to ensure inclusive education for children with disabilities. The Committee is however concerned that:

- (a) Cross-sectoral coordination and standardized developmental screening protocols and tools are lacking, resulting in missed opportunities for early childhood intervention;
- (b) The number of children with disabilities in institutional care is increasing and adequate treatment and care are lacking in the institutions;
- (c) There have been incidents of ill-treatment of children with disabilities in some health care institutions;

(d) The support system for children with disabilities to ensure inclusive education is unevenly developed, particularly in rural areas; many schools do not provide the necessary conditions for inclusive education; funding for teaching assistants is not always available; and teachers and other school personnel are not sufficiently trained;

(e) Abandoned children with disabilities are primarily placed in health-care institutions, not in children's institutions, and are therefore not included in official data of children available for adoption.

In the light of article 23 of the Convention and its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:

(a) Improve and strengthen early detection and treatment services in the health and education sectors;

(b) Prevent institutionalization of, and ensure sufficient alternative family- and community-based care options for, children with disabilities deprived of a family environment;

(c) Ensure adequate training of personnel working in health - care institutions on the medical practice regarding respect for the dignity of children with disabilities, and carry out regular inspections of institutions with long-term placement;

(d) Strengthen its efforts to establish State-wide inclusive education, including through the allocation of necessary resources, and ensure regular training for teachers and other school personnel;

(e) Ensure that abandoned children with disabilities are included in the list of children available for adoption.

Health and health services

The Committee is concerned about the uneven geographical coverage of health services for children; the shortage of health-care professionals; and the lack of adequate support for children in need of mental health-care systems. The Committee is further concerned that, despite legislative improvements allowing parents to stay in the hospital with their children, accommodation facilities are still limited and treatment of hospitalized children is not always adequate.

The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:

(a) Strengthen its efforts to ensure that all children enjoy equal access to health services, with particular emphasis on children in rural areas and from minority groups;

(b) Allocate adequate human resources to maintain the quality of health care;

(c) Take all necessary measures to ensure adequate support for children in need of mental health care;

(d) Strengthen its efforts to ensure that, in practice, children are not separated from their parents and that they are treated in accordance with the rights set out under the Convention, including the right to privacy, confidentiality and to be heard, when they are hospitalized;

(e) Seek financial and technical assistance from the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), among others, in that regard.

Adolescent health

The Committee notes the efforts undertaken by the State party to prevent and reduce alcohol consumption and smoking among adolescents. However, the Committee is concerned that laws are not respected or enforced, resulting in the easy availability of alcohol, especially non-registered alcohol, for adolescents and an increase in drinking, including binge drinking, among young people, especially girls, as well as an increase in the use of psycho-active drugs. The Committee is further concerned about the lack of long-term, systematic health education, including on sexuality, responsible sexual behaviour and sexually transmitted infections, including HIV/AIDS.

In the light of its general comments No. 4 (2003) on adolescent health and No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party strengthen measures to address alcohol and drug consumption and abuse, in general, as well as alcohol use by children and adolescents, through education programmes and campaigns to promote healthy lifestyles, and ensure enforcement of regulations on the sale and advertising of alcohol and tobacco products to children. The Committee also recommends that the State party strengthen measures to raise awareness on sexual and reproductive health, with special attention to sexually transmitted infections, and ensure systematic health education.

Breastfeeding

While noting that the measures taken by the State party, such as the Baby-Friendly Hospital Initiative, have resulted in an increase in breastfeeding, the Committee is concerned that:

- (a) There is still a lack of awareness of the benefits of exclusive breastfeeding and the risks of formula feeding;
- (b) Despite the prohibition of its distribution, the “Happy Baby” package, which violates the International Code of Marketing of Breast-milk Substitutes, is still being distributed through obstetrics and gynaecology offices, pharmacies and the company’s website;
- (c) Systematic monitoring of breast-milk substitutes marketing is not carried out.

The Committee recommends that the State party take action to improve the practice of exclusive breastfeeding, through awareness-raising measures, the provision of information and training to relevant officials, particularly staff working in maternity units, and parents. The Committee also recommends that the State party take all the necessary legislative and structural measures, including monitoring, to control the marketing of breast-milk substitutes.

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Administration of juvenile justice

The Committee is concerned that:

- (a) Insufficient funds and organizations are available to carry out alternative measures;
- (b) Children are subject to prolonged pretrial detention;
- (c) Detention centres are not regularly visited by judges, despite their legal obligation to carry out such visits;
- (d) Children are still detained together with adults in some institutions, and conditions of detention facilities for children and reformatories are inadequate;
- (e) Adequate training of those involved in the administration of juvenile justice is lacking.

The Committee urges the State party to bring its juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40, as well as with other relevant

standards and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party:

(a) Further promote diversion and alternative measures to detention, such as probation, mediation, counselling or community service, wherever possible, including through the allocation of sufficient human, technical and financial resources;

(b) Ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(c) In cases where detention is unavoidable, ensure that the children are not detained together with adults, that detention conditions are compliant with international standards, including with regard to access to education and health services, and that centres are regularly visited by judges;

(d) Ensure that all persons involved in the administration of juvenile justice receive appropriate education and training.

To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by relevant United Nations bodies.

J. Cooperation with regional bodies

The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2015

[*UN OHCHR website link, Treaty bodies database*](#)

C. Principal areas of concern and recommendations

Constitutional and legislative framework

8. The Committee notes that the Constitution enshrines the right to gender equality and non-discrimination and establishes the State party as a secular State. The Committee is also aware of the various concordats that the State party has signed with the Holy See. The Committee would like to ensure that the supremacy of the Convention prevails in order to prevent setbacks in areas such as access to sexual and reproductive health, including access to safe abortion and contraceptives, age-appropriate sexual education and the placing of primacy on women as individual rights holders rather than on the family unit.

9. The Committee urges the State party to take measures, including legislation, to put in place adequate safeguards to prevent sociocultural attitudes, including those of a religious origin, from constituting hindrances to the full realization of women's rights.

Employment

28. While noting the existence of a strategy of women entrepreneurship development that covers the period 2014-2020, the Committee is concerned at:

- (a) The persistent horizontal and vertical occupational segregation, overrepresentation of women in low-paid and part-time jobs, lack of implementation in the labour market of equality legislation and lack of any gender impact assessments of the labour law reform in 2014;
- (b) The lack of implementation of the principle of equal pay for work of equal value and persistent gender wage gap;
- (c) The prevalence of employment discrimination against women on the ground of pregnancy or maternity;
- (d) The fact that the percentage of fathers taking paternity leave remains low;
- (e) The marginalization and exclusion of Roma women and women with disabilities from the formal labour market.

29. The Committee recommends that the State party:

- (a) Introduce regulatory measures to ensure gender mainstreaming in the labour market and strengthen efforts to eliminate occupational segregation, both horizontal and vertical;**
- (b) Take measures to implement the principle of equal pay for work of equal value and to narrow and close the wage gap between women and men;**
- (c) Implement existing legislation and practices to ensure that women have access to effective mechanisms to complain about employment discrimination on the ground of pregnancy or maternity and the enforcement of timely and commensurate sanctions for employers engaging in discriminatory practices;**
- (d) Encourage the use of paternity leave for fathers and ensure that employers fulfil the legal obligation to make such leave available by introducing compulsory paternity leave;**
- (e) Increase access to formal employment and entrepreneurship opportunities for women, including Roma women and women belonging to other disadvantaged groups, and improve their possibilities to combine working life with family responsibilities, including by expanding the number of childcare facilities.**

Health

30. The Committee notes with concern:

- (a) That the right to abortion is being denied by hospitals on the ground of conscientious objection, even though only individual doctors are recognized as having that “right” and hospitals are legally required to ensure the provision of abortions;
- (b) The lack of inclusion of abortion and modern contraception in the Croatian Health Insurance Fund, thus discriminating against women because such services are required by them;
- (c) The low use, availability and accessibility of modern forms of contraception and reproductive services, in particular for disadvantaged groups of women;
- (d) The lack of oversight procedures and mechanisms for ensuring adequate standards of care and the protection of women’s rights during deliveries, as well as their autonomy, and the lack of options for giving birth outside hospitals.

31. The Committee urges the State party:

- (a) To ensure that the exercise of conscientious objection does not impede women’s effective access to reproductive health-care services, especially abortion and post-abortion care and contraceptives;**
- (b) To ensure universal coverage of abortion and modern contraception within the Croatian Health Insurance Fund;**
- (c) To ensure the availability and accessibility of modern forms of contraception and reproductive services to all women, including disadvantaged groups of women;**
- (d) To ensure the existence of adequate safeguards so that medical procedures for childbirth are subject to objective assessments of necessity and conducted with adequate standards of care and respect for women’s autonomy and the requirements for informed consent, and to introduce options for home births for women who wish to avail themselves of that possibility.**

Economic empowerment of women

32. The Committee notes the entry into force of the Pension Insurance Act in January 2014, but remains concerned that low levels of social benefits and very strict eligibility criteria result in a situation in which many women living in poverty, in particular older women and those without previous employment, are excluded from social protection.

33. The Committee recommends that the State party undertake a study of the socioeconomic situation of women living in poverty, in particular older women and those without previous employment, and use the results to inform the formulation of policies to ensure that social protection measures and employment legislation address the lower average years of contribution of women, the impact of women’s lower retirement age and more frequent non-contributory periods and women’s lower average salaries.

Rural women

34. The Committee is concerned about the limited access by rural women to land (given that only some 28 per cent of farms are owned by women) and related resources, social and health services, training facilities and economic opportunities, as well as their participation in political and public life, including in decision-making processes at the community level. The Committee is also concerned about the lack of childcare facilities in rural areas and that the Croatian Rural

Development Programme, adopted by the European Commission in May 2015, lacks adequate measures to specifically address the above-mentioned issues.

35. The Committee recommends that the State party ensure that rural women have adequate access to land and related resources, as well as social, health and other basic services and economic opportunities, together with equal opportunities to participate in political and public life, in particular in decision-making processes at the community level. It also recommends that the State party ensure the availability of childcare facilities in rural areas. It further recommends that the State party take into account the above-mentioned specific needs of rural women in the implementation of the Croatian Rural Development Programme.

Convention on the Right of Persons with Disabilities - Concluding observations 2015

[*UN OHCHR website link, Treaty bodies database*](#)

B. Specific rights (arts. 5–30)

Women with disabilities (art. 6)

9. The Committee is concerned that a high proportion of women with disabilities have primary school education only, or less. Moreover it is concerned about the gap between the number of men with disabilities in employment and the number of women with disabilities in employment. The Committee is also concerned at reports about violence in families and institutions, in particular psychiatric institutions, against women and girls with disabilities.

10. The Committee recommends that, in consultation with organizations representing women with disabilities, measures be taken to strengthen the development and empowerment of women with disabilities in fields such as education and employment, and that immediate action be taken to protect women and girls with disabilities from violence, including sexual violence. The Committee recommends mainstreaming women with disabilities into general gender equality policies. It recommends that sufficient budget resources be allocated and clear timelines established for the implementation of all those measures. The Committee recommends that data and statistics on the situation of women and girls with disabilities be systematically collected, including indicators that assess intersectional discrimination, and that an analysis of them be included in the next periodic report.

Children with disabilities (art. 7)

11. The Committee is seriously concerned about the high rate of child abandonment and subsequent institutionalization of children with disabilities in the State party, particularly owing to the lack of attention and care they receive in the areas of education, health and habilitation, their vulnerability to violence and abuse, and the limited scope of specific measures for them in rural areas. The Committee is also concerned that children with disabilities are not systematically involved in decisions that affect their lives and do not have the opportunity to express their opinions on matters that affect them directly.

12. The Committee recommends that the State party ensure that children with disabilities are protected on an equal basis with others in all legislation, policies and measures aimed at children, and that it strengthen its policy on the deinstitutionalization of children with disabilities. It also recommends that the State party establish and implement a strategy to prevent people from abandoning children with disabilities, and that it adopt safeguards to ensure that children with disabilities are consulted on all matters that affect them. The Committee recommends that the State party implement a moratorium on new admissions to institutions and strengthen its efforts to provide psychological, financial and social service support measures to families.

Accessibility (art. 9)

15. The Committee is concerned that accessibility to buildings, facilities, transportation and information and communication services is still rather low, especially outside the capital city area. The Committee is concerned that accessibility is narrowly interpreted to pertain to the

physical environment and transportation only, whereas information and communication services are neglected.

16. The Committee recommends that the State party assess accessibility with respect to buildings, facilities and transportation as well as accessibility to information and communication services, as referred to in the Committee's general comment No. 2 (2014) on accessibility, and adopt action plans to improve accessibility with clearly defined and realistic deadlines and indicators. Organizations of persons with disabilities should be involved in planning and implementing the accessibility plans. The Committee also recommends that the State party allocate sufficient resources to make public and private transportation accessible to persons with disabilities.

Equal recognition before the law (art. 12)

17. The Committee is concerned that substituted decision-making has not been replaced by supported decision-making in law and in social practice, and that legislative amendments that are envisaged still consider the best interest of the person as opposed to his or her will and preferences, and would maintain a modified regime of substitute decision-making. The Committee is concerned that the Constitutional Court has suspended the new Family Act, which abolished plenary guardianship.

18. The Committee recommends that the State party take legislative measures to abolish substitute decision-making regimes, in accordance with the Committee's general comment No. 1 (2014) on equal recognition before the law. It also recommends that the State party introduce legislation to provide a wide range of measures that respect the autonomy, will and preferences of persons with disabilities, including their rights to give and withdraw their individual informed consent for medical treatment, to access justice, to vote, to marry, to full parental rights and to work. It further recommends that the State party take tangible steps to introduce systems of supported decision-making and, to this end, train social workers, legal professionals and public authorities on the rights enshrined in the Convention. Organizations of persons with disabilities and other relevant stakeholders should be involved in these legislative and policy processes.

Respect for home and family life (art. 23)

33. The Committee is concerned that the parental rights of persons with disabilities have not been recognized.

34. The Committee recommends that the State party take legal and practical action to ensure that persons with disabilities can exercise their parental rights and adopt children on an equal basis with others. It also recommends that the State party provide all persons with disabilities with accessible information on sexual and reproductive rights and access to adoption services, and community-based support services for parents with disabilities.

Health (art. 25)

37. The Committee is concerned that the excessive burden of proof placed on people with disabilities who are not insured under the compulsory health-care system can result in them having no access to health-care facilities. It is also concerned that mainstream health services are not accessible to and adequate for persons with disabilities.

38. The Committee recommends that further efforts be made to ensure that people with disabilities who do not have compulsory health-care insurance have access to health-care facilities. The Committee also recommends that access to mainstream health services, including sexual and reproductive health services, are made accessible to people with disabilities, especially in rural areas. It also recommends that health professionals in mainstream health services are urgently trained in treating persons with disabilities and respecting the rights enshrined in the Convention.

Habilitation and rehabilitation (art. 26)

39. The Committee is concerned that many boys and girls with disabilities have no access to early intervention services, and that the situation is particularly hard for children with autism.

40. The Committee recommends that the State party take measures to provide early intervention services to all children with disabilities.

Adequate standard of living and social protection (art. 28)

43. The Committee is concerned that many persons with disabilities live under conditions of poverty, particularly those in rural areas and those of Roma origin. The Committee is further concerned about the use of a restrictive financial assets test, which has downgraded the disability benefit to a social protection benefit.

44. The Committee recommends that poverty reduction programmes be strengthened. It further recommends that benefits aiming at alleviating increased costs arising from disability should be based on an assessment of the individual's support needs, and should disregard any financial assets test.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

49. The Committee is concerned that the State party's system of data collection does not enable it to gather the information it needs, such as data on violence against women and girls with disabilities, to plan and strategize for the fulfilment of its duties under the Convention.

50. The Committee recommends that the State party systematically review and reform the data collection system as it pertains to persons with disabilities, with the active involvement of and in close consultation with persons with disabilities and their representative organizations.

International cooperation (art. 32)

51. The Committee calls for the integration of a disability rights-based perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development agenda.

2. Council of Europe

European Social Charter

[Official website of the European Social Charter, link to conclusions](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

The Committee notes from Eurostat that the GDP growth rate in Croatia fell from 5.1% in 2007 to -1.2% in 2010. The economy was affected by the economic crisis, notably with a -6.0% contraction of GDP in 2009.

The employment rate fell from 57.0% in 2007 to 54.1% in 2010, remaining low in terms of international comparison.

The unemployment rate increased from 9.0% in 2007 to 11.8% in 2010. Increases in unemployment affected young people to a large extent: between 2007 and 2010 youth unemployment increased from 24.0% to 32.6%. The long-term unemployment rate (as a percentage of all unemployed persons), whilst remaining very high, decreased from 61.6% in 2007 to 56.9% in 2010.

The Committee notes that the labour market situation deteriorated in Croatia during the reference period: unemployment increased, and the employment rate continued being low.

Employment policy

In terms of public expenditure on active labour market policies, the report indicates that it amounted to 0.06% of GDP in 2010. Whilst this represented an increase from 0.03% in 2006, again in terms of international comparison this is a very low amount of public spending on active measures.

Hence, the Committee finds that employment policy efforts in Croatia, measured both in terms of the activation rate and spending on active labour market measures, were insufficient during the reference period.

As regards the activation rate, the report states that the proportion of unemployed which participated in an active employment measure rose from 3.3% in 2007 to 4.4% in 2010. The Committee notes that in terms of international comparison this is a very low percentage. Given that unemployment increased during the reference period, the Committee considers that the number of jobseekers who received active assistance was very low, and asks whether there are plans to make active measures available to a larger number of beneficiaries.

Finally, the Committee recalls that labour market measures should be targeted, effective and regularly monitored. It asks in this respect whether the employment policies in place are monitored and how their effectiveness is evaluated.

Conclusion

The Committee concludes that the situation in Croatia is not in conformity with Article 1§1 of the Charter on the ground that employment policy efforts have been inadequate in combatting unemployment and promoting job creation.

Paragraph 3 - Free placement services

In 2010, employers reported a total of 104,739 job vacancies to the Croatian Employment Service, which represented an increase of 2.3% or 2,312 job vacancies compared to 2009. The number of unemployed persons registered with the CES who found a job in 2010 was 141,105

(a 19.3% increase, or 22,819 persons, compared to 2009). The Committee notes that in 2010 there were more placements than registered vacancies. The report also mentions that the average time to fill a vacant post in 2010 was 32 days.

The Act on Job Placement and Unemployment Insurance authorises private legal persons to perform placement activities. They must previously obtain a permit from the Ministry of Economy, Labour and Entrepreneurship, and are required to subsequently submit regular reports and statistical information on their activities. The Committee asks if there are estimates on the number of placements made by these private agencies.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 1§3 of the 1961 Charter.

Article 8 - Right of employed women to protection of maternity – Conclusions 2011

Paragraph 1 - Maternity leave

Right to maternity leave

The Maternity and Parental Benefits Act, which entered into force on 1 January 2009, replaced the Labour Code insofar as maternity rights are concerned. The length of maternity remains however the same: 45 days before childbirth (28 days before birth being compulsory) and 6 months after birth (42 days following birth are compulsory). The situation is therefore still in conformity with Article 8§1. The Committee asks whether the same regime applies to women employed in the public sector.

Right to maternity benefits

Pursuant to the Act on Amendments to the Compulsory Health Insurance Act, which entered into force on 1 January 2008, women are entitled during compulsory periods of leave to 100% of her average wage over the last month prior to maternity leave. The benefit for the rest of the period of leave amounts to 100% of the worker's average salary over the last six months prior to maternity leave. The qualifying period is 12 consecutive months of insurance through employment or unemployment. A worker who does not meet the qualifying period is entitled to compensation equal to 50% of the "budget base line", i.e. HRK 1 663 (€ 224). The situation remains in conformity.

The Committee asks whether the same regime applies to women employed in the public sector.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 8§1 of the 1961 Charter.

Article 11 Right to protection of health – Conclusions 2013

Paragraph 1 - Removal of the causes of ill-health

Right to the highest possible standard of health

The Committee notes from WHO that life expectancy at birth (average for both sexes) increased from 76.14 years in 2008 to 77.26 in 2011. With this upward trend, life expectancy is getting close to the average in other European countries (for example, the EU-27 average in 2009 was 79.0).

The death rate (deaths/1 000 population) was stable at 11.59 in 2011. The main causes of death remain being cardiovascular diseases, cancer, injuries, poisonings and respiratory diseases. The

report mentions that on average, 52 000 persons die annually in Croatia, out of which three quarters as a result of circulatory diseases and cancer.

The infant mortality rate increased marginally from 4.46 per 1 000 live births in 2008 to 4.66 in 2011, but remained lower than in the previous reference period (5.2 in 2006), and close to the average in other European countries (for example, the EU-27 rate in 2010 was 4.1 per 1 000).

As regards the maternal mortality rate, the Committee notes that it increased during the reference period. In 2011 the rate reached 9.71 deaths per 100 000 live births (up from 6.86 in 2008). This rate is still high relative to other European countries. The report mentions that none of the four deaths in 2011 (rate 9.71/100 000 live births) was the result of obstetric causes. Measures are being taken to further reduce the risk of maternal death, as prescribed by the Programme of Health Care Measures in Compulsory Health Insurance. The Committee asks to be informed on the implementation of these measures.

Right of access to health care

The Committee refers to previous conclusions (Conclusions XVIII-1 and XIX-2) for a general description of the health system. It recalls that the right to healthcare is acquired under a compulsory health insurance scheme in which every citizen and permanently resident foreigners must register. In 2010, the compulsory health insurance scheme covered on average 4 348 014 persons. The report indicates that a number of measures were introduced during the reference period with a view to improving health care services, for example the range of services was extended to cover artificial insemination, complete treatment of psychiatric disorders and primary health care laboratory diagnostics.

The report further states that all persons on the territory of Croatia have the right to emergency medical assistance. Persons with temporary or permanent residence without resources and incapable of leading an independent/working life are entitled to compulsory health insurance, following a decision by the state administrative office responsible for social welfare, unless they can be provided with compulsory health care on some other ground.

With respect to waiting times, which were identified as a problem in previous conclusions, the report indicates that the overall average duration decreased significantly during the reference period, for example from 600 to 253 days for knee replacement operations, from 547 to 268 days for hip replacement or from 286 to 86 days for heart ultrasound exams. It also mentions that the Ministry of Health will continue implementing the 'National Waiting List Project' to further reduce waiting times. The Committee asks that the next report contain up-dated information on the implementation of this project and its results.

The Committee takes note of the up-dated information on the number of health institutions in the country as well as health professionals (doctors, dentists, pharmacists and nurses). At the end of 2011, there were 73 434 permanent staff employed in the health system (compared to 70 990 in 2008). The number of hospital beds remained stable throughout the reference period, with 5.47 per 1 000 population in 2008 (and 5.98 in 2011).

In the last examination of Article 11, the Committee adopted a general question addressed to all States on the availability of rehabilitation facilities for drug addicts, and the range of facilities and treatments. The report describes the special measures taken for the healthcare of addicted persons, and underlines that outpatient treatment for drug addicts has become part of the public health system.

The Committee wishes to be informed of the measures taken to strengthen patients' rights, notably with a view to lodging complaints and receiving compensation for injuries caused by the health care system.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 11§1 of the 1961 Charter.

Paragraph 2 - Advisory and educational facilities

As regards medical examinations carried out during the period of schooling, school medicine services have been integrated into the county institutes of public health since 1998. Each physician and nurse is responsible for around 4 000 children. The average coverage of pupils undergoing regular examinations ranges from 94% of those in year five of primary school to 71% of those in first form of secondary school.

Preventive examinations for the adult population are also available through general practice/family medicine. In 2008, 42 823 persons underwent regular examinations. The report acknowledges that this is a low figure, due to the fact that general/family medicine services lack the mechanisms to finance preventive activities.

Nationwide screening programmes exist for breast and colon cancer. Since December 2012 (outside the reference period) a national programme for the early detection of cervix cancer is in place. The Committee asks how significant these programmes have been in terms of reducing mortality.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 11§2 of the 1961 Charter.

Paragraph 3 - Prevention of diseases and accidents

Conclusion

The Committee concludes that the situation in Croatia is in conformity with Article 11§3 of the 1961 Charter.

Article 13 - Right to social and medical assistance – Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

In its previous conclusion, the Committee had noted that beneficiaries or claimants of social assistance could lose entitlement to social assistance if they failed to register with the competent employment service or to accept a job offer, regardless of their qualifications or experience, including temporary and seasonal jobs. The Committee notes that the report does not reply to the question of what means of subsistence remain available to those, whose social assistance is withdrawn as a penalty for having refused a job offer and whether there are legal provisions that would guarantee such means of subsistence. It accordingly does not consider it established that the right to social assistance is effectively guaranteed to every person in need.

Concerning medical assistance, the Committee previously noted that medical assistance is available under the compulsory insurance scheme only to persons who have acquired the status of an insured person according to the procedure and under the conditions prescribed by the law and general legal acts. In particular, persons without resources who are registered with the employment service are entitled to health assistance. The report does not provide the information requested, as to what medical assistance, if any, is provided in case of need to people not covered by the general insurance scheme and not registered at the employment service. The Committee reiterates its question and holds that if this information is not provided in the next report, there will be nothing to establish that the right to medical assistance is effectively guaranteed to any person in need.

Level of benefits

To assess the situation during the reference period, the Committee takes account of the following information:

- Basic benefit: according to the report, the livelihood assistance for a working-age single person without resources amounted to 120% of the base rate, i.e. HRK 600 and to HRK 750 if the person was not in a condition to work (respectively €79 and €99 at the rate of 31 December 2011).
- Supplementary benefits: according to the report, a housing allowance can be granted, covering the costs of rent, utility-service fees, electricity, gas, heating, water and the sewer system. This assistance can be granted to a person or household whose monthly income during the previous three months did not exceed the amount of the livelihood assistance. The housing allowance can amount up to 50% of the permanent allowance (i.e. €39,5 per month for a single person able to work and living alone). Beneficiaries who use wood for heating can be granted 3m³ of wood once a year or a heating allowance covering the equivalent cost.
- Medical assistance: see above;
- the Poverty threshold, defined as 50% of median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value was estimated at €231 per month in 2011.

In the light of the above information, the Committee considers that the level of social assistance is manifestly inadequate on the basis that the minimum assistance that can be obtained is not compatible with the poverty threshold.

Right of appeal and legal aid

The Committee previously asked whether it was possible to appeal to administrative courts against a decision to refuse or suspend benefits as a sanction against a person who refuses a job or training offer and noted that free legal aid was available to parties at social welfare centres where they could find the assistance of expert social workers in lodging their appeals. In response to the question raised in the previous conclusion, it notes from the report on Article 13§3 that appeals lodged against individual administrative acts passed by social welfare centres are decided by the ministry competent for social welfare activities. A lawsuit can be filed against first-instance and second-instance decisions of the ministry to the Administrative Court of the Republic of Croatia. In the light thereof, it holds that the situation is in conformity with the Charter on this issue.

Personal scope

The Committee previously held that the situation was not in conformity with Article 13§1 of the 1961 Charter insofar as nationals of other States Parties were subject to an excessive length of residence requirement (five years) to be eligible for social assistance. It notes from the report that, although certain exceptions exist, there have been no changes to this situation, which remains therefore not in conformity with the 1961 Charter.

Conclusion

The Committee concludes that the situation in Croatia is not in conformity with Article 13§1 of the 1961 Charter on the grounds that:

- it has not been established that means of subsistence are guaranteed to persons in need, whose social assistance is withdrawn as penalty for having refused a job offer;
- the level of social assistance is manifestly inadequate;

- nationals of other States Parties are subject to an excessive length of residence requirement to be eligible for social assistance.

Paragraph 2 - Non-discrimination in the exercise of social and political rights

Under the Social Welfare Act (Sections 13 and 14), direct and indirect discrimination of the beneficiaries of social welfare are prohibited. From the information received, the Committee understands that anti-discrimination provisions in the Constitution and the Anti-Discrimination Act guarantee that persons receiving social and medical assistance do not suffer, for that reason, from a diminution of their political or social rights, such as the right to vote and stand for election. The Committee asks Croatia to clarify this specific issue in the next report, and to confirm that the Committee's understanding is correct.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 13§2 of the 1961 Charter.

Paragraph 3 - Prevention, abolition or alleviation of need

The Committee refers to its previous conclusion (Conclusions XIX-2 (2009)) for a description and an assessment of the social services providing advice and personal assistance to people without resources or at risk of becoming so and recalls that services provided by social welfare centres are free of charge for the user.

It notes from the report that a number of reforms in this area took place in the reference period, in particular with the adoption of the Act on Activities of Social Work (Official Gazette No. 124/11) in November 2011 and of the Social Welfare Act (Official Gazette No. 33/12), which entered into force outside the reference period, on 24 March 2012.

It furthermore takes note of the Social Welfare Development Project, implemented in the 2006 to 2009 period and aimed at modernising the functioning of the social welfare centres, progressively reorganising them according to the "one-stop-shop" model, setting their quality standards, introducing social planning and computerisation and improving the infrastructures.

In response to the question raised in the previous conclusion, as to whether social welfare centres are provided with sufficient means to give assistance as necessary, the Committee notes from the report that, in the framework of the ongoing reforms, substantial efforts have been deployed to ensure adequate funding with the assistance of the World Bank and other grants (see the report for details).

Conclusion

The Committee concludes that the situation in Croatia is in conformity with Article 13§3 of the 1961 Charter.

Article 14 - Right to benefit from social services – Conclusions 2013

Paragraph 1 - Promotion or provision of social services

The report stresses that one of the fundamental goals of the social welfare system reform is de-institutionalisation, that will be obtained through the introduction of a new system of 10 basic social services and the possibility of using several services at the same time. The Committee asks the next report to provide information on the implementation of this reform.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Public participation in the establishment and maintenance of social services

The provision of social services by civil society organisations is regulated by the Social Welfare Act adopted on March 2012 (Official Gazette 33/2012). The report states that the State has been financing the civil society sector to develop new social services, but due to the economic crisis, the funding available was not sufficient. In this regard, the report underlines that concerning non-institutional services there is a "deficit" particularly in day care, in house care and assistance. The Committee therefore asks more information to be provided in the next report about the situation. In the meantime, it reserves its position.

The total annual amount allocated to those organisations was €7.1 million in 2011.

The report indicates that the activities of civil society organisations are monitored in several ways. First, members of associations can warn the statutory bodies of the association on any irregularities in the implementation of the Statute. Second, the Ministry of Administration proceeds with an administrative monitoring. Third, State administration offices perform inspections in organisations located in counties and the City office for general administration performs inspections for organisations located in Zagreb. In the case of associations financed by public sources, the spending of the allocated funds is monitored by the bodies that have allocated the financial resources to them.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2011

Family benefits

The Committee considers that, in order to comply with Article 16, child allowances must constitute an adequate income supplement, which is the case when they represent a significant percentage of median equivalised income.

According to the report, the right to child allowances in Croatia is granted for all recipients subject to an income test, except those who have children with severe health impairments and except children of killed, interned and missing war veterans who are not subject to this test (Act on Child Allowance, Official Gazette 94/01, 138/06 and 107/07 and Act on the Rights of Homeland War Veterans and their Family Members, Official Gazette 174/04, 92/05, 107/07, 65/09 and 137/09).

The allowance varies according to monthly net income per family member. According to MISSCEO, for monthly incomes of up to HRK 543.14 (€72.48) the allowance was HRK 299.34 (€39.93), between HRK 543.14 (€72.48) and HRK 1,119.53 (€149.41) the allowance was HRK 249.45 (€33.28), and from HRK 1,119.53 (€149.41) to HRK 1,663.00 (€221.77) the allowance was HRK 199.56 (€26.61) in 2009. In the case of a one-parent family, and according to the three groups of income, the payable allowance is increased by 15% and in the case of double orphan or a child with health impairment - by 25%. The allowance for children with more serious health impairment amounted to HRK 831.50 (€110.90), irrespective of family income. For beneficiaries of child allowance the additional supplement for the 3rd child amounts to HRK 500.00 (€66.70), and for the 4th child (and all the following children) – HRK 1,000.00 (€133.40). No benefit is received by those who do not fall within these income scales. According to the report, a pro-natalistic allowance is also paid by the State budget.

In the absence of the relevant information, the Committee reiterates its request (see Conclusions 2006) for such information, in particular on the median equivalised income, in the

next report in order to evaluate whether the situation in Croatia is in conformity with Article 16 regarding family benefits. It recalls that should the required information not be provided, there will be nothing to show that the situation in Croatia is in conformity with Article 16 of the 1961 Charter.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

According to MISSCEO, in 2009 family benefits were payable to Croatian citizens residing in Croatia and foreign citizens permanently settled in Croatia for at least 3 years and to persons temporarily resident if eligible to a child allowance according to the EU coordination instruments and subject to a means test. They are payable as a cash benefit and/or tax benefit. The child must reside with an eligible person in Croatia. Parents of children absent from Croatia for more than three months are not eligible. The Committee takes note that the situation has not changed since its previous conclusion as regards the three year residence condition for entitlement to child allowances (see Conclusions 2006) and it reiterates its conclusion of non-conformity with Article 16 in this regard.

Follow-up to Complaint COHRE v. Croatia No. 52/2008

The Committee refers to its decision on the merits of 5 December 2007, in which it concluded that there had been a violation of Article 16 read in the light of the non-discrimination clause of the Preamble on the grounds of failure to implement the housing programme within a reasonable timeframe, and of failure to take into account the heightened vulnerabilities of many displaced families, and of ethnic Serb families in particular.

The Committee takes note of the information communicated by the Government on measures already taken by the Croatian authorities to bring the situation into conformity with the 1961 Charter, as appended to the Resolution CM/ResChS(2011)6, adopted by the Committee of Ministers on 5 May 2011. In order to assess whether the situation is in full conformity with Article 16 of the 1961 Charter as regards access to housing for the ethnic Serb families displaced during the war in Croatia, the Committee asks the next report to provide full information on the implementation of the housing aid programme or other relevant measures. In the meantime, it reserves its position on this point.

Conclusion

The Committee concludes that the situation is not in conformity with Article 16 of the 1961 Charter on the ground that an equal treatment of nationals of other States party to the entitlement to family benefits is not ensured because of excessive residence requirement.

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102) - Croatia (Ratification: 1991) – due in 2017

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014) -

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Part XIII (common provisions); Article 71(2). Total of insurance contributions borne by employees. *Please supply the statistical information required by Article 71 of the Convention (table under Part 3 of the report form), taking into account all seven Parts of the Convention accepted by Croatia, that is II, III, IV, V, VI, VIII and X.*

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) - Croatia (Ratification: 1991) – due in 2017

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 14(3)–(5) of the Convention. Permanent partial incapacity. In response to the Committee's previous comments, the Government reiterates that the minimum degree of incapacity for the purpose of exercising the rights arising from pension insurance stands at 51 per cent. The legislation on pension insurance does not establish lump sum payments. However, in case of *physical damages* following an employment injury and accounting for at least 30 per cent of the employment injury consequences, the victim receives a lifelong supplementary allowance, the amount of which depends on the degree of physical damage and represents a percentage of a base amount established by law (from 140 Croatian kuna (HRK) to HRK468 in 2012).

The Committee observes that, in the current situation, a worker who lost between 30 and 50 per cent of his or her working capacity due to an employment injury would, in accordance with section 56 and following the Act on Pension Insurance, only be entitled to receive the above supplementary allowance for physical damages. *The Committee would be grateful if the Government would provide additional explanations concerning the practical implementation of this provision in case of employment injury.* It recalls in this respect that the Convention requires periodical payments to be made in case of partial invalidity, defined as a substantial partial loss (usually above 25 per cent) of earning capacity or corresponding loss of faculty, to represent a suitable proportion of the permanent total disability pension. *The Committee therefore once again asks the Government to compare the amounts of cash benefits paid to the standard beneficiary with total incapacity to the amounts of all cash benefits received for occupational incapacity of more than 30 per cent, 50 per cent and 70 per cent.*

In addition, the Committee requests the Government to indicate the provisions of national legislation guaranteeing that persons who come to lose part of their earning capacity or faculty which is not considered substantial but is in excess of a prescribed degree following an employment injury are allocated a periodical payment or a lump sum.

Article 16. Benefit for the constant help of another person. *The Committee again asks the Government to supply details regarding the types of services and cash benefits that may be provided to persons with disabilities who need the constant help of another person through the social welfare system.*

4. EU Country-Specific Recommendations: 2015

(the numeration of comments is kept in accordance to the original)

The European Union has set up a yearly cycle of economic policy coordination called the European Semester in 2010. Under the European Semester, the European Commission was given a mandate by Member States to check whether they take action on reform commitments they have made at EU level. The European Semester starts when the Commission adopts its Annual Growth Survey which sets out EU priorities to boost job creation and growth for the next year.

Each year, the Commission undertakes a detailed analysis of EU Member States' plans of budgetary, macroeconomic and structural reforms and provides them with the country-specific recommendations basing its decision on the submitted by each country National Reform Programme and Stability Programme. These recommendations provide tailor-made policy advice to Member States in areas deemed as priorities for the next 12-18 months. The European Council endorses the recommendations after the discussion.

Where recommendations are not acted on within the given time-frame, policy warnings can be issued. There is also the option of enforcement through incentives and sanctions in the case of excessive macroeconomic and budgetary imbalances.

Council Recommendation of 14 July 2015 on the 2015 National Reform Programme of Croatia and delivering a Council opinion on the 2015 Convergence Programme of Croatia (2015/C 272/15), (18.08.2015, C 272/56, *Official Journal of the European Union*).

[Official Website of the European Commission](#)

(11) The pension system suffers from a large number of early retirees, an excessively generous system of early pensions for certain professions, and numerous special pension schemes. Early exits are facilitated by comparatively low pension reductions, or none at all for certain workers. The gap between the minimum early and statutory retirement ages is also high compared with an EU average of less than three years. Moreover, the system is highly fragmented, which squeezes out spending on standard pensions. As a result, the benefit ratio in the pension system is lower than in most Member States, despite comparable expenditure. As regards the healthcare sector, recurrent arrears continue to pose fiscal risks. Measures have been initiated to rationalise hospital funding, but there are implementation risks. The 10 % budget increase covers funding needs only partially; further efficiency savings will have to be made to ensure the full elimination of arrears by 2017.

(12) Limited wage adjustment in the post-crisis period exacerbated the negative impact on employment. The comprehensive analysis of wage-determination and wage-setting practices completed in 2014 revealed that the system was not flexible to adapt to changes in the macroeconomic environment. Particular weaknesses relate to large disparities between the private and public sectors, including state-owned enterprises, the extension of collective agreements to non-signatory parties and the difficulties related to the termination of obsolete agreements. The analysis needs to be followed up by concrete policy action. It is also important to monitor the effects of the 2013-2014 labour market reform.

(13) The labour force is negatively affected by a rapidly ageing population coupled with low activity rates, in particular for young people and workers over the age of 50. Despite the increased scope and expenditure of active labour market policies, their outreach remains insufficient as regards the long-term unemployed, older workers and young people not in education, employment or training. The tertiary education rate is one of the lowest in the Union. Skills mismatches and weaknesses in the education and training system act as deterrents for

higher education attainment. The size of the informal economy remains a persistent challenge and results in a high incidence of undeclared work. The measures that the commission to combat undeclared work identified at the end of 2014 now need to be implemented. There are currently over 80 different social benefits and programmes. The consolidation of benefits has started, but further reform efforts are needed in 2015 to improve the coverage and adequacy of benefits.

HEREBY RECOMMENDS that Croatia take action in 2015 and 2016 to:

2. Discourage early retirement by raising penalties for early exits. Improve the adequacy and efficiency of pension spending by tightening the definition of arduous and hazardous professions. Tackle the fiscal risks in healthcare.
3. Tackle the weaknesses in the wage-setting framework, in consultation with the social partners and in accordance with national practices, to foster the alignment of wages with productivity and macroeconomic conditions. Strengthen incentives for the unemployed and inactive to take up paid employment. Based on the 2014 review, carry out the reform of the social protection system and further consolidate social benefits by improving targeting and eliminating overlaps.