***Information on the implementation of the Human Rights Council resolution 26/20***

1. *Please provide information on the legislative and policy framework in place in your country related to the status establishment, resourcing and functioning of representative organizations of persons with disabilities in the national regional and local levels*

Civil society organizations of persons with disabilities have an extremely important role in creating policies, adopting new legislation as well as in amending the existing, and are recognized as very productive and valuable partners and active stakeholders in creating policies.

The establishment, legal status, operation, registration, funding, property, liability, status changes, supervision, termination of an association having the capacity of a legal person and registration and termination of activities of foreign associations in the Republic of Croatia is regulated by the Law on Associations. This Law is aimed at ensuring the effective operation of associations having the capacity of a legal person, and creating prerequisites for the effective funding of programs and projects of common interest, which are conducted by associations in the Republic of Croatia.

The activities of associations are based on the principles of:

* independence, which means that an association independently establishes its area of activity, aims and activities, its internal structure, and independently performs activities which are not in conflict with the Constitution or the law;
* publicity, and the public quality of association's work is regulated by statute, in accordance with the Law;
* democratic structure, which means that an association is managed by members so that the internal structure of the association is based on the principles of democratic representation and democratic expression of the members’s will;
* non-profit-making, which means that an association is not established for the purpose of making a profit, but may perform an economic activity, in accordance with the law and the statute;
* free participation in public life, which means that associations are free to participate in the development, monitoring, implementation and evaluation of public policies, as well as in shaping public opinion, and express their views, opinions and take initiatives on issues of their interest.

On the basis of the stated Law, the Government of the Republic of Croatia has also adopted the Regulation on the Criteria, Standards and Procedures for Financing and Contracting Programs and Projects of Common Interest Implemented by Associations. The Regulation regulates the criteria, standards and procedures applied by the competent state administration bodies, Government offices and bodies, and other public institutions, who dispose of funds from public sources, to financing and contracting programs and/or projects of common interest implemented by associations (hereinafter "programs and/or projects").

These criteria, standards and procedures are also applied by the units of local and regional governments when funding associations' programs and projects. Providers of financial resources determine, within their scope of action on an annual basis, the priority areas for the allocation of financial resources to programs and projects in accordance with the measures from programs, strategies, plans and other strategic documents at the national, i.e. local and regional levels, establishing goals and priorities in addressing issues related to the common good, public interest or public needs, and the implementation of which is within the competence of fund providers, and which are conducted in cooperation and partnership with associations.

National Strategy for the Creation of an Enabling Environment for Civil Society Development 2012-2016 is aimed at strengthening the activities of civil society (legally and financially), and one of the measureswithin the framework of the Strategy isto improve the effectiveness of consultations with civil society organizations in the procedures of adopting laws, other regulations and acts.

Persons with disabilities participate in the continuous monitoring and analysis of public policies concerning the development of civil society in Croatia through its representative in the Council for Civil Society Development, which acts as an advisory body for the Croatian Government.

1. *Please provide information on existing legislation an policies aimed at ensuring that persons with disabilities and their representative organizations, including children with disabilities, are consuleted and involved in decision-making process that directly or indirectly concern them*

The Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts was adopted in the Republic of Croatia in 2009. The Code was harmonized with the European Commission's General Principles and Minimum Standards for Consultation of Interested Parties by the Commission, as well as the Code of Good Practice for Civil Participation in the Decision-Making Process, which was supported by the Declaration by the Committee of Ministers of 21st October 2009. Recommendation Rec(2009) 1 on electronic democracy (e-democracy) adopted by the Council of Europe's Committee of Ministers on 18th February 2009 was taken into account when preparing the Draft Code. Government Office for Cooperation with NGOs has developed Code Implementation Guidelines which serve as a guide not only to the representatives of the state bodies involved in the consultation procedures with the interested public in drafting laws, other regulations and acts, but also to all interested parties in the broadest sense - citizens, civil society organizations, representatives of the academic community, chambers, public institutions and other legal persons which perform public service.

The Act on Regulatory Impact Assessment was enacted in 2011, and the Regulation on the Implementation of the Regulatory Impact Assessment Process in 2012, establishing thus a system of regulatory impact assessment in the Republic of Croatia and improving the systems of decision-making and creating regulations. In accordance with the above-stated regulations, all relevant and interested shareholders are given the right to participate in the process of enacting regulations.All public authorities competent for drafting laws and bylaws are obligated to publish draft laws and other regulations on their website, as well as implement the consultation process with the interested public. Also, after the conducted consultations, they are obligated to inform the interested public on accepted and rejected remarks and proposals through their website. The interested public, including the representatives of associations of persons with disabilities, as well as persons with disabilities are thereby given the opportunity to influence the policy of the Croatian Government with their knowledge, experience and expertise on behalf of the groups and the interests they represent.

The central portal for consultations with the interested public **"e-Consultations"** allows all citizens to actively participate in the creation of all regulations to be enacted by the state administration bodies, in one place. In this way, the process is transparent, and it is clear who proposes what and what is accepted. Each proposal, whether accepted in whole or in part, or rejected, is accompanied by an explanation of the institution providing consultations.

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In addition to the possibility to participate in the consultation process, persons with disabilities, representatives of associations of persons with disabilities acting as representatives are members of a number of expert working groups for the development of draft legislation, national and local strategies and working groups for assessing projects of civil society organizations in bodies which provide financial support for their implementation. Direct contacts with representatives of associations of people with disabilities are made through their active participation in the work of various working groups formed within the state administration bodies responsible for drafting regulation proposals, and who thus receive information about the problems these people face.

As for children with disabilities, bodies competent for the protection and promotion of children's rights monitor, within their legally prescribed powers, the exercise of children's rights in a number of areas, including the protection of children's rights within the justice system, criminal and misdemeanor system and civil systems. Protection of children in the justice system also applies to the protection of children in administrative proceedings and in all proceedings in which decisions concerning children's rights are adopted.

An example of good practice in encouraging and implementing the participation of children in the local community is the "Cities and Municipalities - Friends of Children" action headed by the Union of Societies "Our Children" Croatia, the Croatian Society for Preventive and Social Pediatrics under the auspices of the UNICEF Office for Croatia. The goal is to motivate adults in the local community to fully exercise the rights and needs of children, which were recognized in the United Nations Convention on the Rights of the Child. One of the conditions for obtaining the status of the City - Friend of Children is involving children in designing decisions which affect them through the establishment of Children's City Councils and the Children's Forum. The aim of these councils is active participation of children and youth in proposing activities and measures which would contribute to better life for children, participation in decision-making on important issues affecting them, and therefore the exercise of their rights in the local community. An example of good practice is the Network of Young Advisors to the Ombudsman for Children. The adoption of a new Decision on the Establishment of the Council for Children by appointing representatives of children in its membership, provides children in the Republic of Croatia with the opportunity to participate in the advisory body of the Croatian Government for the first time. Children with disabilities can participate in these activities on an equal footing with other children.

In accordance with the Family Act, in proceedings to decide on the child's rights and interests, the child is entitled to be informed on the important circumstances of the proceedings in an appropriate manner, to get advice and to express his/her opinion as well as to be informed about the possible consequences of taking his/her opinions into consideration. The child's opinion is taken into account in accordance with his age and maturity.

As for persons with disabilities who are beneficiaries of the rights and services in the social welfare system, we emphasize one of the principles of the Social Welfare Act - the principle of participation in decision-making. The beneficiaries of rights in the welfare system have the right to participate in the assessment of the situation, needs and in the decision-making on the use of services, and to receive the timely information and support for decision-making. A beneficiary cannot be provided social services without his consent or the consent of their guardian or legal representative, except as stipulated by law.

1. *Please provide information on any consultative body or mechanism established to consult and engage with representative organisations of persons with disabilities, including information about their composition, criteria for membership (nomination, appointment, election, etc.) and functioning.*

At the national level, the Croatian Government's Commission for Persons with Disabilities operates with almost 50% of its membership consisting of representatives of national unions of persons with disabilities. The Commission consists of representatives of 15 state bodies, -representatives of 2 scientific institutions and 15 representatives of unions and associations of persons with disabilities.

Members of the Commission are appointed by the Croatian Government at the proposal of the body or a civil society organization. The Commission, in addition to the Ministry of Social Policy and Youth, also monitors the implementation of obligations pursuant to the Convention on the Rights of Persons with Disabilities. The Commission, among other things, monitors the implementation of the national strategic documents relating to persons with disabilities, and proposes effective execution of planned measures and activities; monitors the application of existing regulations relating to persons with disabilities, and proposes to the Croatian Government measures for operational improvement of bodies responsible for the protection of persons with disabilities and for exercising their rights; discusses and gives opinions on draft laws and other regulations of interest for improving the quality of life of persons with disabilities and their families, and proposes to the Croatian Government and state administration bodies amendments to laws and other regulations relating to persons with disabilities. During 2014, the Commission referred a recommendation on the inclusion of representatives of persons with disabilities in working groups drafting the regulation proposals, and in the earlier stages of enacting regulations, to state administration bodies responsible for drafting regulations.

We also emphasize the role of the Council for Civil Society Development as an advisory body to the Croatian Government, which works on the development of cooperation between the Croatian Government and civil society organizations in Croatia, and among other things, it is obliged to report to the Croatian Government regarding draft regulations relating to the civil society development and propose priorities for funding programs and projects of civil society organizations. The Council membership (a total of 29 members) includes a representative of associations providing assistance to persons with disabilities.

1. *Please provide information on the efforts undertaken at national, regional and/or local levels to strenghen the capacity of representative organizations of persons with disabilities, in order to facilitate their participation in legislative policy and other decision-making process.*

The Government' Office for NGOs collects information on the procedures and results of funding projects and programs of civil society organizations from state administration bodies and other public institutions on a yearly basis. According to data for 2014, a total of HRK 142,912,017.56 was allocated for projects and programs of civil society organizations aimed at providing assistance to persons with disabilities, persons with special needs and socially disadvantaged groups, which is an increase of 25.66% compared to 2013.

The Ministry of Social Policy and Youth, in cooperation with the Government Office for Cooperation with NGOs and the National Foundation for Civil Society Development, has composed the Criteria for granting institutional support for the operation and development of associations of persons with disabilities and the national unions of associations of persons with disabilities. Institutional support is a specific form of grant which the Ministry, in cooperation with the National Foundation for Civil Society Development, invests in organizational development and activities of associations and unions of associations of persons with disabilities registered in the Republic of Croatia, and thus seeks to ensure the sustainability of operation of these organizations. Tenders for granting institutional support are conducted by the National Foundation for Civil Society Development for a three-year period in order to ensure the operational sustainability of unions and associations of persons with disabilities.

The Government Office for NGOs, which is the central state body for improving cooperation with civil society organizations, continuously works to improve the legal framework regarding cooperation with civil society organizations, provide a stimulating environment for their work, and develop programs, standards and recommendations for financing their activities, in which it actively cooperates with their representatives including representatives of associations of persons with disabilities.

Persons with disabilities are also members of the working group for drafting the new National Strategy of Equalization of Possibilities for Persons with Disabilities for the period from 2015 to 2020. The stated strategy shall be based on the results achieved under the present strategy, Implementation Gap Analysis for the UN Convention on the Rights of Persons with Disabilities in Croatia, and on recommendations of the UN Committee on the Rights of Persons with Disabilities received upon examination of the report on the implementation of the UN Convention on the Rights of Persons with Disabilities on 30th and 31st March 2015.

1. *Please explain whether and how persons with disabilities participate in monitoring the implementation of the United Nation Convention on the Rights of Persons with Disabilities (art. 33, para. 3) and in the nomination of experts to the Committee on the Rights of Persons with Disabilities (art. 34, para 3)*

The Government's Commission for persons with disabilities, with almost 50% of its membership consisting of representatives of national unions and associations of persons with disabilities, as stated in the answer to question number 3, in exercising its duties, among other things, monitors the implementation of the UN Convention on the Rights of Persons with Disabilities and other international acts relating to protection and promotion of rights of persons with disabilities. The Commission also proposes to the Croatian Government measures for operational improvement of bodies responsible for the protection of persons with disabilities and for exercising their rights; discusses and gives opinions on draft laws and other regulations of interest for improving the quality of life of persons with disabilities and their families, and proposes to the Croatian Government and state administration bodies amendments to laws and other regulations relating to people with disabilities.

The Office of the Ombudsman for People with Disabilities was established pursuant to the Act on the Ombudsman for Persons with Disabilities of 2007. The Office is an independent body whose main task is to monitor, promote and protect the rights of persons with disabilities, and thus it represents a mechanism for protecting human rights of persons with disabilities, which can be directly contacted and through which they can advocate their rights and influence the making of decisions which affect their lives. The Ombudsman for Persons with Disabilities has the authority which an Ombudsman does not - the right of access to premises and insight into the way of providing care for persons with disabilities who live, work or are temporarily or permanently provided accommodation at natural and legal persons and other legal subjects under special regulations. An Annual Report of the Ombudsman is submitted to the Croatian Parliament for adoption. Anyone can contact the Ombudsman for Persons with Disabilities and submit their proposal of issues for consideration, which are of importance to the protection of rights and interests of persons with disabilities.

1. *Please identify the main challenges faced by the diversity of persons with disabilities in participating in mainstream and disability-specific decision-making processes at the national, regional and local levels, including challenges faced by persons who experience multiple discrimination (e.g. on the basis of disability, age, gender, ethnic origin, geographic location)*

Equality of persons with disabilities in the Republic of Croatia has been further reinforced by the 2008 Anti-Discrimination Act , which consolidates the provisions on discrimination, which up to its enactment were a part of various laws. The central body competent for combating discrimination is the Ombudsman, and some jobs are performed by special ombudsmen when regulated by a special law.

Pursuant to that Act, discrimination is defined as placing any person in a less favourable position on the grounds as referred to in this Act. Discrimination is not only defined as placing a person in a less favourable position, but also as placing any other person related to that person by kinship or other relationship in a less favourable position. The law distinguishes between the following forms of discrimination: direct and indirect discrimination, harassment and sexual harassment, incitement to discrimination and failure to provide reasonable adaptation, segregation, and forced and systematic separation of persons on any grounds as referred to in this Act, as well as severe forms of discrimination - multiple (preventing one aspect of discrimination from remaining unnoticed when discrimination occurs on multiple grounds), repeated or prolonged discrimination, or one whose consequences are particularly harmful for the victim. The following cases of placing a person in a less favourable position are not considered discrimination:

* positive action, or when such treatment is based on provisions of the law, by-law, programs, measures or decisions with the aim of improving the situation of ethnic, religious, linguistic or other minorities or other groups of citizens,
* preferential treatment of pregnant women, children, youth, older people, people with the legal maintenance obligations who regularly meet their maintenance obligation and people with disabilities with the aim of their protection when such treatment is based on provisions of the law, by-law, programs and measures.

People with disabilities are recognized as a vulnerable group in the National Program for the Protection and Promotion of Human Rights 2013-2016.

As for the issue of accessibility which persons with disabilities face and the need for providing reasonable adaptation, it is also defined in the Anti-Discrimination Act. In addition to the grounds relating to the whole population, the Act defines discrimination against persons with disabilities as a failure to provide reasonable adaptations, or failure to provide people with disabilities, according to their specific needs, with: the use of publicly available resources; participation in public and social life; access to the workplace and appropriate working conditions, by adapting the infrastructure and premises, using equipment and in other ways which are not an unreasonable burden for the person obliged to provide them.

The principles of the Convention on the Rights of Persons with Disabilities are mostly incorporated into the National Strategy for Equalization of Opportunities for Persons with Disabilities from 2007 to 2015, and the National Program for the Protection and Promotion of Human Rights 2013-2016, since they were the basis for the development of specific measures to ensure the highest level of contemporary protection to persons with disabilities with access to all rights and their exercising without discrimination. These principles are also incorporated into other relevant documents, primary and subordinate legislation regulating human rights and the rights of persons with disabilities.