

1.

a) NHRI institution in the Republic of Croatia is the

Ombudsman office - legal background:

- Constitution of the Republic of Croatia (Official Gazette 85/10)
- Ombudsman Act (Official Gazette 76/12)
- Anti-discrimination Act (Official Gazette 85/08)
- National Prevention Mechanism against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (Official Gazette 18/11)

b) In order to comply with international human rights standards, particularly with the Paris Principles, the Constitution was changed vesting the Ombudsman with competence not only to protect but also to promote human rights. Subsequently, a new Ombudsman Act was adopted in 2012 which gives a broad mandate to the Ombudsman. Thus, the Ombudsman institution has complied international human rights standards.

2.

a) mandate of the institution:

Article 4 of the Ombudsman Act

The Ombudsman shall promote and protect human rights and freedoms and the rule of law by examining the complaints of the existence of unlawful practices and irregularities with respect to the work of government bodies, bodies of local and regional self-government units, legal persons vested with public authority and legal and natural persons in accordance with special laws (hereinafter: the bodies).

Article 5 of the Ombudsman Act

In the field of promotion of human rights and freedoms, the Ombudsman shall monitor the status and point out to the need for their protection. He shall also carry out research and analytical activities and keep and update the relevant databases and documentation, inform the public and interested parties regularly and timely, actively promote and maintain cooperation with civil society organisations, international organisations and scientific and research institutions, and promote the alignment of legislation with international and European standards and its consistent application.

Article 6 of the Ombudsman Act

(1) The Ombudsman shall monitor the alignment of laws and other regulations with provisions of the Constitution of the Republic of Croatia and international legal acts which are part of the internal legal order of the Republic of Croatia.

(2) The Ombudsman shall be entitled to file a request to initiate the proceeding of a review of conformity of laws and other regulations and general acts falling within his/her competence with the Constitution according to the Constitutional Act on the Constitutional Court of the Republic of Croatia and the Administrative Dispute Act.

b) The Institution is mandated to consider individual complaints. Thus, Article 20 of the Ombudsman Act states that anyone who considers that the bodies as referred to in Article 4 of this Act have jeopardised or violated, through their illegal or irregular work, his/her constitutional or statutory rights and freedoms may lodge a complaint to the Ombudsman with the aim of initiating a proceeding. Additionally, the Ombudsman may also on his/her own initiative initiate a proceeding for the purpose of investigating individual or recurrent violations of constitutional and statutory rights and freedoms.

c) According to Article 4 of the Ombudsman Act the Ombudsman can receive complaints with respect to the work of government bodies, bodies of local and regional self-government units, legal persons vested with public authority and legal and natural persons in accordance with special laws (hereinafter: the bodies).

d) The Ombudsman Office as National Prevention Mechanism conducts visits to detention facilities and as a Central Body for Suppression of Discrimination provides necessary information to natural and legal persons that have filed a complaint on account of discrimination with regard to their rights and obligations and to possibilities of court and other protection.

3.

a) /

b) /

4.

a) No.

b) /

5.

a) The main source of funding is state budget. Additionally, the Ombudsman office projects are funded through EU funds, UN funds and other donors.

b) According to Ombudsman Act the Ombudsman shall perform his/her duties with independence and autonomy. Any form of influence on the Ombudsman's work is forbidden.

In the exercise of his/her powers, the Ombudsman acts in accordance with the constitutional and legal provisions and international legal acts on human rights and freedoms accepted by the Republic

of Croatia. Furthermore, in the performance of his/her duties the Ombudsman adheres to the principles of fairness, equality and morality and acts impartially and in accordance with standards of good administration.

Also, in the performance of duties falling within his/her competence the Ombudsman cooperates with the public and especially with associations promoting citizens' interests, the academic community and the media.

Additionally, the Ombudsman Act defines that the Ombudsman and his/her deputies enjoy immunity as do members of the Croatian Parliament and the provisions of the Constitution of the Republic of Croatia on the immunity in the Croatian Parliament applies appropriately.

The office of the Ombudsman and his/her deputies are not compatible with the performance of any other public or professional duty and membership in a political party.

6.

a) As regards the election of the Ombudsman, Article 10 of the Ombudsman Act stipulates the procedure. Subsequently, the Ombudsman is appointed by the Croatian Parliament for a term of eight years with the possibility of reappointment. At the latest six months before the expiry of the Ombudsman mandate, or no later than 30 days after the termination of office due to other reasons, the Croatian Parliament publishes a public call to propose the candidates for Ombudsman.

The Committee for the Constitution, Standing Orders and Political System, with prior opinion of the Committee for Human Rights and Rights of National Minorities of the Croatian Parliament proposes at least two candidates for Ombudsman according to the received applications from the public call and it is submitted to the Croatian Parliament.

As regards the deputies, the Ombudsman has at least three deputies. The deputy Ombudsman is elected by the Croatian Parliament for a term of eight years, with the possibility of reappointment. The Ombudsman proposes candidates for his/her deputies to the Croatian Parliament within 30 days after the termination of a public call for application.

Additionally, the Council for Human Rights is an advisory body that considers and proposes strategic guidelines in the field of promotion of human rights and freedoms, ensures permanent cooperation in the field of human rights and freedoms between the Ombudsman, civil society, academic community and media and considers other issues of importance for the work of the Ombudsman in the field of promotion of human rights and freedoms. The members of the Council for Human Rights is appointed by the Ombudsman from among representatives of the civil society, national minorities, academic community and media for a period of four years. The members do not receive any compensation for their work in the Council.

b) As regards the election, the Croatian Parliament publishes a public call to propose the candidates for Ombudsman. The Committee for the Constitution, Standing Orders and Political System, with prior opinion of the Committee for Human Rights and Rights of National Minorities of the Croatian Parliament proposes at least two candidates for Ombudsman who are presented within the Parliament. Both of these Committees conduct interviews with candidates.

