**Response of the Croatian Authorities regarding the Human Rights Council resolution 37/22 on the rights of persons with disabilities**

1a) The area of vocational rehabilitation and employment of persons with disabilities in the Republic of Croatia is regulated with the Act on Vocational Rehabilitation and Employment of Persons with Disabilities (Official Gazette, nos. 157/13, 152/14, and 39/18).

Subordinate legislation regulating in detail the particular areas are:

- Ordinance on Vocational Rehabilitation and Vocational Rehabilitation Centres for Persons with Disabilities (Official Gazette, nos. 44/14 and 2/15)

- Ordinance on Setting Quotas for Employment of Persons with Disabilities (Official Gazette, nos. 44/14 and 2/15)

- Ordinance on the Content and Method of Keeping the Records of Employed Persons with Disabilities (Official Gazette, nos. 44/14, 97/14 and 2/15)

- Ordinance on Incentives for Employment of Persons with Disabilities (Official Gazette, nos. 44/14, 2/15, 13/15,113/16 and 116/17)

- Ordinance on Sheltered Workshops and Integrative Workshops for Employment of Persons with Disabilities (Official Gazette, nos. 44/14 and 2/15).

Pursuant to the Final Recommendations of the UN Committee on the Rights of Persons with Disabilities, when the Initial Report of the Republic of Croatia on the Implementation of the UN Convention on the Rights of Persons with Disabilities was submitted (March 2015), special emphasis has been put on vocational rehabilitation measures in the National Strategy for Equalisation of Opportunities for Persons with Disabilities 2017-2020, as well as on the measures for including women with disabilities into the labour market.

Pursuant to the Act on Vocational Rehabilitation and Employment of Persons with Disabilities, persons with disabilities are persons with acute physical, mental, intellectual or sensory impairments which, in interaction with other different barriers, may inhibit their full and effective participation in society on equal bases with others.

The aforementioned legal definition is in accordance with the definition of persons with disabilities according to the UN Convention on the Rights of Persons with Disabilities.

Vocational rehabilitation includes various services or measures and activities conducted with the goal to integrate persons with disabilities, but also other vulnerable groups, into the labour market.

The vocational rehabilitation service standards include a total of 10 specifically designed vocational rehabilitation services, and the method of their implementation is defined.

These services are as follows:

1. Rehabilitation evaluation of work ability, knowledge, work habits and professional interests

2. Assistance in overcoming various difficulties hindering inclusion into further vocational rehabilitation services

3. Perspective compilation

4. Workplace and work environment analysis

5. Professional support and monitoring during education and training or additional training with shorter educational programmes

6. Professional support and monitoring in the workplace and in the work environment

7. Strengthening work potential and professional competences - Work Centre

8. Strengthening work potential and professional competences - Virtual workshop

9. Creating an adaptation plan for the workplace and the work environment, as well as performing the required adaptations to equipment and means of work, and

10. Evaluation of work effectiveness.

Training implies the adoption of new and improvement of existing working skills through work in a specific workplace, strengthening work potentials, increasing work efficiency, and opportunities for successful adaptation in the working environment. Training is carried out after a rehabilitation assessment in accordance with the individual professional rehabilitation plan, and it can take place in a work centre, a virtual workshop, as well as in a specific workplace in the open labour market. Training may also include acquiring knowledge and skills through verified educational programs, in addition to the practice in the open labour market or in special conditions.

1b) For the services of vocational rehabilitation in the Republic of Croatia, the competent providers are regional vocational rehabilitation centres in Zagreb, Osijek, Rijeka, and Split.

The centres independently provide services of vocational rehabilitation, and on an exceptional basis, in cooperation with other legal persons (service subcontractors).

The competent body for professional monitoring of the vocational rehabilitation centres is the Institute for expert assessments, vocational rehabilitation and employment of persons with disabilities.

1c) Notwithstanding the above-mentioned statuses, persons with disabilities and other vulnerable persons in the labour market may be included in the vocational rehabilitation services.

The clients of vocational rehabilitation services may be:

- Croatian Pension Insurance Institute

- Croatian Employment Service

- Croatian Health Insurance Fund

- Institute for expert assessments, vocational rehabilitation and employment of persons with disabilities

- competent ministry for social policy through social welfare centres

- insurance company

- employer

- unit of local and regional self-government

- private client (disabled person, legal representative)

1d) Vocational rehabilitation centres are obliged to keep records on the basis of which it is possible to determine the level of coverage of vocational rehabilitation services.

These records are as follows:

* records of providers of professional support services for their region,
* records of potential employers in the local environment and region,
* records of contractors of the social inclusion program,
* records of users and employers for whom professional support services are paid,
* records of persons with disabilities for whom a finding and opinion was made that they are temporarily unemployable,
* records of persons with disabilities for whom the finding and opinion was made that they are employable in protective workplaces,
* records of persons with disabilities for whom the finding and the opinion was made that they are employable in integrative workshops,
* records of persons with disabilities for whom a finding and opinion was made with the proposal for a wage subsidy,
* records of made findings and opinions with the plan of adaptation of the workplace and working conditions,
* records on rehabilitated persons,
* records on clients requesting the service.

In addition, the centres are required to monitor the rehabilitated persons in the labour market for a period of five years.

1e) On 1 January 2015, the new Act on Protection of Persons with Mental Health Disorders (Official Gazette, no. 76/14) entered into force, which stipulates the basic principles, the protection of rights and the conditions for the application of measures and treatment of persons with mental health disorders, including the legal provisions restricting the admission, retention and accommodation of persons with disabilities in psychiatric treatment against their will.

The Republic of Croatia takes legislative measures to introduce measures which respect the autonomy, will and wishes of persons with disabilities, including the right of a person to independently give and withdraw individual informed consent to treatment and admission in the institution. The National Strategy for Equalisation of Opportunities for Persons with Disabilities 2017-2020 within the area No 8. Legal protection and protection against abuse, among other measures, has the measure relating to the introduction of supportive decision-making systems in exchange for partial deprivation of legal capacity and the measure relating to the implementation of the principle of personal consent of a person with disabilities during admission in the institution or his/her release from the institution. In this regard, one of the activities is to amend the Family Act by introducing a supportive decision-making institute based on co-decision making and the activity of continuous sensitisation of experts on the need to implement the principle of user participation in decision-making on admission in institutions.

The new Family Act (Official Gazette, no. 103/15) is in force from 1 November 2015, which regulates the area of guardianship and the content of guardianship protection, and the Draft Proposal of the new Family Act is under preparation, and the members of the working group are introduced with the said measure of the National Strategy.

Regarding the measure concerning the implementation of the principle of personal consent of a person with disabilities during the admission in the institution or after his/her release from it, the Ministry of Demography, Family, Youth and Social Policy carries out the joint activities of Social Welfare Centres and Social Welfare Institutions on which it sensitises experts on the need for implementation of this principle. The programs for educating specialists employed in the Social Welfare Centres on the subject of “Individual Planning” which are conducted for the purpose of developing a model of individualised access to all users, including persons with disabilities, aim to raise the quality of work and ensure the competence of social services providers.

1f) When allocating incentives for employed persons with disabilities, the severity and type of damage, and difficulties and obstacles that a person has in the workplace are taken into account. The basis for payment of most incentives (wage subsidy, architectural and/or technical adaptation, professional support at the workplace) is the finding and opinion of the vocational rehabilitation centre which determines the necessary support to a person with disabilities and the employer.

(1g) The National Strategy for Equalisation of Opportunities for Persons with Disabilities 2017-2020, within the area No 8 - Legal protection and protection from abuse, includes the measure relating to the continuous implementation of the training of employees of judicial bodies on the rights envisaged by the Convention on the Rights of Persons with Disabilities and the measure related to ensuring access to courts and institutions for persons deprived of their liberty.

There are 8 penitentiaries, 13 prisons and 2 correctional facilities in the Republic of Croatia. Although, statistically speaking, the prison system covers a relatively small number of inmates who are persons with disabilities, the prison system pays special and increasing attention to this population and, according to current indicators, it has provided sufficient number of rooms in its accommodation capacity. Judicial servants participated in specialist meetings at home and abroad on certain rights of persons with disabilities pursuant to the Convention on the Rights of Persons with Disabilities. A continuous training of prison system employees and judicial police officers was also ensured within the framework of regular training programs in the form of a basic course for trainees and for judicial police officers, and training of other officials from the Bureau of Prisons in relation to the specificities of treatment of persons with disabilities in the prison system.

1h) As already stated above (under 1.a), vocational rehabilitation includes various services or measures and activities conducted with the goal to integrate persons with disabilities, but also other vulnerable groups, into the labour market.

The vocational rehabilitation service standards include a total of 10 vocational rehabilitation services: One of the criteria for inclusion of persons in the aforementioned services is completed basic rehabilitation (medical and/or psychosocial).

1i) The duration of certain vocational rehabilitation services is defined by the Service Standards.

The Service Standards also define an evaluation of the vocational rehabilitation services. Evaluation is performed at the following levels:

* Evaluation at the level of the professional team - team members evaluate every user. Evaluation is conducted during team meetings that must be held at the beginning and the ending of the rehabilitation process, and at the beginning and the ending of conducting individual services. The official notes, the individual plan of vocational rehabilitation, and the temporary report submitted to the procuring entity must show that evaluation has been conducted. Evaluation at the level of the professional team enables achieving optimal effects of the rehabilitation process, the selection of appropriate methods and procedures, the continuity of the rehabilitation process, and professionally founded planning of future programmes.
* Evaluation at the level of the user - evaluation of the success of the rehabilitation process of the individual user is conducted only based on team monitoring, the case leader’s estimation, and the user’s self-estimation. The user assesses how satisfied they are with the process of vocational rehabilitation, the service, the achieved goals, and with their own progress at the end of the rehabilitation process. The implementer must ensure an anonymous evaluation.
* Evaluation at the level of the procuring entity - the satisfaction of the procuring entity of the vocational rehabilitation services with the conducted services is evaluated once a year. For that purpose, a specially constructed evaluation instrument is used which must be submitted by the vocational rehabilitation lead to the procuring entities. Evaluation includes an overview of the achieved results, a cooperation analysis, and recommendations for possible changes.

The vocational rehabilitation lead must, at least once a year (at the latest by 1 March for the previous year) conduct an evaluation of the success and the effectiveness of the rehabilitation process on all levels of evaluation, and based on these results, perform the adequate measures. The report is submitted to the Institute for expert assessments, vocational rehabilitation and employment of persons with disabilities.

(1j) The Republic of Croatia continuously promotes the legal framework of effective forms of protection against violence, abuse and discrimination as well as the right of access to justice for persons with disabilities on an equal basis with other citizens.

Pursuant to Article 9 of the Disability Ombudsman Act (Official Gazette, no. 107/07), in force from 1 January 2008, the Disability Ombudsman is authorised to warn, suggest, notify and make recommendations in the performance of his duties. Furthermore, the Disability Ombudsman, as an independent mechanism in the Republic of Croatia, is authorised to propose to the competent state administration bodies, local and regional self-government bodies, legal and natural persons to take measures for improving the position of persons with disabilities and request reports on measures taken. On the basis of special regulations, the Disability Ombudsman has the right of access to facilities and insight into ways of providing care for persons with disabilities who reside, work, or are temporarily or permanently situated at social welfare homes and other legal entities performing social welfare work in the Republic Croatia.

If the violation of the human rights of persons with disabilities came to knowledge, whether that knowledge was gained from the Disability Ombudsman or from some other legal or natural person, the competent authorities of the Republic of Croatia are obliged to take actions for determining the responsibility, as well as mechanisms for correction and compensation of damage in accordance with special regulations for the area where the damage occurred.

The protection of human rights in general, as well as persons with disabilities, is also ensured by the Convention for the Protection of Human Rights and Fundamental Freedoms (Official Gazette - International Agreements, 18/97, 6/99, 14/02, 13/03, 9/05, 1 / 06, 2/10) by submitting an individual request to the European Court of Human Rights, which represents a subsidiary protection mechanism. It only acts when the protection of human rights is not ensured at the national level.

In the event that the European Court of Human Rights finds violation of the aforementioned Convention, the domestic authorities are obliged to return the applicant to a state of non-violation (individual enforcement measures). The most appropriate way to put an end to violation is to reopen the proceedings based on the final judgement of the European Court of Human Rights. Reopening of proceedings is allowed in the Republic of Croatia by the following procedural laws:

Article 76, paragraphs 1 and 2. The Administrative Disputes Act (Official Gazette, nos. 20/10, 143/12, 152/14, 94/16, 29/17):

1. A dispute concluded with a judgement shall be renewed upon a motion by a party:
2. if it was decided by a final judgement of the European Court of Human Rights upon the violation of a fundamental human right or freedoms in a different way than in the judgement of the court,
3. A motion for the renewal of a dispute shall be submitted to the court no later than 30 days from the day when the party discovered the reason for the renewal.

Article 502, paragraphs 2 and 3. The Criminal Procedure Act (Official Gazette, nos. 152/18, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17):

1. The criminal proceedings will be reopened even when the request for reopening was submitted on the basis of the final judgement of the European Court of Human Rights which found a violation of the rights and freedoms of the Convention for the Protection of Human Rights and Fundamental Freedoms, if the violation of the Convention affected the outcome of the proceedings, and the violation or its consequences cannot be corrected in the reopened proceedings.
2. The request for reopening of proceedings base on the final judgement of the European Court of Human Rights may be submitted within thirty days of the date when the judgement of the European Court of Human Rights became final.

Article 428.a, paragraphs 1, 2 and 3. The Civil Procedure Act (Official Gazette, nos. 53/91, 91/92, 58/93, 112/98, 88/01, 117/03, 88/05, 02/07, 84/08, 123/08, 57/11, 148/11, 25/13, 89/14):

1. When the European Court of Human Rights finds violation of a particular human right or fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms and Additional Protocols to the Convention ratified by the Republic of Croatia, the party may, within thirty days when the judgement of the European Court of Human Rights has become final, lodge an application to a court in the Republic of Croatia who has adjudicated in the first instance in the proceedings in which a decision on the violation of human rights or fundamental freedoms was made, to amend a decision which violated that right or fundamental freedom.
2. The proceedings referred to in paragraph 1 of this Article shall be carried out with the appropriate application of the provisions on reopening of proceedings.
3. In reopened proceedings, the courts are obliged to respect the legal positions expressed in the final judgement of the European Court of Human Rights, which found a violation of fundamental human rights or freedoms.

2a) Representatives of all relevant institutions, as well as representatives of associations of persons with disabilities, as an extremely important partner, are actively involved in the process of drafting the Act on Vocational Rehabilitation and Employment of Persons with Disabilities and subordinate legislation.

Vocational rehabilitation services are implemented in partnership with a person with disabilities (European Principles of Excellence in Rehabilitation shall apply). The person with disabilities is fully acquainted with the planned course of activities that will be carried out within the scope of a particular vocational rehabilitation service as well as the results of the service provided. At the request of a person with disabilities, his/her chosen trustee or representative of the association of persons with disabilities may also attend in the procedure of making the findings and opinions after the service is provided.

It is also important to point out that the representative of the association of persons with disabilities is a member of the Governing Council of the Institute for expert assessments, vocational rehabilitation and employment of persons with disabilities, which is, *inter alia*, the competent body for professional monitoring of the vocational rehabilitation centres.

2b) Four regional vocational rehabilitation centres in Zagreb, Osijek, Rijeka, and Split are currently operating in the Republic of Croatia.

In the forthcoming period, the intention is to strengthen the capacity of existing centres for vocational rehabilitation (primarily in terms of establishing mobile teams), and the possibility of establishing new centres will also be considered so that vocational rehabilitation services would be even more accessible to persons with disabilities.

2c) Institute for expert assessments, vocational rehabilitation and employment of persons with disabilities is competent for the development and improvement of vocational rehabilitation areas.

For this purpose, the Institute carries out the following activities:

- harmonises and coordinates professional development in the area of vocational rehabilitation,

- introduces new methodologies and technologies,

- develops the Vocational Rehabilitation Service Standards,

- develops and adopts the Quality Standards in the Area of Vocational Rehabilitation,

- develops and adopts the Standards of Training and Knowledge for Professional Workers and Contractors of Vocational Rehabilitation, and takes care of their execution,

- carries out professional monitoring of the vocational rehabilitation centres,

- develops expert opinions and expert instructions,

- performs researches,

- participates in projects and implements projects related to the development of vocational rehabilitation.

4) As already stated above (under 1.d), vocational rehabilitation centres keep a number of records on persons with disabilities included in vocational rehabilitation services and are required to monitor the rehabilitated persons in the labour market for a period of five years.