



14 February 2006

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EUROPEAN SOCIAL CHARTER

First report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF CROATIA

(for the period 1 April 2003 to 31 December 2004:
Articles 1, 2, 5, 6, 7, 8, 9, 11, 13, 16 and 17)

Report registered at the Secretariat on 14 February 2006

CYCLE XVIII-1

Strasbourg, 24 January 2001

FORM

***for the reports to be submitted in pursuance of the
European Social Charter***

***Adopted by the Committee of Ministers on 24 November 1999
and amended by the Committee of Ministers on 17 January 2001***

FORM FOR REPORTS

(To be completed in English or in French)

For the period January 2003 to December 2004 made by the Government of The Republic of Croatia in accordance with Article 21 of the European Social Charter, on the measures taken to give effect to the accepted provisions of the European Social Charter, the instrument of ratification or approval of which was deposited on 26 February 2003.

In accordance with Article 23 of the Charter, copies of this report have been communicated to Union of Autonomous Trade Unions of Croatia, the Croatian Association of Trade Unions, the Federation of Croatian Trade Unions of Public Services, the Independent Trade Unions of Croatia, the Association of Workers' Trade Unions of Croatia, the UNI-CRO Trade Union of Services and the Croatian Association of Employers.

The reports drawn up on the basis of this Form should give, for each accepted provision of the European Social Charter, any useful information on measures adopted to ensure its application, mentioning in particular:

1. any laws or regulations, collective agreements or other provisions that contribute to such application;
2. any judicial decisions on questions of principle relating to these provisions;
3. any factual information enabling an evaluation of the extent to which these provisions are applied; this concerns particularly questions specified in this Form.

The Contracting Parties' reports should be accompanied by the principal laws and regulations on which the application of the accepted provisions of the Charter is based. These may be sent in their original language and translation in one of the official languages of the Council of Europe may be asked for in exceptional circumstances.

The replies of the governments should, wherever appropriate, specify explicitly:

- a. whether they are only concerned with the situation of nationals or whether they apply equally to the nationals of the other Contracting Parties (see Appendix to the Charter, points 1 and 2);
- b. whether they are valid for the national territory in its entirety, including the nonmetropolitan territories if any to which the Charter applies by virtue of Article 34;
- c. whether they apply to all categories of persons included in the scope of the provision.

The Form indicates for each Article and paragraph those cases in which a state bound by obligations under certain International Labour Conventions may find it sufficient to supply a copy of the relevant reports submitted to the ILO on the application of these conventions in so far as the latter cover the same field of application as the relevant provision of the Charter.

The information required, especially statistics, should, unless otherwise stated, be supplied for the period covered by the report.

Where statistics are requested for any provision, it is understood that, if complete statistics are lacking, governments may supply data or estimates based on *ad hoc* studies, specialised or sample surveys, or other scientifically valid methods, whenever they consider the information so collected to be useful.

The report should as far as possible be submitted by E-mail to the address *social.charter@coe.int* and a diskette *in Word format* should be appended. If this is not possible, the Contracting Parties are requested to submit their reports in five copies and the appendices in two copies.

CONTRACTING PARTIES ARE REQUESTED:

- as far as first reports are concerned:
to reply to all questions appearing in this Form;
- as far as subsequent reports are concerned:
to update the information given in the previous report.

The Secretariat is invited to distribute with this Form a working document - that will be regularly updated - indicating the provisions of the United Nations, the ILO, the WHO, the European Union and the Council of Europe corresponding to the different articles of the Charter and a summary presentation of the different control mechanisms.

ARTICLE 1: THE RIGHT TO WORK

ARTICLE 1 PARA. 1

"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;"

Legislation of the Republic of Croatia

1. Constitution of the Republic of Croatia

Under the Chapter of the Constitution entitled "Protection of Human Rights and Fundamental Freedoms", everyone in the Republic of Croatia is guaranteed rights and freedoms, regardless of race, colour, gender, language, religion, political or other belief, national or social origin, property, birth, education, social status.

Article 54 of the Constitution of the Republic of Croatia provides that everyone has the right to work and enjoys the freedom of work. It also provides that everyone is free to choose his or her vocation and occupation and that all jobs and duties are accessible to everyone under the same conditions. Forced and compulsory labour is forbidden (Article 23).

2. International agreements

The Republic of Croatia has ratified the following conventions adopted by the International Labour Organisation:

- ILO Convention No. 29 concerning Forced or Compulsory Labour, 1930 (*Official Gazette - International Agreements*, nos. 2/94, 5/00)
- ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951 (*Official Gazette - International Agreements*, nos. 6/93, 3/00)
- ILO Convention No. 105 concerning the Abolition of Forced Labour, 1957 (*Official Gazette - International Agreements*, nos. 12/96, 7/97)
- ILO Convention No. 106 concerning Weekly Rest in Commerce and Offices, 1957 (*Official Gazette - International Agreements*, nos. 6/95, 3/02)

- ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, 1958 (*Official Gazette - International Agreements*, nos. 2/94, 5/00)
- ILO Convention No. 122 concerning Employment Policy, 1964 (*Official Gazette - International Agreements*, nos. 6/95, 3/02)
- ILO Convention No. 132 concerning Annual Holidays with Pay (Revised), 1970 (*Official Gazette - International Agreements*, nos. 2/94, 5/00)
- ILO Convention No. 159 concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (*Official Gazette - International Agreements*, nos. 2/94, 11/03)
- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (*Official Gazette - International Agreements*, no. 5/01)
- International Covenant on Economic, Social and Cultural Rights, New York, 16 December 1966 (*Official Gazette - International Agreements*, no. 12/93)
- Slavery Convention, Geneva, 25 September 1926 (*Collection of Treaties of the Kingdom of Yugoslavia*, 1929, p. 607)
- Protocol amending the Slavery Convention signed in Geneva on 25 September 1926, New York, 7 December 1953 (*Official Gazette of the FNRJ – International Agreements and Other Agreements*, no. 4/56)
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, Geneva, 7 September 1956 (*Official Gazette of the FNRJ – International Agreements and Other Agreements*, no. 7/58)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), New York, 18 December 1979 (*Official Gazette of the SFRJ – International Agreements*, no. 11/81); amendment to Article 20, paragraph 1 adopted in New York, 18 December 1979 (*Official Gazette - International Agreements*, nos. 12/93, 15/03)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (*Official Gazette - International Agreements*, nos. 3/01, 4/01)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*Official Gazette - International Agreements*)

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*Official Gazette - International Agreements*, nos. 2/05)

3. Primary legislation

Act on Employment Mediation and Entitlements during Unemployment (*Official Gazette*, nos. 32/02, 86/02 corr., 114/03, 151/03 corr.)

Labour Act (*Official Gazette*, no. 137/04 – consolidated version)

Act on the Enforcement of Prison Sentences (*Official Gazette*, no. 190/03 – consolidated version)

Act on the Enforcement of Protective Supervision and the Performance of Community Service (*Official Gazette*, no. 128/99)

4. Secondary legislation

- National Employment Policy adopted by the House of Representatives of the Croatian National Parliament at its session held on 27 February 1998
 - The First Programme of Active Labour Market Policy Measures; Supplements to and Elaboration of this Programme (*Official Gazette*, no. 26/00)
 - Additional and New Measures of the Active Labour Market Policy (*Official Gazette*, no. 26/00)
 - Employment Promotion Programme of the Government of the Republic of Croatia
 - Statute of the Croatian Employment Bureau (*Official Gazette*, no. 86/03)
 - Ordinance on the manner of enforcement of prison sentences whereby inmates continue to work with their employers or perform self-employment activities (*Official Gazette*, no. 81/02)
 - Ordinance on the manner of work and responsibilities, training and records related to parole officers and assistant parole officers, selection of assistant parole officers, registers and personal files of inmates (*Official Gazette*, no. 43/01)
 - Ordinance on the types of and conditions for performing community service (*Official Gazette*, no. 43/01)
- National Action Plan on Employment, adopted by the Government in December 2004
- National Strategy on Uniform Policies for Persons with Disabilities 2003-2006 (*Official Gazette*, no. 13/03)
 - National Programme for the Roma

Question A

Please indicate the policy followed by your government in attempting to reach and maintain full employment. Please supplement with details of the measures and programmes implemented to achieve as high and stable a level of employment as possible.

Please indicate, if possible, the trend in total employment policy expenditure over the past five years, including the relative shares of "active" (job creation, training, etc.) and "passive" (financial compensation, etc.) measures.

Please indicate the active policy measures taken in order to favour access to employment of groups most exposed to or affected by unemployment (eg. women, the young¹, older workers, the long-term unemployed², the disabled, immigrants and/or ethnic minorities). Please give indications on the number of beneficiaries from these measures and information, if possible, on their impact on employment.

A. (Employment policy over the last 5 years)

The First Programme of Active Labour Market Policy Measures

The Croatian Employment Bureau has been implementing the Programme of Incentive Measures in Employment since June 1998, on the basis of the National Employment Policy adopted by the House of Representatives of the Croatian National Parliament at its session held on 27 February 1998. The House of Representatives obligated the Government of the Republic of Croatia to "draft and implement, in the course of 1998, a programme of incentive measures for the creation of new jobs in businesses and trades and crafts shops".

Based on these tasks given by the Croatian National Parliament, the Government of the Republic of Croatia at its session held on 23 April 1998 adopted the First Programme of Active Labour Market Policy Measures, which includes:

I. Programme of Incentive Measures:

- A. Measure 1
- B. Measure 2
- C. Measure 3

II. Measures on the Labour Market – measures aimed at reducing labour costs (the abolition of the water management contribution charged on the salary, the abolition of the contribution for children allowance charged from the salary, the abolition of the contribution for the Croatian Chamber of Commerce, the reduction of pension insurance contributions from 21.5% to 18%, the reduction of health insurance contributions from 18% to 16%).

III. Measures for Dealing with Redundancies

IV. Modernisation of Labour Market Institutions

1. Aged between fifteen and twenty-four.

2. Persons without employment for over one year and seeking employment.

V. Activities in the implementation of measures for employment of unemployed Homeland War defenders (self-employment, training, employment, acquisitive prescription of agricultural land and other activities).

OTHER CROATIAN EMPLOYMENT BUREAU PROGRAMMES IN THE IMPLEMENTATION OF THE NATIONAL EMPLOYMENT PROGRAMME

A. The second programme of measures for new target groups of unemployed persons:

1. Measure 1D1. – trainees in the civil service and public institutions
2. Measure 1D2. – persons with secondary vocational school qualifications (KV/VKV) with no previous work experience
3. Measure 5 – women over 45 years of age and with more than 20 years of service, and men over 50 years of age and with more than 25 years of service
4. Measure 6 – disabled persons
5. Measure 7 – measures for less developed areas of the Republic of Croatia and the Town of Vukovar

The package of additional measures was implemented from October to December 2001.

B. Programme for the Promotion of Self-Employment

C. Provision of Loans for Small and Medium-Sized Enterprises

- these programmes were financed from the original funds of the Croatian Employment Bureau (CEB) in the form of loans, on the basis of the Decision on the conditions for, and the manner of using loans for employment promotion, passed at the session of the Management Council of the CEB held on 26 November 1998, and published in the *Official Gazette*, no. 162/1998

D. Programme for Dealing with Redundancies

E. Organisation of Public Works

On the basis of this, the CEB brought into operation and implemented the measures from the First Programme of June 1998 and, in particular:

- Measure 1 – Employment subsidies for unemployed persons with no previous work experience
- Measure 2 – On-the-job training subsidies
- Measure 3 – Employment subsidies for programmes of occupational training, re-training and additional training for known and unknown employers

On 8 October 1998, Measure 4 – employment subsidies for demobilised Croatian defenders and children and spouses of missing and killed defenders of the Homeland War was launched.

On 17 November 1998 a one-time payment of DEM 2,000 was introduced for every newly employed person hired for an indefinite period. The second programme of active labour market measures was adopted by the Decision by the Government of the Republic of Croatia of 19 December 1999. These measures were operationally implemented by the CEB from October to December 2001.

THE DESCRIPTION OF MEASURES AND IMPLEMENTATION CRITERIA

Measure 1 and 1.1 – employment subsidies for young persons (under 30 years of age) with no previous work experience.

As part of this measure, 37.20% of the labour cost was co-financed for the duration of 12 months, subject to the condition of not dismissing the person whose employment was co-financed for a period twice as long. In case of employment of a person from the unemployment register, who was legally obliged to do an internship, the obligation of co-financing and keeping in employment was prescribed for the longest period of internship provided for by the law, i.e. 24 months. Measure 1.1 was aimed at financing and co-financing employment of young persons with secondary vocational school qualifications (KV/VKV) in crafts for a period of 24 months in that in the first 6 months the entire employer's labour costs were covered, on the basis of a net salary of HRK 1,500.00, whereas in the remaining 18 months the employer received refunds of contributions on and from the salary.

The employment of 8,318 persons from the unemployment register was co-financed by this measure.

Measure 2 – on-the-job training subsidies

Employment of persons from the unemployment register was co-financed by the application of Measure 2, through the on-the-job training programmes. The subsidy was equal to the amount of the cost of contributions on and from employees' gross salaries (37.20%) for a period not exceeding 12 months, with the employer being obliged to keep the employee concerned in employment for a period twice as long.

This measure covered 8,231 persons from the unemployment register.

Measure 3 – employment subsidies for programmes of occupational training, re-training and additional training

With a view to supplying persons with scarce skills who were needed on the labour market and reducing the number of persons with skills in abundant supply from the unemployment register, programmes of occupational training, re-training and additional training were implemented, both for known and unknown employers. These training activities could be carried out by employers introducing new production programmes or higher technology, with the aim of keeping the existing workplaces and preventing employees who do not meet the requirements of new jobs from ending up on the unemployment register.

This measure covered 5,518 persons.

Measure 4 – employment subsidies for demobilised Croatian defenders and children and spouses of missing or killed defenders of the Homeland War

This measure covered all unemployed defenders, unemployed children and spouses of defenders who were missing or killed in the Homeland War. The measure was aimed at co-financing 70% of the gross salary and contributions on the gross salary in the first year of work and 50% of these amounts in the second year of work.

This measure covered 3,682 persons from the target group.

Measure 5 – employment subsidies for women under 45 years of age and men under 50 years of age

This measure covered all unemployed persons of the age mentioned, who had been registered on the Employment Bureau's unemployment register for at least 6 months. The measure involved co-financing 100% of the employee's gross salary on the basis of a net salary of HRK 2,500, as well as the total amount of contributions and taxes levied on and from the salary for a period of 6 months. If the employer kept the worker in employment, the amount of contributions on and from the salary was refunded to him or her for a period of 12 months (Measure 2).

This measure covered 105 persons from the unemployment register.

Measure 6 – employment subsidies for disabled persons

This measure included disabled persons who had been declared disabled by a ruling of the competent body and whose disability was established by the time they reached 15 years of age (children and youth with developmental disorders), as well as other disabled person who were declared disabled by a ruling of the competent body (Homeland War disabled, disabled workers

with reduced ability to work, peace-time military disabled persons and civilians who became disabled during the war). The level of subsidy was 80% of the costs of training (instruction) and material costs incurred in relation to training, as well as a part of the employee's salary up to the amount of the minimum financial assistance during the training period, for a period of 12 months for the first category of disabled persons.

This measure covered 4 unemployed persons.

Active labour market measures Funds paid from 1998 to 30 June 2004							
Measure	M 1	M 2	M 3	M 4	M 5	M 6	Total
1998	356,567	426,751	1,765,338	68,182			2,616,838
1999	39,560,832	31,096,416	17,676,639	39,133,587			127,467,474
2000	63,790,262	42,486,057	2,866,770	79,686,536			188,829,625
2001	14,988,588	6,134,040	10,987,816	52,074,297			84,184,741
2002	9,014,641	7,028,256	3,480,603	13,607,091	2,208,646	5,700	35,344,937
2003	2,502,668	622,741	47,646	5,034,818	767,342	20,824	8,996,039
1 Jan 2004 to 30 June 2004	378,761		32,500	2,365,543	22,914		2,799,718
Total	130,592,319	87,794,261	36,857,312	191,970,054	2,998,902	26,524	450,239,372

Employment Promotion Programme

At the proposal of the Croatian Employment Bureau and the Ministry of Labour and Social Welfare, as a body responsible for these affairs, the Government of the Republic of Croatia adopted, at its session held on 10 January 2002, a conclusion to adopt a programme of employment promotion that should reverse negative unemployment trends and increase employability of specific target groups. The Programme's goal is to foster employment of young people with university qualifications, to shorten the period of study and improve the quality of studies, to encourage graduates to return to their places of origin, to discourage young people from leaving the Republic of Croatia, to make it possible for them to acquire applied knowledge and become independent in the professions for which they were schooled, to foster employment of young people in craft occupations, to match labour market needs with scarce skills through educational programmes and, in particular, to foster employment of elderly and disabled persons and demobilised veterans from the Homeland War.

A – "From College to Work"

The target group includes all persons with university qualifications younger than 27 years, who completed their studies within the average studying period at their faculty specified for the previous year. These persons may come from the unemployment register, if they have not finished an internship in the prescribed duration, or graduates who finished their studies in the current year. This sub-programme contains five measures:

Measure A1 (called "Twins") covers employment of young people in the civil service and public enterprises to replace retired civil servants. The requirements for the subsidy are an internal structure approved by the competent body, as well as a list of jobs for which university qualifications are required and a list of persons doing these jobs who are about to retire. The subsidy amounts to 60% of the basis for the payment of contributions for extended pension insurance for university qualifications. The duration of the subsidy is 20 months for the civil service and 12 months for public enterprises.

Measure A2 covers employment on research projects in the private and the state sector. The projects conducted by bodies of state administration and public enterprises must be approved by the competent body, whereas the projects conducted by private employers must be stated in their medium-term plan. The subsidy amounts to 80% of the basis for the payment of contributions for extended pension insurance for university qualifications. The subsidy is granted for the duration of the project, but for no longer than 24 months.

Measure A3 promotes employment in the areas of special state concern (*područja od posebne državne skrbi*) and areas where specific scarce skills are needed. The employer is obliged to keep the same number of employees working under open-ended employment contracts for a period of 12 months from filing the application. The subsidy amounts to 80% of the basis for the payment of contributions for extended pension insurance for university qualifications in the first year of work, 60% in the second and 40% in the third. In addition, the employer may be given a one-off grant of EUR 1,000 if he or she keeps the person concerned in employment for 12 additional months, after the subsidy has expired, and the employee may be given EUR 2,500 for re-settlement.

Measure A4 relates to employment in the private sector and bodies of local government and self-government, as well as companies in their ownership. The employer is obliged to keep the same number of employees working under open-ended employment contracts for a period of 12 months from filing the application. The subsidy amounts to 60% of the basis for the payment of contributions for extended pension insurance for university qualifications. In addition, the employer may be given a one-off grant of EUR 1,000 if he or she keeps the person concerned in employment for additional 12 months.

Measure A5 relates to the provision of loans for the purpose of self-employment. Aside from the loans, it also includes assistance in defining a business venture, as well as monitoring and counselling in the first year of operations. It should be added that the actual amount of the (potential) subsidy in Programme A is established as part of a system of "vouchers", based on the speed of employment in a specific occupation, and depending on whether the person concerned returns to his or her place of origin.

A total of 5,364 persons were covered by Measure A by 31 May 2005.

B – "From Classroom to Workshop"

The aim of Measure B is to provide employment for skilled (KV) workers, with no work experience, who have been on the unemployment register for at least 6 months or who will finish school in the current year. The employer is obliged to keep the person concerned in employment until the subsidy period expires, and keep the same number of employees working under open-ended employment contracts for a period of 18 months from the date when the application was filed. The subsidy amounts to 100 per cent of the gross salary and is paid for a period of 6 months, on the basis of a net salary of HRK 1,500 and after that to the amount of contributions levied on and from gross salaries for a period of 18 months.

By 31 May 2005, a total of 11,745 persons were employed under this measure.

C – "By Learning towards Jobs for All"

Measure C1 is aimed at fostering employment of persons under 30 years of age, who have up to 6 months of work experience in their occupation or up to 12 months of work experience outside their occupation. This measure primarily relates to internship programmes. The employer has the obligation to keep the person concerned in employment until the subsidy period expires, and to keep the same number of employees working under open-ended employment contracts for a period of 18 months from the date when the application was filed. The subsidy is established in the amount of contributions levied on and from gross salaries during the internship.

By 31 May 2005, a total of 6,286 persons were employed under Measure C1.

Measure C2 includes subsidies for educational activities – on-the-job training and occupational training, additional training, re-training and occupational improvement for known and unknown employers. Beneficiaries of this measure include all persons who have been on the unemployment register for more than 30 days, regardless of their age, qualification level and previous work experience. In addition, beneficiaries may also include employed persons whom

their employers wish to keep. The employer is obliged to keep the person concerned in employment for a period twice as long as the subsidy period, and keep the same number of employees working under open-ended employment contracts. The subsidy is paid in the amount of contributions on and from salaries during the time these activities are taking place, but for no longer than 12 months.

By 31 May 2005, a total of 47,061 persons were employed under Measure C2.

D – "With Experience towards Profit"

This measure provides for the employment of women over 45 years of age and men over 50 years of age, who have been unemployed for more than 6 months. The employer is obliged to keep the person concerned in employment until the subsidy period expires and keep the same number of employees working under open-ended employment contracts for 18 months from filing the application. The subsidy amounts to 100 per cent of the salary based on a net salary of HRK 2,500 during the period of 6 months, and to the amount of contributions on and from salaries for additional 12 months.

By 31 May 2005, a total of 5,803 persons were employed under Measure D.

E – "There are Chances for Us Too"

Measure E1 fosters employment of disabled persons whose disability was established by the time they reached 15 years of age. The subsidy covers 80% of costs of training, and a part of the employee's salary to the amount of the minimum financial assistance during the training period, for a period of 12 months. The employer who keeps this person in employment for 12 months is entitled to EUR 1,000, while for 24 months the employer receives twice as much.

Measure E2 relates to employment of disabled persons and other persons who face difficulties in finding employment. In addition to financing a part of the training costs, the subsidy also provides for a EUR 1,000 grant for the employer who keeps the trained person in employment for a period of 12 months.

By 31 May 2005, a total of 315 persons were employed under Measure E.

F – "Work for Defenders"

The target group for this programme includes unemployed Croatian defenders, as well as unemployed children and spouses of killed or missing Croatian defenders. The subsidy amounts

to 70% of the gross salary in the first year and 50% in the second year. It also includes a one-off grant of EUR 1,000 given to the employer who keeps the person concerned in employment for additional 12 months. The employer is obliged to keep the person employed until the expiry of the subsidy period, and keep the same number of employees working under open-ended employment contracts for 12 months from the filing of the application.

By 31 May 2005, a total of 8,602 persons were employed under Measure F.

Employment Promotion Programme Funds paid until 30 June 2004							
Programme	A	B	C	D	E	F	Total
2002	10,078,048	3,118,656	22,058,124	16,057,798	1,198,521	9,257,378	61,768,525
2003	50,819,320.67	9,296,890.31	143,468,141.00	51,879,307.73	2,671,920.41	78,869,975.31	337,005,555.43
1 Jan 2004 to 30 June 2004	28,180,666.24	5,274,118.39	80,580,573.22	28,976,012.98	1,961,062.95	52,678,533.37	197,650,966.9
Total	89,078,034.91	17,689,664.70	246,106,838.20	96,913,118.71	5,831,504.36	140,805,886.60	596,425,047.40

RIGHTS DURING UNEMPLOYMENT

"PASSIVE MEASURE" (unemployment benefit)

The rights of unemployed persons are regulated by the Act on Employment Mediation and Entitlements during Unemployment (*Official Gazette*, nos. 32/02, 86/02, 114/03 and 151/03).

This Act provides for mandatory insurance of all employed workers against the contingency of unemployment. The insurance is based on the principle of solidarity and provides for the right to unemployment benefit, pension insurance, financial assistance and coverage of costs during education, one-time financial assistance and coverage of travel and resettlement costs, as well as health insurance in accordance with the health insurance legislation.

Unemployment Benefit

a) Acquisition of the Right to Unemployment Benefit

Unemployment benefit is granted to an unemployed person who has completed 9 months of employment in the 24 months preceding the termination of employment.

A woman who has a child under one year of age at the time when her employment is terminated does not have to comply with the condition of previous employment. Nevertheless, these

persons must meet all other conditions for unemployment benefit provided for by the Act and may not exercise the right to cash benefit under other regulations.

An unemployed person has to register with the Employment Bureau within 30 days of the date of the termination of his or her employment, or after the expiry of the sick or maternity leave after the termination of employment and has to file a claim for unemployment benefit. If the 30-day deadline is missed for justified reasons, the person concerned may register and file a claim within 8 days of the day when the reasons for failure to comply with the above deadline ceased to exist, but no later than within 60 days of the expiration of the original deadline.

Persons who became unemployed as a result of wilful misconduct or by agreement with their employers may not acquire the right to unemployment benefit.

b) Duration of Unemployment Benefit

An unemployed person exercises the right to unemployment benefit for a period of 76 to 390 days, depending on the total duration of previous employment.

Persons exempted from this rule include:

- unemployed men who have spent 35 years in employment and unemployed women who have spent 30 years in employment. However, in the transitional period from 2002 to 2007 the period spent in employment is increased by one year annually, starting with 30 years for men and 25 years for women in 2002 and ending in 2007 with 35 years for men and 30 years for women. These persons are entitled to unemployment benefit until they find another job or until any of the reasons occurs for termination of the entitlement provided for by the Act.
- a woman who, at the time when her employment is terminated, has a child under one year of age is entitled to unemployment benefit until the child reaches one year of age.

c) The Level of Unemployment Benefit

The level of unemployment benefit is assessed as the amount of the average salary (reduced by the amount of contributions levied for full working time) earned by the unemployed person in the last three months spent in employment. But if the average salary cannot be established, unemployment benefit is assessed in the amount of the average unemployment benefit paid by the Employment Bureau in the previous month.

The minimum benefit may not be lower than 20% of the amount of the average salary paid in the economy in the Republic Croatia according to the most recent officially published data, and the maximum benefit is established by a decision of the minister responsible for labour, subject to obtaining the prior opinion of the Economic and Social Council and the consent of the minister responsible for finance.

d) One-Time Supplement

A person whose employment was terminated as a result of dismissal from work for business or personal reasons, in addition to the assessed amount of unemployment benefit, is also entitled to a one-time supplement amounting to two, four and six maximum cash benefits if he or she was employed with the last employer for 20 or more years, 25 or more years and 30 or more years, respectively.

e) Extension of the Entitlement to Unemployment Benefit

After the expiration of the period of receiving unemployment benefit, the duration of the entitlement may be extended if the following circumstances have occurred during the time of receipt of this benefit:

- to a woman during pregnancy or after childbirth, until the child reaches one year of age, or for two months after the birth of a stillborn child or after the death of a child under one year of age; the duration of this entitlement is extended under the same conditions in case of new pregnancies,
- during temporary inability to work, for no longer than 3 months.

2. Pension Insurance

The law provides that the right to pension insurance is granted to the following categories of persons:

- to an unemployed person who has been granted the right to unemployment benefit and meets the age condition for old-age pension, until he or she fulfils the first qualifying-period condition for old-age pension, but for a maximum duration of 5 years,
- to an unemployed woman who, at the time when her employment or service is terminated, is caring for a child under one year of age, until the child reaches one year of age.

3. Other Rights during Unemployment

The law provides that unemployed persons have the right to financial assistance and coverage of costs during education, one-time financial assistance and coverage of travel and resettlement costs.

a) Financial Assistance and Coverage of Costs during Education

An unemployed person whom the Employment Bureau has referred for education is entitled to financial assistance during this education in the amount of the minimum unemployment benefit paid by the Employment Bureau.

b) Coverage of Travel and Resettlement Costs

If the Employment Bureau is unable to find employment for an unemployed person in his or her place of residence, and if this person finds employment in another place by himself or herself or by the mediation of the Employment Bureau, he or she has the right to one-time financial assistance and to coverage of travel and resettlement costs for himself or herself and for his or her spouse and children, from the place of residence to the place of employment.

The following table shows the average number of recipients of unemployment benefit and the funds paid in the period from 1 January 1999 to 30 May 2005.

UNEMPLOYMENT BENEFIT – NUMBER OF RECIPIENTS AND THE FUNDS PAID		
Year	Average no. of recipients of unemployment benefit	Funds paid for unemployment benefits - in HRK
1999	54,257	544,368,061
2000	63,396	649,269,051
2001	70,369	730,926,095
2002	80,795	863,804,183
2003	67,977	764,001,570
2004	70,446	866,420,423
Jan - May 2005	78,774	479,404,463

Question B

Please indicate the trends in employment³ covering all sectors of the economy. In connection with this, indicate as far as possible, the activity rate⁴, the employment rate⁵ and the breakdown of employment by region, by sex, by age, by employment status (employed, self-employed), by type of employment (full time and part time, permanent and fixed term, temporary), and by sector of activity.

Please give the trend of the figures and percentages of unemployed in your country, including the proportion of unemployed to the total labour force. Please give a breakdown of the unemployed by region, category, sex, age and by length of unemployment.

Table: Basic macroeconomic indices

General Trends in the Economy and Labor Market

Index	Period	Change (%)
Real Gross Domestic Product	2004 / 2003	3.8
Index of the Physical Volume of Industrial Production	Jan-Apr 2005 / Jan-Apr 2004	1.8
Index of Real Retail Sales	Jan-Apr 2005 / Jan-Apr 2004	1.1
Number of Persons Employed in Legal Entities	Jan-Apr 2005 / Jan-Apr 2004	0.3
Number of Persons Employed in Trades and Crafts and Freelance Occupations	Apr 2005 / Apr 2004	2.1
Number of Hired Persons from the Registry of the Croatian Bureau of Employment	Jan- May 2005 / Jan-May 2004	2.2
Number of Unemployed Persons at the Registry of the Croatian Bureau of Employment	May 2005 / May 2004	1.0

3. Reference is made to the definition of employment adopted by the Thirteenth International Conference of Labour Statisticians (Geneva, 1982) or any further versions.

4. The activity rate represents the total labour force as a percentage of the population aged 15 years and over and living in private households. The labour force is defined as the sum of persons in employment plus the unemployed.

5. The employment rate represents persons in employment as a percentage of the population aged 15-64 years and living in private households.

EMPLOYEES (total)						
	employed	employees	open-ended	fixed-term	seasonal	occasional
2002/I	1520697	1154089	1038544	99123	8265	8157
2002/II	1533657	1179497	1041012	120633	11396	6456
2003/I	1538069	1162223	1029950	115261	9297	7715
2003/II	1534695	1166101	1035188	116317	9347	5249
2004/I	1582978	1201171	1052468	133515	12076	3111
2004/II	1542437	1189379	1045462	125498	12807	5612

EMPLOYEES (male)						
	employed	employees	open-ended	fixed-term	seasonal	occasional
2002/I	845784	625060	557562	55643	5501	6355
2002/II	839122	628625	554584	65331	5591	3120
2003/I	858301	637808	565495	62956	5501	3856
2003/II	842670	634032	556520	70105	3962	3446
2004/I	878998	659952	577992	74284	6306	1370
2004/II	853707	651807	575427	67936	5599	2845

EMPLOYEES (female)						
	employed	employees	open-ended	fixed-term	seasonal	occasional
2002/I	674913	529029	480983	43480	2764	1802
2002/II	694535	550872	486428	55303	5805	3336
2003/I	679768	524415	464456	52304	3797	3859
2003/II	692024	532069	478668	46212	5386	1804
2004/I	703980	541218	474477	59231	5771	1740
2004/II	688730	537573	470035	57562	7208	2768

Source: Labour Force Survey conducted by the Central Bureau of Statistics

Note: employees are categorised depending on whether they work under open-ended employment contracts, fixed-term employment contracts, employment contracts for seasonal work or employment contracts for occasional work
the part remaining up to the total number of employed persons relates to self-employed and contributing family workers

MJERE AKTIVNOSTI STANOVNIŠTVA PREMA DOBI I SPOLU, OD 2002. DO PRVOG POLUGODIŠTA 2004.

MEASURES OF THE ACTIVITY OF THE POPULATION BY AGE GROUPS AND SEKS, 2002 - FIRST HALF-YEAR 2004

%

	Stope aktivnosti					Stope zaposlenosti					Stope nezaposlenosti					
	Activity rates					Employment/population ratios					Unemployment rates					
	2002./I.	2002./II	2003./I.	2003./II.	2004./I.	2002./I.	2002./II	2003./I.	2003./II.	2004./I.	2002./I.	2002./II	2003./I.	2003./II.	2004./I.	
Ukupno																
Total																
Ukupno	50,9	50,9	50,3	50,2	51,1	43,1	43,5	43,2	43	44	15,2	14,4	14,1	14,4	13,8	Total
15 – 24	37,6	39,9	37,8	38,4	39,5	23,8	26,2	24,3	24,7	26,5	36,6	34,4	35,9	35,8	32,9	15 - 24
25 – 49	83,5	83,3	82,7	83,2	83,7	72,1	72,6	72,5	72,6	73,1	13,7	12,9	12,4	12,8	12,7	25 - 49
50 – 64	40,6	43	43	44,2	46	37	39,3	39,2	40,2	42,1	8,8	8,5	8,8	9	8,4	50 - 64
65 i više	6,9	5,8	7	6,9	7,6	6,8	5,8	7	6,9	7,5	.	.	.	.	.	65 and over
15 – 64	62,3	62,9	62,2	62,4	63,8	52,6	53,6	53,2	53,2	54,7	15,6	14,8	14,5	14,9	14,2	15 - 64
Muškarci																
Males																
Ukupno	58,7	58,5	58,5	58,1	59,3	50,8	50,7	51	50,3	52	13,4	13,3	12,8	13,3	12,4	Total
15 – 24	41,3	42,6	41,7	42,4	43,9	27,1	27,6	27,6	27,8	30,9	34,3	35,1	33,8	34,3	29,7	15 - 24
25 – 49	88,5	88,1	88	88,6	88,7	78,4	78,4	78,7	78,6	78,9	11,4	11	10,6	11,3	11,1	25 - 49
50 – 64	52	55,4	56,2	55,1	58,4	47,7	50,6	51,2	50,1	53,5	8,3	8,6	8,8	9,2	8,3	50 - 64
65 i više	9,5	8	9,3	9,8	9,7	9,3	7,9	9,2	9,8	9,7	.	.	.	.	.	65 and over
15 – 64	68,8	69,6	69,3	69,1	70,9	59,4	60,1	60,2	59,6	61,8	13,7	13,6	13,1	13,8	12,8	15 - 64
Žene																
Females																
Ukupno	43,9	44,1	42,9	43,3	43,7	36,2	37,1	36,1	36,5	37	17,4	15,8	15,8	15,7	15,4	Total
15 – 24	33,7	37,1	33,7	34,2	34,6	20,3	24,6	20,7	21,3	21,7	39,8	33,6	38,7	37,7	37,3	15 - 24
25 – 49	78,6	78,6	77,6	78	78,7	65,9	66,9	66,5	66,7	67,3	16,2	14,9	14,4	14,5	14,6	25 - 49
50 – 64	30,4	32,5	31,1	34,5	35,1	27,5	29,8	28,3	31,4	32,1	9,6	8,3	8,9	8,8	8,5	50 - 64
65 i više	5,2	4,4	5,5	5	6,2	5,2	4,3	5,5	5	6,2	.	.	.	.	.	65 and over
15 – 64	56	56,5	55,3	56,1	56,8	46	47,4	46,3	47	47,8	17,9	16,1	16,3	16,2	16	15 - 64

Izvor: Državni zavod za statistiku, Anketa o radnoj snazi, podaci od 2002. do 2004./I.

Source: Central Bureau of Statistics, Labour Force Survey, 2002 - first half-year 2004

PERSONS IN EMPLOYMENT BY THE NCEA AND BY SECTOR OF OWNERSHIP
%

	Ukupno					Državni sektor i sektor u pretvorbi Sector of state ownership and sector in transition					Privatni sektor					
	Total					Private sector										
	2002./I.	2002./II	2003./I.	2003./II	2004./I.	2002./I.	2002./II	2003./I.	2003./II	2004./I.	2002./I.	2002./II	2003./I.	2003./II	2004./I.	
Ukupno ¹⁾	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	Total ¹⁾
Poljoprivreda, lov i šumarstvo	15,2	14,5	16,5	16,5	16,6	3,7	2,6	4,1	4	3,1	22,3	21,5	23,2	23,2	23,3	Agriculture, hunting and forestry
Ribarstvo	((0,3))	((0,4))	((0,3))	((0,3))	((0,4))	.	.	.	.	.	((0,5))	((0,6))	((0,4))	((0,4))	((0,6))	Fishing
Rudarstvo i vađenje	(0,5)	(0,6)	(0,8)	(0,6)	((0,5))	((1,0))	((1,0))	((1,5))	((1,1))	((0,7))	((0,3))	((0,4))	((0,3))	((0,4))	((0,4))	Mining and quarrying
Prerađivačka industrija	20,4	20,5	19,7	18,4	19,2	15,7	15	13,7	12	12,9	23,3	23,7	22,9	21,8	22,3	Manufacturing
Opskrba električnom energijom, plinom i vodom	1,6	1,9	1,6	2	1,7	4,1	4,7	4,5	5,7	4,9	.	.	.	.	.	Electricity, gas and water supply
Građevinarstvo	7,2	6,6	8,1	8,1	8,2	3,6	3,8	4,8	3,5	3,8	9,4	8,2	9,9	10,6	10,4	Construction
Trgovina na veliko i malo; popravak motornih vozila i motocikla te predmeta za osobnu uporabu i kućanstvo	13,7	14,2	13,9	13,8	13,5	3,8	3,6	3,5	3,7	2,8	19,7	20,4	19,5	19,1	18,8	Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods
Hoteli i restorani	5,7	5,6	5,4	5,6	5,5	(2,8)	(3,3)	(2,8)	(3,1)	(2,4)	7,5	6,9	6,8	6,9	7	Hotels and restaurants
Prijevoz, skladištenje i veze	6,9	7	6,4	6,8	6,6	10,5	11,2	9,7	10,5	10,4	4,6	4,6	4,7	4,7	4,8	Transport, storage and communication
Financijsko posredovanje	2,4	2,2	2,2	2	2,2	(3,1)	(2,4)	(2,1)	(2,9)	(2,4)	(2,0)	2,1	2,2	1,6	2,1	Financial intermediation
Poslovanje nekretninama, iznajmljivanje i poslovne usluge	3,9	4,2	4,1	4,3	4	(1,9)	(2,0)	((1,8))	((1,7))	((1,6))	5,1	5,4	5,3	5,6	5,2	Real estate, renting and business activities
Javna uprava i obrana; obvezno socijalno osiguranje	7,1	7,4	6,4	6,2	6,7	18,5	19,9	18,4	17,8	20	-	-	-	-	-	Public administration and defence: compulsory social security
Obrazovanje	5,8	5,7	5,3	5,5	5,6	14,5	14,4	14,3	15,2	16,4	((0,5))	((0,5))	((0,4))	((0,5))	((0,3))	Education
Zdravstvena zaštita i socijalna skrb	5,4	5,4	5,6	5,8	5,3	11,4	11,6	13,1	13,7	12,6	(1,7)	(1,8)	1,5	(1,7)	(1,6)	Health and social work
Ostale društvene, socijalne i osobne uslužne djelatnosti	3,4	3,3	3,3	3,6	3,7	5,3	4,2	5,4	5	5,8	2,3	2,7	2,1	2,9	2,7	Other community, social and personal service activities
Privatna kućanstva sa zaposlenim osobljem	((0,4))	((0,4))	(0,3))	((0,2))	((0,2))	-	-	-	-	-	((0,6))	((0,7))	((0,5))	((0,4))	((0,2))	Private households with employed persons
Izvanteritorijalne organizacije i tijela	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	Extra-territorial organizations and bodies

Source: Central Bureau of Statistics, Labour Force Survey, 2002 - first half-year 2004

ZAPOSLENI PREMA SEKTORU VLASNIŠTVA, POLOŽAJU U ZAPOSLENJU I SPOLU

PERSONS IN EMPLOYMENT BY SECTOR OF OWNERSHIP, STATUS IN EMPLOYMENT AND SEX

u tis.

'000

000

	Ukupno					Muškarci					Žene					
	Total					Males					Females					
	2002./I.	2002./II	2003./I.	2003./II.	2004./I.	2002./I.	2002./II	2003./I.	2003./II.	2004./I.	2002./I.	2002./II	2003./I.	2003./II.	2004./I.	
Ukupno																
All sectors																
Zaposleni	1 521	1 534	1 538	1 535	1 583	846	839	858	843	879	675	695	680	692	704	Persons in employment
Zaposlenici	1 154	1 179	1 162	1 166	1 201	625	629	638	634	660	529	551	524	532	541	Persons in paid employment
Samozaposleni	294	286	313	314	331	200	193	203	196	205	95	92	110	118	126	Self-employed persons
Pomažući članovi	72	69	62	55	51	21	17	17	13	14	51	51	45	42	37	Unpaid family workers
Privatni sektor																
Private sector																
Zaposleni	943	965	1 002	1 004	1 057	541	543	576	571	603	402	422	426	433	454	Persons in employment
Zaposlenici	576	611	627	636	675	320	333	356	363	384	256	278	271	273	291	Persons in paid employment
Samozaposleni	294	286	313	314	331	200	193	203	196	205	95	92	110	118	126	Self-employed persons
Rade sami	211	216	237	242	254	141	144	145	142	148	69	72	91	99	106	With no employees
Zapošljavaju radnike	84	70	77	72	77	59	49	58	54	58	25	21	19	19	20	With employees
Pomažući članovi	72	69	62	55	51	21	17	17	13	14	51	51	45	42	37	Unpaid family workers
Državni sektor i sektor u pretvorbi																
Sector of state ownership and sector in transition																
Zaposlenici	578	568	536	531	526	305	296	282	271	276	273	272	253	259	250	Persons in paid employment
Državni sektor	539	535	511	503	502	282	277	267	254	260	258	258	244	249	242	Sector of state ownership
Sektor u pretvorbi	38	33	25	27	24	23	19	16	17	16	15	14	9	10	9	Sector in transition

Izvor: Državni zavod za statistiku, Anketa o radnoj snazi, podaci od 2002. do 2004./I.

Source: Central Bureau of Statistics, Labour Force Survey, 2002 - first half-year 2004

NEZAPOSLENI PREMA DOBNIM SKUPINAMA I SPOLU

UNEMPLOYED PERSONS BY AGE GROUPS AND SEX

u tis.

000

	2002./I.	2002./II	2003./I.	2003./II	2004./I.	
Ukupno						
Total						
Ukupno	273	259	253	259	253	<i>Total</i>
15 – 24	79	77	76	77	71	<i>15 - 24</i>
25 – 49	166	152	146	148	150	<i>25 - 49</i>
50 – 64	27	29	31	33	32	<i>50 - 64</i>
65 i više	.	.	.	.	.	<i>65 and over</i>
15 – 64	272	258	253	258	253	<i>15 - 64</i>
Muškarci						
Males						
Ukupno	131	129	126	130	125	<i>Total</i>
15 – 24	42	43	41	42	37	<i>15 - 24</i>
25 – 49	73	68	65	68	69	<i>25 - 49</i>
50 – 64	16	18	19	20	19	<i>50 - 64</i>
65 i više	.	.	.	.	.	<i>65 and over</i>
15 – 64	130	129	126	130	125	<i>15 - 64</i>
Žene						
Females						
Ukupno	142	130	127	129	128	<i>Total</i>
15 – 24	37	34	35	35	34	<i>15 - 24</i>
25 – 49	93	84	80	80	81	<i>25 - 49</i>
50 – 64	12	12	12	13	13	<i>50 - 64</i>
65 i više	.	.	.	.	.	<i>65 and over</i>
15 – 64	142	130	127	129	128	<i>15 - 64</i>

Izvor: Državni zavod za statistiku, Anketa o radnoj snazi, podaci od 2002. do 2004./I.

Source: Central Bureau of Statistics, Labour Force Survey, 2002 - first half-year 2004

NEZAPOSLENI PREMA DULJINI TRAŽENJA POSLA

UNEMPLOYED PERSONS BY DURATION OF JOB SEARCH

Ukupno, tis. <i>Total, '000</i>					Ukupno, % <i>Total percentage</i>					
2002./I.	2002./II	2003./I.	2003./II.	2004./I.	2002./I.	2002./II	2003./I.	2003./II.	2004./I.	
273	259	253	259	253	100	100	100	100	100	<i>Total Unemployed persons who found job¹⁾</i>
((5))	((3))	((6))	((4))	((5))	((1,8))	((1,0))	((2,6))	((1,6))	((2,2))	<i>Less than 1 month</i>
((7))	-10	((7))	((11))	((9))	((2,7))	-3,8	((2,8))	((4,2))	((3,4))	<i>1 - 3 months</i>
29	49	32	46	37	10,5	19,1	12,8	17,8	14,6	<i>4 - 6 months</i>
33	23	31	26	34	12	8,8	12,1	10,1	13,5	<i>7 - 12 months</i>
43	37	41	34	43	15,6	14,2	16,1	13	17,1	<i>13 - 24 months</i>
46	40	36	36	27	17	15,4	14,4	13,9	10,9	<i>25 months and over</i>
108	97	99	102	97	39,7	37,4	39,2	39,3	38,3	

1) Prema međunarodnoj metodologiji i osobe koje su našle posao, a nisu počele raditi u vrijeme provođenja ankete, smatraju se nezaposlenima.

1) According to the international methodology, persons who, at the time of the Survey, have found a job to start later are also considered unemployed.

Izvor: Državni zavod za statistiku, Anketa o radnoj snazi, podaci iz 2002. i 2003.

The following table presents the basic indices of the labor market in Croatia, obtained from the results of all the Surveys of the Labor Force that have been conducted and approved for the period from 1996 to 2004.

Basic indices of the activity of the population according to the Labor Force Survey from 1996 to 2004

Year	Rate of Activity			Rate of Employment			Rate of Unemployment		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
1996.	56.2	64.9	48.6	50.6	58.7	43.5	10.0	9.5	10.5
1997	54.7	62.7	47.6	49.3	56.9	42.7	9.9	9.5	10.4
1998/I	53.2	61.5	45.9	47.2	54.7	40.7	11.2	11.1	11.3
1998/II	52.9	60.6	46.3	46.8	54.2	40.4	11.6	10.7	12.6
1999/I	51.8	59.2	45.5	45.3	52.0	39.5	12.6	12.1	13.2
1999/II	51.9	59.3	45.3	44.3	51.3	38.2	14.5	13.5	15.7
2000/I	50.4	57.8	43.8	42.8	49.7	36.6	15.1	14.1	16.3
2000/II	51.1	59.0	44.2	42.4	49.6	36.1	17.0	15.9	18.2
2001/I	49.0	57.1	41.8	41.5	49.2	34.7	15.3	13.9	17.0
2001/II	50.3	58.7	43.0	42.1	50.3	35.0	16.3	14.4	18.7
2002/I	50.9	58.7	43.9	43.1	50.8	36.2	15.2	13.4	17.4
2002/II	50.9	58.5	44.1	43.5	50.7	37.1	14.4	13.3	15.8
2003/I	50.3	58.5	42.9	43.2	51.0	36.1	14.1	12.8	15.8
2003/II	50.2	58.1	42.3	43.0	50.3	36.5	14.4	13.3	15.7
2004/I	51.1	59.3	43.7	44.0	52.0	37.0	13.8	12.4	15.4
2004/II	49.9	57.2	43.4	43.0	50.4	36.4	13.8	11.9	16.0

According to the most recently published data from the LFS, in the second half of the year 2004 Croatia had 1,789,000 economically active inhabitants. Of this number, 969,000 were men and 820,000 were women. In the second half of 2004, the rate of economic activity in Croatia amounted to 49.9%. The rate of economic activity for women was 13.8 percentage points lower than the rate for men, reflecting different labour market preferences and division of labour within households.

It is also necessary to point out that the rate of economic activity during the transition period was generally in decline, which is evident from the previous table. Thus, for example, in the year 1996 it amounted to 56.2%, and in the year 2001 it had fallen to 49.7%. The following year, 2002, it increased to 50.9%, and recorded a decline in the year 2003. Finally, it increased in the first half of 2004 and then decreased in the second half.

Employment

According to data from the Labor Force Survey, in the second half of the year 2004 Croatia had 1,542,000 employed inhabitants. Of this number, 854,000 were men and 689,000 were women. The total employment rate in the second half of the year 2004 amounted to 43%. Within this figure, the rate of employment for men amounted to 50.4% and 36.4% for women. Therefore, similarly to the rate of economic activity, the rate of employment among women is 14 percentage points lower than the same rate for men.

That which we pointed out regarding the dynamics of the rate of economic activity also applies to employment. The employment-to-population ratio during the transition period also declined. Thus, for example, in the year 1996 it amounted to 50.6%, while in the year 2001 it had fallen to 41.8%. The following year, 2002, it increased to 43.3%, but in the year 2003 a decline was recorded again. However, there was an increase in the first half of the 2004 and then a decrease in the second.

Regarding status in employment, the structure of the employed population has not changed significantly. The majority of the employed persons in Croatia are permanent employees, i.e. workers employed by employers, which is evident from the following table.

Employment according to employment status

Year	Employed		Employees		Self-Employed		Assisting Family Members	
	Number	%	Number	%	Number	%	Number	%
1996	1,540,319	100	1,100,000	71.4	318,000	20.6	122,000	7.9
1997	1,593,000	100	1,180,000	74.1	294,000	18.5	119,000	7.5
1998	1,543,500	100	1,163,500	75.4	285,000	18.5	96,000	6.2
1999	1,491,500	100	1,121,000	75.2	286,000	19.2	90,750	6.1
2000	1,553,000	100	1,182,500	76.1	294,500	19.0	76,500	4.9
2001	1,469,000	100	1,113,000	75.8	286,500	19.5	70,500	4.8
2002	1,527,500	100	1,166,500	76.4	290,000	19.0	70,500	4.6
2003	1,536,500	100	1,164,000	75.8	313,500	20.4	58,500	3.8

2004/I	1,583,000	100	1,201,000	78,1	331,000	20,9	51,000	3,2
2004/II	1,542,000	100	1,189,000	77,1	319,000	20,7	34,000	2,2

Thus, out of the 1,542,000 employed persons that Croatia had in the second half of the year 2004, 1,189,000 or 77.1% were employees, 319,000 or 20.7% were self-employed persons and 34,000 or 2.2% were assisting family members. In the previous years, the percentage of employees and self-employed persons did not vary significantly. However, the percentage of assisting family members continued to decline. Thus, in 1996, 7.9% of all employed persons were assisting family members, while in 2004 there were only 3.2%. According to the data from the Survey of the Labor Force, the majority of them (approximately 89%) work in agriculture, hunting or forestry.

The structure of the employment of persons according to the sectors of activity in the second half of the year 2004 was as follows: 54.1% worked in service activities, 30% in nonagricultural activities and 15.9% worked in agricultural activities.

Like other European countries, Croatia publishes unemployment data on the basis of two sources, that is, they rely on two methods of measurement. Each of these methods is based on precisely established procedures and definitions. The first method of measuring unemployment is on the basis of the Labour Force Survey (LFS), conducted by the Croatian Bureau of Statistics (CBS) since 1996 on the sample of a household, following the recommendations, methods and definitions of the International Labour Organisation. In 1996 and 1997, the Survey was conducted once a year, whereas since 1998 it has been conducted continually on a half-year basis, i.e. the data is published twice a year for the first and the second half-year. The second measurement method is based on data obtained from the records kept by the Croatian Employment Bureau in accordance with the national legislation in force.

According to the most recent data from the Labour Force Survey, there were a total of 246,000 unemployed persons in Croatia in the second half of 2004, which was 5 percent less than in the second half of 2003. The rate of total unemployment in the second half of 2004 was 13.8%, which was 0.6 percentage points less than in the second half of 2003. The female unemployment rate was 16%, and the male unemployment rate was 11.9%.

According to the data of the Croatian Employment Bureau, in the first five months of 2005 the average number of unemployed persons in Croatia was 1 percent higher than in the same period of the previous year. At the end of this period, in May, there were 308,311 registered unemployed persons, which was 1% less than in the same month of 2004.

The following table shows the structure of the registered unemployed persons by sex, in the period from 2002 to 2005.

The average number of unemployed persons by sex in the period from 2002 to 2005

Sex	2002		2003		2004		2005/I-V	
	Number	%	Number	%	Number	%	Number	%
Men	176,753	45.4	140,080	42.5	129,028	41.6	135,733	58.0
Women	212,988	54.6	189,719	57.5	180,847	58.4	187,213	42.0
TOTAL	389,741	100.0	329,799	100.0	309,875	100.0	322,946	100.0

In the first half of 2004, a total of 183,972 unemployed women were registered with the Croatian Employment Bureau, which was 6.9% less than in the same period of 2003. In 2003, the average monthly number of unemployed women who were registered with the CEB was 189,719, or 10.9% less than in 2002. It is necessary to emphasise that the pace of decline in female unemployment at the end of 2002 and during 2003 was slower than that related to total unemployment. These trends resulted in a continued increase in the proportion of women in the registered unemployment. Thus, in 2002 the proportion of women in the total registered unemployment was 54.6%, in 2003 it was 57.5%, and in the first half of 2004 it was 58.3%.

The following table shows the age structure of registered unemployment in the period from 2002 to 2004.

The average number of unemployed persons by age, in the period from 2002 to 2004

Age	2002		2003		2004	
	Number	%	Number	%	Number	%
From 15 to 19	28,249	7.2	17,867	5.4	17,854	5.8
From 20 to 24	69,070	17.7	52,347	15.9	46,175	14.9
From 25 to 29	54,393	14.0	43,473	13.2	39,589	12.8
From 30 to 34	46,841	12.0	38,124	11.6	34,096	11.0
From 35 to 39	46,430	11.9	39,131	11.9	35,530	11.5
From 40 to 44	43,716	11.2	38,014	11.5	35,031	11.3
From 45 to 49	45,067	11.6	41,160	12.5	39,430	12.7
50 and more	55,975	14.4	59,683	18.1	62,170	20.1
TOTAL	389,741	100.0	329,799	100.0	309,875	100.0

In 2004, in the total registered unemployment there were on average 17,854 (5.8%) persons from 15 to 19 years of age, 46,175 (14.9%) persons from 20 to 24 years of age, 39,589 (12.8%) persons from 25 to 29 years of age, 34,096 (11.0%) persons from 30 to 34 years of age, 35,530 (11.5%) persons from 35 to 39 years of age, 35,031 (11.3%) persons from 40 to 44 years of age, 39,430 (12.7%) persons from 45 to 49 years of age and 62,170 (20.6%)

persons aged 50 or over 50. In other words, young persons (under 24 years) accounted for 20.7% of the total unemployment, which was 0.6 percentage points less than in 2003. It is necessary to point out that the number and share of the youngest age group of unemployed persons in the total unemployment has significantly decreased over the last few years, whereas the number and share of the oldest age group has been on the increase. Thus, the share of this age group rose from 14.4% in 2002 to 20.1% in 2004.

The following table shows the structure of registered unemployment by the length of unemployment in the period from 2002 to 2004

Length of unemployment	31 Dec 2002		31 Dec 2003		31 Dec 2004	
	Number	%	Number	%	Number	%
To 3 months	49,748	13.6	60,272	18.9	60,306	19.0
From 3 to 6 months	42,593	11.6	37,445	11.7	41,414	13.0
From 6 to 9 months	26,249	7.2	19,096	6.0	19,235	6.1
From 9 to 12 months	30,954	8.5	16,562	5.2	20,186	6.4
From 1 to 2 years	75,787	20.7	51,454	16.1	48,841	15.4
From 2 to 3 years	43,892	12.0	39,817	12.5	30,788	9.7
More than 3 years	96,939	26.5	94,038	29.5	96,807	30.5
TOTAL	366,162	100.0	318,684	100.0	317,577	100.0

The length of unemployment is important for monitoring this phenomenon, because long periods of unemployment have very unfavourable and multiple consequences both for the individuals affected and for the development of the society as a whole. In late 2004, there were 60,306 persons (19.0%) who had been waiting for a job less than 3 months, 41,414 (13.0%) of them had been waiting from 3 to 6 months, 19,235 (6.1%) from 6 to 9 months, 20,186 (6.4%) from 9 to 12 months, 48,841 (15.4%) from 1 to 2 years, 30,788 (9.7%) from 2 to 3 years and 96,807 (30.5%) had been waiting for a job for more than 3 years.

The length of unemployment varies depending on the professional qualifications of job-seekers. It has been shown that it is in correlation with the level of education completed. Those who are most frequently affected by short-term unemployment (under one year) include people with university qualifications, whereas workers with the lowest qualifications (with unfinished and finished elementary school education) wait longest for a job.

The following table shows the structure of average registered unemployment by counties in the period from 2002 to 2004.

County	2002		2003		2004	
	Number	%	Number	%	Number	%
Zagrebačka	20,696	5.3	15,728	4.8	13,453	4.3

Krapinsko-zagorska	8,979	2.3	6,710	2.0	5,849	1.9
Sisačko-moslavačka	21,482	5.5	18,961	5.7	18,794	6.1
Karlovačka	16,591	4.3	14,345	4.3	13,100	4.2
Varaždinska	12,476	3.2	10,870	3.3	10,412	3.4
Koprivničko-križevačka	9,362	2.4	7,936	2.4	7,891	2.5
Bjelovarsko-bilogorska	14,608	3.7	11,994	3.6	11,384	3.7
Primorsko-goranska	21,645	5.6	18,070	5.5	17,702	5.7
Ličko-senjska	4,372	1.1	3,355	1.0	3,454	1.1
Virovitičko-podravska	10,943	2.8	10,230	3.1	9,716	3.1
Požeško-slavonska	7,602	2.0	6,053	1.8	5,446	1.8
Brodsko-posavska	20,035	5.1	16,914	5.1	15,876	5.1
Zadarska	16,507	4.2	13,435	4.1	11,954	3.9
Osječko-baranjska	37,417	9.6	33,458	10.1	32,481	10.5
Šibensko-kninska	14,262	3.7	12,487	3.8	10,820	3.5
Vukovarsko-srijemska	23,929	6.1	21,242	6.4	20,183	6.5
Splitsko-dalmatinska	49,291	12.6	43,706	13.3	40,810	13.2
Istarska	10,028	2.6	6,432	2.0	6,182	2.0
Dubrovačko-neretvanska	10,759	2.8	9,089	2.8	8,171	2.6
Međimurska	8,332	2.1	7,316	2.2	7,347	2.4
City of Zagreb	50,425	12.9	41,468	12.6	38,850	12.5
TOTAL	389,741	100.0	329,799	100.0	309,875	100.0

In all the years observed, the highest registered unemployment, in absolute and relative terms and on an average monthly basis, was recorded in the Splitsko-dalmatinska County, the City of Zagreb and the Osječko-baranjska County. Thus, in 2004 the territorial units with the highest number of unemployed persons on an average monthly basis were the Splitsko-dalmatinska County (40,810 or 13.2% of the total in Croatia) and the City of Zagreb (38,850 or 12.4%), whereas the lowest number of unemployed persons was recorded in the Ličko-senjska County (3,454 or 1.1%).

Question C

Please indicate the trend in the number and the nature of vacant jobs in your country.

The total number of vacant jobs reported to the Croatian Employment Bureau fell from 174,150 in 2002 to 130,453 in 2003, and then to 116,744 in 2004. The downward trend continued in 2005, but to a lesser degree. In the first five months of 2004 the number of reported vacancies was 55,488, whereas in the same period of 2005, it was 55,203.

The total number of vacant jobs reported from 2002 to 2005.

Vacant jobs reported	
Year	Number
2002	174,150
2003	130,453
2004	116,744
2004/I-V	55,408
2005/I-V	55,203

In 2004 most vacancies were reported by the manufacturing sector (21,811 or 18.7%), wholesale and retail trade (21,721 or 18.6%), education (15,515 or 13.3%) and hotels and restaurants (14,882 or 12.7%), as defined by the National Classification of Activities. The comparison with the previous year reveals a decrease of vacancies reported in all activities, except for financial intermediation (where an increase of 7.7% was recorded or 109 workers) and fishing (70 workers or 45.8%).

The regional distribution of vacancies shows that the highest number of vacancies was reported in the City of Zagreb (17,134 or 14.7%), and the lowest number in the Ličko-senjska County (2,451 or 2.1%) and the Požeško-slavonska County (2,474 or 2.1%). In comparison with the previous year, the number of vacancies reported fell in nineteen counties and rose in only two of them: the Ličko-senjska County (13.3%) and the Zagrebačka County (3.4%).

When it comes to groups of occupations as defined by the National Classification of Activities (NCA), the occupations most sought by employers in 2004 were services and trade occupations (25,206 or 21.6%), as well as simple occupations, such as cleaners, couriers, transport workers, workers with no qualifications and the like (23,491 or 20.1%). There was a relatively high demand for workers in crafts and individual production (19,637 or 16.8%), professionals and scientists (17,759 or 15.2%), as well as engineers, technicians and related occupations (13,389 or 11.5%).

ARTICLE 1 PARA. 2

"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

to protect effectively the right of the worker to earn his living in an occupation freely entered upon;"

[The Appendix to the Charter stipulates that this provision shall not be interpreted as prohibiting or authorising any union security clause or practice.]

Elimination of all forms of discrimination in employment

Question A

Please give information concerning legislative or other measures taken to ensure the elimination of all discrimination in employment which might be based on sex, social or national origin, political opinion, religion, race, colour or age and to promote effectively equal opportunities in seeking employment and in taking up an occupation¹.

Please give information in this respect on existing sanctions and remedies in cases of discrimination in employment.

The principle of equality of members of national minorities, and the guarantee of freedom, equal rights, gender equality, social justice and respect for human rights are fundamental values of the constitutional order in the Republic of Croatia. Thus, Article 54 in conjunction with Article 14 of the Constitution guarantees everyone, regardless of race, colour, gender, language, religion, political or other belief, national or social origin, property, birth, education, social status or other characteristics, the right to work and freedom of work, as well as the freedom to choose his or her vocation and job, as all jobs and duties are accessible to everyone under the same conditions.

In line with this, the Labour Act prohibits direct and indirect discrimination of a person seeking employment and employed person on the grounds of race, colour, gender, sexual orientation, marital status, family responsibilities, age, language, religion, political or other belief, national or social background, financial status, birth, social status, membership or non-membership in a political party or trade union, and physical or psychological difficulties and, in particular, in relation to:

1. requirements for employment, including the criteria and requirements for the selection of candidates for the performance of a particular job, in any branch of activity and at all levels of the professional hierarchy,
2. promotion,
3. access to all types and levels of occupational training, additional training and retraining,

¹ The term "discrimination" in this Form is to be understood in terms of ILO Convention No. 111 (Discrimination, Employment, Occupations), Article 1.

4. employment and working conditions and all the rights arising from employment and related to employment, including equal pay,
5. termination of employment contracts,
6. membership of and involvement in workers' or employers' associations or in any other professional organisation, including benefits arising from this membership.

In this relation, we should in particular mention the adoption of the National Programme for the Roma, setting out the following goals in the field of employment:

- achieve a higher level of employment of Roma people
- employ more Roma people in public works programmes
- include Roma people in training programmes for particular occupations
- hire a counsellor for employment mediation for Roma people, and
- co-finance Roma employment.

In case of discrimination, the Public Prosecution Office intervenes *ex officio* or the case is solved in proceedings before the municipal court, instituted by a private charge.

First of all, a victim of discrimination may file a complaint with the competent ministry, which takes the form of either an appeal or objection in second-instance proceedings, or of a petition. The Ministry is obliged to respond within 30 days. In case of an appeal, the Ministry renders a second-instance decision, whereas in case of a petition it carries out administrative supervision and orders that necessary measures be taken to remove the irregularities. If the case concerned is about labour law, a lawsuit is filed with the municipal court which has jurisdiction. When it comes to employment of civil servants in state administration and units of local and regional self-government, a lawsuit is filed with the Administrative Court. In addition, also in relation to employment, a worker who was a victim of harassment may file a complaint with his or her employer for the protection of his or her dignity. In case of a criminal offence, the Gender Equality Act authorises the Ombudsperson for Gender Equality to file a motion with the Public Prosecution Office for instituting criminal proceedings against the person who committed the criminal offence.

If the victim of discrimination has not realised his or her rights by this stage, he or she may file a constitutional complaint with the Constitutional Court. The Constitutional Court has the authority to hear cases involving violations of human rights, including those relating to discrimination at the workplace. According to the Constitutional Act on the Constitutional Court (*Official Gazette*, nos. 99/99 and 29/02), an individual may only lodge a constitutional complaint after having exhausted other regular legal remedies. However, there are two important exemptions, which make it possible for an individual to lodge a constitutional complaint even if regular legal remedies have not been exhausted. These exemptions apply to cases when proceedings before the court with jurisdiction have lasted an unreasonably long time and in cases of gross violations of the rights guaranteed by the Constitution. A decision by the Constitutional Court is final and by its adoption domestic legal remedies are considered exhausted. The legal remedy which remains available after that is the application with the European Court of Human Rights in Strasbourg.

In these cases of discrimination (Article 2 of the Labour Act) and in cases of harassment (Article 2 of the Labour Act), a person seeking employment may claim compensation for damage under the general rules of the law of civil obligations, whereas a worker may claim compensation for damage under the provisions of Article 105 of the Labour Act.

The Labour Act provides that a person seeking employment or worker suffering damage due to discrimination may request compensation for damage before the court of general jurisdiction, according to the general rules of the law of civil obligations, and the amount of damages is determined for each particular case, in accordance with the case law established.

The regulations have not established any limits on damages, which would be binding on the court with jurisdiction when it renders its decision in a particular case.

Also, if, in case of dispute, a person seeking employment presents the facts that give rise to a reasonable doubt that the employer acted contrary to the provisions of the Labour Act, the employer has the burden of proof to show that there was no discrimination or that he or she acted in compliance with the provisions establishing exemptions from prohibition of discrimination.

Article 3 of the Labour Act provides that any distinction, exclusion or preference in respect of a particular job is not considered discrimination when the nature of the job or conditions in which it is performed are such that characteristics related to particular grounds for discrimination constitute a genuine and determining occupational requirement, provided that the objective aimed to be achieved is legitimate and that the requirement is proportionate. Any measures provided for by the Labour Act or a separate regulation, and their provisions and provisions of collective agreements, employment rules and employment contracts relating to special protection and assistance for specific categories of workers, and in particular those governing the protection of disabled persons, elderly workers, pregnant women and women exercising any of the maternity protection rights, as well as the provisions relating to special rights for parents, adoptive parents and guardians are also not considered discrimination nor may be grounds for discrimination.

If, in case of a dispute, a person seeking employment or worker presents the facts that give rise to a reasonable doubt that the employer acted contrary to the Labour Act's provisions on the prohibition of discrimination, it is the employer who has the burden of proof to show that there was no discrimination or that he or she acted in compliance with the provisions mentioned above on exemptions from the prohibition of discrimination.

Compensation for damage sustained as a result of discrimination is governed in that a person seeking employment may claim compensation for damage under the general rules of the law of civil obligations, the same as workers who suffered damage at work or in relation to work.

Since an employment contract is a civil law contract *sui generis*, its interpretation, conclusion, termination and other aspects are governed by the general principles and norms of civil law, unless otherwise provided by another law, as a special regulation, or the Labour Act, as a general regulation.

The court offers protection to a worker whose rights arising from his or her employment contract have been violated by his or her employer. However, before bringing his or her case before the court, he or she must first seek protection from the employer, because this is a procedural pre-requisite for a labour dispute.

Article 115 of the Labour Act provides that filing an appeal or complaint, or taking part in proceedings against the employer on the ground of a violation of law, another regulation, collective agreement or employment rules, as well as the worker's turning to the competent executive bodies and to responsible persons or the competent state administration bodies or filing a *bona fide* application with these persons or bodies, regarding a reasonable suspicion about corruption, are not considered legitimate grounds for terminating an employment contract.

The issue of discrimination in employment is also regulated by the Gender Equality Act (*Official Gazette*, no. 116/03), which forbids discrimination in the field of employment and work in the public and private sector, including state bodies, in relation to requirements for employment, self-employment and practising a profession in any branch of activity and at all levels of professional hierarchy. Under this Act, the Office for Gender Equality and the Ombudsperson for Gender Equality were established, which, together with the Government Commission for Gender Equality and the Committee for Gender Equality of the Croatian Parliament now form an institutional framework for effective protection from gender-based discrimination.

At the same time, the Homosexual Unions Act (*Official Gazette*, no. 116/03) prohibits any discrimination, including unequal treatment in employment and in the field of work on the ground of living in a homosexual union and on the ground of homosexual orientation.

Gender Equality

Over the last ten years very high standards of equal opportunities for women and men have been incorporated in the Croatian labour legislation, in accordance with the European Union directives. This both relates to the field of employment, where the choice of an occupation may later affect one's position on the labour market and his or her primary opportunities of finding a job, and the field of equal opportunities in exercising employment rights and professional and hierarchical advancement, which, however, still depends on the availability of a sufficient number of institutions and services for the care of children and older members of the family. Since the employment of both the woman and the man living together in a family is the best solution for this family and guarantees its prosperity, it is necessary to take measures which would provide for the harmonisation of work and family responsibilities, first

of all by developing the necessary services and encouraging employers to hire workers in arrangements which provide for flexible working hours and places of work.

Employment, work and harmonisation of work and family responsibilities

Total population in Croatia		Working age population		Active population		Employment rate	
Women	Men	Women	Men	Women	Men	General	Women
52%	48%	53%	47%	45%	55%	50,3%	43%

Source: Central Bureau of Statistics

Note: The share of women in the total population increases in the over-45 age groups.

Employment and unemployment

Employed in all sectors, regardless of ownership		Self-employed		Agriculture		Unemployed	
Women	Men	Women	Men	Women	Men	Women	Men
45%	55%	28%	72%	38%	62%	55%	45%

Source: Central Bureau of Statistics

The ratio of women to men in the employee population in all sectors, regardless of ownership, is 47% to 53% in under-50 age groups. In the 50-55 age group, this ratio is 40% (women) to 60% (men).

These results are due to the fact that women go into retirement after 21 years of service, and men after 27 years of service on average. Together with some other factors (the fact that during their working life women often receive lower salaries than men because of the kind of work they do and the hierarchical levels of their jobs), this is reflected in the level of their pensions. According to the data obtained from the Croatian Institute of Pension Insurance, the average pension for women is 16% lower than the pension for men, whereas disability pension is as much as 27% lower. In the structure of unemployment, women account for 54.6% and men for 45.4%.

The conclusion that can be drawn from these data is that 48% of the population of the Republic of Croatia, that is, 47% of the working age population who are of the male sex account for 55% of the active population, with a 55% share in the number of employed

persons, regardless of the type of ownership (workers), a 72% share in the number of self-employed persons and a 62% share in the number of individual farmers, and a 45% share in the number of the unemployed. On the other hand, 52% of the population of the female sex accounts for as much as 53% of the working age population, but for only 45% of the active population, with a 45% share in the number of employed persons, regardless of the type of ownership (workers), a 28% share in the number of self-employed persons and a 38% share in the number of individual farmers, but a 55% share in the number of the unemployed.

In the Republic of Croatia, there are no sufficient numerical data about the levels in job hierarchies occupied by women, as opposed to men. However, it is known that inequality in gender representation is visible if we take a look at leading positions in companies, the state and other institutions. Women work at lower ranked jobs and are disproportionately represented in managerial positions. There are 6 female managers per 100 male managers. However, a markedly different situation regarding the share of women can be found in the judicial system, where the representation of women is an important indicator of sensitisation of this segment of power in relation to the issues of elimination of discrimination against women, which guarantees the implementation of anti-discrimination legislation. Namely, the share of women in the total number of judicial officials (2,318) working at various courts and public prosecution offices is 61% (1,403).

It is difficult to establish actual differences in salaries earned by women and men. The valuation of male and female work may only be shown by a comparison of average salaries in sectors of economic activity predominantly employing women and those predominantly employing men. Many women are employed in manufacturing (23% of all employed women) and in trade and education, whereas in the activity defined as "hotels and restaurants" 57% of all employees are women. In education they account for 74%, in public administration and mandatory social insurance 62%, and in financial intermediation 71% of all employees. Since, according to the data obtained from the Central Bureau of Statistics for 2001, it is precisely trade and "hotels and restaurants" (along with the construction industry in which mostly men are employed) in which the lowest average net salaries are paid, it is evident that the lowest paid economic activities are those that predominantly employ women. To get a full picture of the differences in the position of women and men at work, it is also necessary to know that women account for 89% of part time employees in public administration, 67% in education, and that as much as 82% of those working reduced working hours in the education sector are women.

Therefore, in compliance with Guideline 6 of the European Employment Strategy, a series of measures has been incorporated in the National Action Plan for Employment of the Republic of Croatia with the aim of minimising and removing the factors which restrict and hinder the inclusion of women in the labour market and encouraging the inclusion of women in entrepreneurship. On the other hand, the National Family Policy established the measures for harmonising work and family responsibilities of women, at the same time taking into account the traditional attitudes towards gender roles, which are still strong in Croatian society. For this reason, it would be necessary to implement the following priority measures:

1. Develop a system of public pre-school institutions to increase every year the capacities for nursery placement for children in the 1-3 age group (above the current level of 15%) and for kindergarten placement for those in the 3-7 age group (above the current level of 35%). This measure is of an ongoing character and depends on financial strength. For this reason, it is causally linked to the economic potential of the entire society.
2. Create special plans for the development and improvement of programmes for enhancing and updating women's knowledge and abilities during maternity leave, promotion of employment of women through vocational guidance and provision of basic pension and health insurance in all types of work and during maternity leave, for which it would be necessary to encourage paternity leave arrangements.
3. Encourage female entrepreneurship through the programme adopted by the Ministry of the Economy, Labour and Entrepreneurship which provides for non-refundable subsidies to finance interest on entrepreneurship loans, the costs of making business plans, bank fees, purchase of IT equipment and the costs of entrepreneurship education.
4. Introduce special targeted programmes for the inclusion of women in non-traditional jobs with flexible working hours and places of work, and change the traditionalist attitudes towards the division of work and jobs by a more committed media approach.

In case of discrimination, the Public Prosecution Office intervenes *ex officio* or the case is solved in proceedings before the municipal court, instituted by a private charge.

First of all, a victim of discrimination may file a complaint with the competent ministry, which is obliged to respond within 30 days. By its decision, the ministry may either grant or reject the complaint. In case of rejection, the person concerned forwards his or her complaint to higher instances, depending on the legal remedies available and the type of discrimination in question. For every type of discrimination it is possible to file a private charge with the municipal court having jurisdiction, which hears cases as the first instance court. However, if the case concerned is about labour law, the complaint is further filed with the Administrative Court. When it comes to employment, a worker who was a victim of harassment may also file a complaint with the employer for the protection of his or her dignity. In case of a criminal offence, the Gender Equality Act authorises the Ombudsperson for Gender Equality to file a motion with the Public Prosecution Office for instituting criminal proceedings against the person who committed the criminal offence.

If the victim of discrimination has not realised his or her rights by this stage, he or she may file a constitutional complaint with the Constitutional Court. The Constitutional Court has the authority to hear cases involving violations of human rights, including those relating to discrimination at the workplace. According to the Constitutional Act on the Constitutional Court (*Official Gazette*, nos. 99/99 and 29/02), a citizen may lodge a constitutional complaint

only after having exhausted other regular legal remedies. However, there are two important exemptions, which make it possible for a citizen to lodge a constitutional complaint even if regular legal remedies have not been exhausted. These exemptions apply to cases when proceedings before the court with jurisdiction have lasted an unreasonably long time and in cases of gross violations of the rights guaranteed by the Constitution. A decision by the Constitutional Court is final and by its adoption domestic legal remedies are considered exhausted. The legal remedy which remains available after that is the application with the European Court of Human Rights in Strasbourg.

In these cases of discrimination (Article 2 of the Labour Act) and in cases of harassment (Article 4 of the Labour Act), a person seeking employment may claim compensation for damage under the general rules of the law of civil obligations, whereas a worker may claim compensation for damage under the provisions of Article 105 of the Labour Act.

The Labour Act provides that a person seeking employment or worker suffering damage due to discrimination may request compensation for damage before the court of general jurisdiction, according to the general rules of the law of civil obligations, and the amount of damages is determined for each particular case, in accordance with the case law established.

The regulations have not established any limits on damages, which would be binding on the court with jurisdiction when it renders its decision in a particular case.

Also, if a person seeking employment presents the facts that give rise to a reasonable doubt that the employer acted contrary to the provisions of the Labour Act, the employer has the burden of proof to show that there was no discrimination or that he or she acted in compliance with the provisions establishing exemptions from prohibition of discrimination.

The hiring of foreigners in the Republic of Croatia (1991–2004)

The Croatian Bureau of Employment (HZZ) was in charge of issuing working permits to foreigners in the Republic of Croatia during the period from 1991 to December 31, 2003. During this period, foreign citizens and persons without citizenship were able to establish employment or work in the Republic of Croatia solely on the basis of working permits that were approved in a manner pursuant to the Employment of Foreigners Act (*Narodne novine RH* [The Official Gazette of the Republic of Croatia], No. 19/92, 33/92, 89/92, 26/93 and 52/94).

The basic prerequisite for submitting an application for the issuance of a working permit for a foreigner was a regulated status of resident, pursuant to the Movement and Residence of Foreigners Act (*Narodne novine RH* [The Official Gazette of the Republic of Croatia], No. 53/91, 22/92, 26/93 and 29/94). The Croatian Bureau of Employment issued working permits to foreigners who pursuant to this Act had approved extended residence permits, permanent

residence or working visas. The type of working permit and the period for which the working permit was valid depended on the type of residence permit.

According to the type of residence permit, pursuant to the Employment of Foreigners Act, the Croatian Bureau of Employment issued a personal working permit to a foreigner with permanent residence and a foreigner with a business visa, and a working permit to the employer of a foreigner with an approved extended residence permit in the Republic of Croatia or an employer of a foreigner who was daily migrant.

Working permits were issued to employers for foreigners under the condition that among the unemployed persons registered at the Croatian Bureau of Employment there were no persons who fulfilled the conditions of the employer for employment, and pursuant to the policy of the labor market in the Republic of Croatia. Working permits were issued for a fixed period of time, and this generally for the period of one year.

According to the new Foreigners Act (*Narodne novine RH* [The Official Gazette of the Republic of Croatia], No. 109/03) that went into force on July 17, 2003, and started to be applied on January 1, 2004, the Ministry of Internal Affairs is in charge of issuing working permits.

The Croatian Bureau of Employment has data available on the number of working permits issued to foreigners in the Republic of Croatia for the period from 1991 to December 31, 2003, according to gender, education, type of residence, country of citizenship and county.

In the following table, the total number of approved working permits issued to foreigners is presented according to gender during the period from 1991 to 2004.

Working Permits Issued to Foreigners According to Gender (1991–2004)

Year	Total	Men	Women
1991	382	191	191
1992	2,325	1,696	629
1993	10,958	8,672	2,286
1994	7,958	6,811	1,147
1995	7,544	6,552	992
1996	6,629	5,632	997
1997	5,978	4,982	996
1998	6,341	5,173	1,168
1999	5,063	4,037	1,026
2000	4,695	3,643	1,052

2001	5,710	4,464	1,246
2002	6,674	5,288	1,386
2003	8,356	6,562	1,794
2004.	5,364	4,686	678

According to the data from the table, it is evident that working permits were primarily issued to men, while women have a smaller percentage in the total number of working permits approved.

In the following table, the total number of approved working permits issued to foreigners during the period from 1991 to 2004 is presented according to their levels of occupational qualification.

Approved working permits issued to foreigners according to their levels of occupational qualification (1991–2004)

Year	Low-skilled worker, semi-skilled worker	Skilled worker, highly skilled worker	Secondary school qualifications	Two-year post-secondary school qualifications	College degree	TOTAL
1991	32	61	121	33	135	382
1992	794	866	304	119	242	2,325
1993	4,629	4,354	1,152	280	543	10,958
1994	2,837	3,298	862	292	669	7,958
1995	2,716	2,992	873	276	687	7,544
1996	2,143	2,642	879	270	695	6,629
1997	2,069	2,103	864	245	697	5,978
1998	1,980	2,396	877	279	809	6,341
1999	1,587	1,618	750	269	839	5,063
2000	1,536	1,364	750	237	808	4,695
2001	1,844	1,864	810	265	927	5,710
2002	2,120	2,326	968	267	993	6,674
2003	2,711	2,685	1,282	409	1,269	8,356
2004.	928	681	2,720	135	1,099	5,563

According to level of occupational qualification, in the period under consideration, the largest number of working permits were approved for foreigners with the qualifications of skilled and highly skilled workers, followed by foreigners with the qualifications of low skilled and semiskilled workers. The qualification structure of the citizens of foreign countries who were issued working permits gradually changed. At the beginning of the 1990s, the greatest number of applications for working permits were submitted for foreigners with deficit occupations (bricklayers, stone masons, carpenters, welders etc.) and since the mid 1990s the number of working permits gradually increased for foreigners who have college educations (managers, procurators etc.).

In the following table, the number of working permits authorized for foreigners is presented according to the type of residence permit during the period from 2000 to 2003.

Approved working permits for foreigners according to the type of residence permit (2000–2004)

Year	Total	Extended residence	Permanent residence	Daily migration	Business visa
2000	4,695	2,021	2,058	93	523
2001	5,710	2,471	2,129	149	961
2002	6,674	2,854	2,183	58	1,579
2003	8,356	3,390	2,446	51	2,469
2004.	5,170	1,119			3,951

According to the type of residence permit, the greatest number of working permits were issued to employers for foreigners who had received extended residence permits for the purpose of employment in the Republic of Croatia. In the majority of the cases, this concerns foreigners who were members of deficit occupations (bricklayers, stone masons, carpenters, rod-benders, welders, shipbuilders), who had been employed by the same employer for many years. They were followed by foreigners with permanent residence, foreigners who had approved working visas (managers, procurators etc.), and the smallest number of working permits was issued to employers for foreigners who are daily migrants. Since the year 2001, it is evident that there has been a significant increase in the number of business visas and personal working permits, which we can link with an increased interest by foreign investors and a larger number of foreign investments in the Croatian economy.

The following table presents approved working permits issued for foreigners according to their country of citizenship during the period from 1994 to 2004.

Approved working permits for foreigners according to their
country of citizenship (1994–2004)

	Country	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004.
1.	AUSTRIA	31	27	38	75	130	204	178	203	268	419	229
2.	BOSNIA AND HERZEGOVINA	5,048	4,736	3,653	3,167	2,953	1,899	1,597	1,895	2,266	2,347	1,722
3.	CZECH REPUBLIC	18	17	18	45	45	45	31	54	74	137	51
4.	FRANCE	23	22	22	64	78	75	65	92	81	115	58
5.	ITALY	88	100	131	147	169	194	213	287	337	454	230
6.	CHINA	40	42	70	71	86	115	86	114	158	314	468
7.	HUNGARY	14	10	21	24	126	42	43	42	76	152	104
8.	MACEDONIA	342	415	467	468	514	404	439	448	519	550	356
9.	NETHER-LANDS	24	6	16	16	27	54	29	28	37	52	28
10.	GERMANY	99	94	118	141	191	210	218	255	261	374	248
11.	POLAND	22	27	42	42	83	60	36	54	64	117	20
12.	ROMANIA	24	28	32	40	45	44	38	58	102	115	59
13.	RUSSIAN FEDERATION	88	82	95	93	122	117	104	171	121	160	84
14.	USA	57	81	86	84	128	157	208	189	218	222	119
15.	SLOVAKIA	16	13	19	37	113	91	38	105	159	231	188
16.	SLOVENIA	342	304	325	316	296	286	299	350	314	444	176
17.	SERBIA AND MONTENEGRO	1,256	1,100	1,047	754	749	614	588	582	645	799	219
18.	TURKEY	7	9	6	5	17	26	65	202	245	630	512
19.	UKRAINE	50	39	41	66	93	83	72	114	172	106	122
20.	GREAT BRITAIN	39	33	48	51	72	70	76	87	73	119	73
21.	OTHER	330	359	334	272	304	273	272	380	484	499	294
	TOTAL	7,958	7,544	6,629	5,978	6,341	5,063	4,695	5,710	6,674	8,356	5,360

According to data from the Croatian Bureau of Employment, during the period from 1994 to 2003, the most working permits were approved for citizens of Bosnia and Herzegovina, Serbia and Montenegro, Macedonia and Slovenia. Since the late 1990s, there has been a gradual increase in the number of working permits approved for foreigners who are citizens of western European countries: Austria, Germany, Italy, France and Great Britain. There are also numerous applications submitted for the citizens of the Czech Republic, Hungary, Poland, Romania, the Russian Federation, Slovakia and the Ukraine. A significant number of applications for working permits have also been submitted by citizens of China and the United States. Since 1999, we record an increase in working permits approved for citizens of Turkey, for the reason that they have been working on the construction of Croatian highways and roads.

The following table shows the number of working permits approved for foreigners according to county in the period from 2000 to 2004.

Working permits approved for foreigners according to county (2000–2003)

County	2000		2001		2002		2003	
	Total	Women	Total	Women	Total	Women	Total	Women
Zagreb County and the City of Zagreb	2,190	390	2,509	429	2,948	468	3,351	623
Krapina-Zagorje	49	18	59	29	54	22	90	26
Sisak-Moslavina	97	38	164	38	114	52	179	73
Karlovac	95	8	286	15	357	12	758	17
Varaždin	47	9	57	10	58	10	69	23
Koprivnica-Križevci	46	16	41	14	56	15	67	16
Bjelovar-Bilogora	24	3	23	4	36	9	27	6
Primorje-Gorski Kotar	749	155	800	167	934	194	1,201	253
Lika-Senj	37	8	33	7	52	10	66	16
Virovitica-Podravina	19	6	18	6	12	3	21	7
Požega-Slavonia	17	9	16	8	27	13	23	9
Slavonski Brod-Posavina	42	16	71	39	77	36	77	27
Zadar	96	35	132	43	190	54	261	72
Osijek-Baranja	154	31	159	40	197	56	228	60
Šibenski-Knin	74	25	91	27	105	37	126	40
Vukovar-Srijem	33	6	46	19	62	26	66	28
Split-Dalmatia	249	79	380	96	531	133	623	202
Istria	569	170	701	206	716	172	942	223
Dubrovnik-Neretva	67	24	84	35	104	50	137	57
Međimurje	41	6	40	14	44	14	44	16
TOTAL	4,695	1,052	5,710	1,246	6,674	1,386	8,356	1,794

Working permits approved for foreigners according to county 2004.

County	Total
Zagreb County and the City of Zagreb	848
Krapina-Zagorje	2
Sisak-Moslavina	7
Karlovac	34

Varaždin	30
Koprivna-Križevcii	22
Bjelovar-Bilogora	0
Primorje-Gorski Kotar	304
Lika-Senj	9
Virovitica-Podravina	0
Požega-Slavonia	0
Slavonski Brod-Posavina	9
Zadar	56
Osijek-Baranja	38
Šibensk-Knin	14
Vukovar-Srijem	33
Split-Dalmatia	381
Istria	201
Dubrovnik-Neretva	56
Međimurje	62
TOTAL	2,127

According to the data from the previous table, the most working permits were approved for foreigners in Zagreb County, followed by Primorje-Gorski Kotar County, Istria County and Split-Dalmatia County.

Unemployment of the Target Groups

As shown in the description of the individual measures, they are intended for the employment of particular groups of job seekers. However, membership by job seekers in a specific target group does not exclude an individual from membership in others. For example, a person whose characteristics meet the criteria for participation in Measure F1, "Work for Defenders," is not thereby excluded from the possibility of participating in some other measure. The extreme example is Measure C2, "Educational Activities," which merely requires a participant to have 30 previous days of unemployment and in which persons may participate who meet the conditions for participating in other measures. (The choice of measures in which a person chooses to participate probably depends on the relative degree of incentive and also employer requirements).

On the other hand, the target groups for Measures A ("From College to Work") and B ("From the Classroom to the Workroom"), also include persons who are not or do not have to be registered as unemployed, and it is even possible for persons to participate in Measure C2 who are employed and whose employer is attempting to prolong their employment with the assistance of these measures. Therefore, their number cannot be established through an

analysis of the available unemployment evidence. Moreover, the unemployment registry in the previous period did not include some of the characteristics that were introduced only at the beginning of the implementation of this cycle of measures. These characteristics primarily refer to the duration of studies, i.e. a characteristic that is relevant for participation in the group of Measures A. Therefore, these characteristics, i.e. their determined value, cannot be used by comparing the status of a target group before and during the implementation of the measures.

Since membership in a target group is not exclusive, some target groups include persons who are not registered as unemployed and some relevant characteristics were previously not included in the registry of unemployed persons, which hinders precise monitoring and comparative analysis of unemployment and total employment in the target groups before and during the implementation of the measures. Therefore, the indicators of the range of the target groups or their unemployment and hiring necessarily have a general and conditional character, and the figures are only approximate.

Bearing in mind the previous notes, the practical measurement of the target groups starts from their following operative determinants:

A — unemployed persons, college degrees, up to 27 years of age;

B — unemployed persons, classified as qualified or very highly qualified in terms of their occupational training, without work experience, who have been registered with the Bureau as unemployed for a minimum of 6 months;

C — unemployed persons who have been registered as unemployed by the Bureau for a minimum of 30 days, with the exception of persons from other groups;

D — unemployed persons, women older than 45 years of age and men older than 50 years of age, who have been registered with the Bureau as unemployed for a minimum of 6 months;

E — unemployed persons, persons with disabilities and persons for whom there is a factor of difficulty in hiring;

F — unemployed persons, Croatian defenders, unemployed children and spouses of Croatian defenders who were killed or who are missing, who have been registered with the Bureau as unemployed for a minimum of 30 days.

Number of Unemployed Persons According to Target Group

Target Group	A*	B	C	D	E**	F
Unemployed at end of 2001	3736	19177	503786	61943	33238	32272
Unemployed at end of 2002	3166	18018	467611	71716	31140	33423
Unemployed at end of 2003	5111	12888	342662	70996	31644	25319
Unemployed at end of 2004	4726	15141	337454	75028	44221	25845

* The statistical definition has been changed in 2003.

** As of September 2002, factors of difficulty in hiring are no longer entered for newly registered persons.

Of the target groups mentioned, the most numerous is Group C, which at the end of 2001 or the beginning of 2002 comprised 55.9 percent of the total number of unemployed persons. Its size is not unanticipated because to a great extent this is a "residual" category. Therefore, its treatment as a target group is conditional. Next in terms of size is Group D, which in early 2002 comprised 15.7 percent of the total number of unemployed persons. It is followed by Groups E and F, with similar numbers of members and percentages in the total number of unemployed persons. Group B is smaller than these groups and the smallest group is Group A, which in early 2002 comprised only 0.9 percent of the unemployed persons. Finally, it is necessary to note that since September 2002, evidence is no longer recorded on the factors that make the employment difficult for newly registered persons and therefore the establishment of the size of target Group E is hindered.

Although individual parts of the Program refer to specific target groups of unemployed persons, some of them overlap to a great extent and the Program as a whole allows for the participation of the great majority of unemployed persons.

We must also point out that, to improve labour market efficiency in the Republic of Croatia, increase employment levels and reduce unemployment, as well as get involved in the processes aimed at the integration of Croatia with the EU, the Government of the Republic of Croatia adopted the National Action Plan on Employment for the period 2005-2008, based on EU guidelines. The annual implementation plan for this Action Plan is currently being drawn up.

Question B

Please indicate any methods adopted:

- a. to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of the above policy of non-discrimination;**
- b. to ensure the acceptance and observance of the above policy through educational efforts.**

As part of the activities of the Economic and Social Council, the social partners held a working session on "The Position of Women on the Labour Market" at which conclusions were adopted and measures identified to improve the position of women on the labour market. The conclusions agreed and the measures adopted were communicated to the responsible actors from the state administration at the local and national level, bodies and associations from the private business sector, and representatives of workers and the civil society. The following conclusions were made in relation to the consistent application of laws in the field of labour and employment: provide for equal representation of women, establish the conditions in which women actually work, establish standards for identification of discrimination in employment, monitor labour market trends on an ongoing basis, analyse the regulations in the field of protection of motherhood and parenthood, with a proposal for their improvement.

The measures and methods for reducing discrimination in employment which were adopted as part of the National Action Plan for Employment, and are related to the co-operation

between employers' organisations, trade unions and other institutions, were primarily focused on state institutions whose goal is to influence employers and trade unions through their further activities. The National Action Plan for Employment provides for the following key measures for increasing gender equality at work and on the occasion of employment: ensure access to effective and timely legal redress in all cases of violation of the rights to equality on the labour market (responsible bodies: the Ministry of Justice and the Committee for Gender Equality), introduce standards for identification of various forms of discrimination on the occasion of employment, as well as mechanisms for their removal, including judicial protection (responsible bodies: the Ministry of the Economy, the Ministry of Justice), develop strategies for harmonisation of the national law and expand the statutory framework (Labour Act - *Official Gazette*, no. 114/03) in the field of social security, ensure judicial protection and indemnification (responsible body: the Ministry of the Economy).

The National Action Plan for Employment also includes measures for promoting integration and fighting discrimination against persons in a disadvantaged position on the labour market, such as persons who have dropped out of school, workers with low qualifications, persons with physical impairments, immigrants and members of ethnic minorities. The measures for combating discrimination according to these criteria are as follows: identify counsellors who will specialise in helping unemployed disabled persons, develop relations with employers and offer them advice (responsible body: the Croatian Employment Bureau), and assess the efficiency of the quota scheme (responsible body: the Croatian Employment Bureau). The programme "There are Chances for Us Too", which was introduced in 2002, helps disabled persons to find and keep employment and includes, amongst other things, a programme of mentorship, adjustment of workplaces and monitoring activities following employment. Vocational guidance is also available and includes the assessment of the ability to work and proposals for increasing these persons' employability and level of employment.

Question C

Please indicate the guarantees, including applicable sanctions and remedies, which prevent any discrimination in regard to members of workers' organisations at the time of engagement, promotion or dismissal.

Article 188 of the Labour Act provides for prohibition of unequal treatment on the ground of membership of a trade union or participation in trade union activities. Under this Article, a worker must not be placed in a less favourable position than other workers on the ground of his or her membership of a trade union and it is, in particular, not allowed to conclude an employment contract with a worker under the condition that he or she does not join a trade union or that he or she leaves a trade union, nor rescind an employment contract or place a worker in a less favourable position than other workers in some other way because of his or her membership of a trade union or participation in trade union activities after working hours, or during working hours subject to the consent of the employer.

In addition, the employer must not take into consideration membership of a trade union and participation in trade union activities when rendering a decision whether or not to conclude an employment contract, as well as a decision on the assignment of a worker to a another job or place of work, on specialist training, promotion, pay, social benefits and termination of an employment contract. An employer, a chief executive or another body, and an employer's representative, must not use coercion in favour of or against any trade union.

Also, as already mentioned, direct and indirect discrimination of a person seeking employment and employed person is prohibited, amongst other things, on the grounds of membership or non-membership in a trade union (Article 2 of the Labour Act).

Prohibition of forced labour

Question D

Please indicate whether any form of forced or compulsory labour is authorised or tolerated²

The provisions of Article 23 of the Constitution of the Republic of Croatia **forbid** forced and compulsory labour. In addition, in view of the fact that under Article 140 of the Constitution of the Republic of Croatia, international agreements concluded and ratified in accordance with the Constitution and made public, and which are in force, are part of the internal legal order of the Republic of Croatia and are above law in terms of legal effects, we must point out that the Republic of Croatia also applies the provisions of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Question E

If so, please describe the nature and scope of any such labour and indicate the extent to which recourse has been had thereto during the reference period.

Question F

Please indicate what measures are being taken to secure the complete abolition of forced or compulsory labour and the date by which these measures will be fully implemented.

On 9 May 2002 the Government of the Republic of Croatia established the National Committee for the Suppression of Trafficking in Persons, whose members include representatives of all relevant bodies of state administration, non-governmental organisations and the media (*Official Gazette*, no. 54/02). Representatives of international organisations also participate in the work of the National Committee, if this is necessary.

² The term "forced or compulsory labour" in this Form is to be understood in terms of ILO Convention No. 29 (Forced Labour), Article 2.

One of the first tasks of the National Committee was to prepare the National Plan for Suppression of Trafficking in Persons. The National Plan for Suppression of Trafficking in Persons was adopted at the session of the Government of the Republic of Croatia of 14 November 2002 and, as such, represents the first document in Croatia to provide a comprehensive coverage of this issue.

The majority of the activities laid down by the National Plan have so far been implemented. The implementation of some activities is foreseen to be implemented on a lasting basis.

At its session held on 15 December 2004, the Government of the Republic of Croatia issued a conclusion adopting the National Programme for Suppression of Trafficking in Persons 2005-2008, with programme objectives in the field of identification of victims, detection, prosecution and sanctioning of perpetrators of crimes related to trafficking in persons, assistance to and protection of victims, prevention, education, international co-operation and co-ordination activities, as well as the Operational Plan for Suppression of Trafficking in Persons for the year 2005 which elaborates the programme objectives laid down in the National Programme and includes the measures foreseen to be implemented in the course of 2005.

Question G

Please give information concerning the conditions under which work is carried out in prison establishments.

As already mentioned, the provisions of Article 23 of the Constitution **forbid** forced and compulsory labour.

Furthermore, Article 54 establishes that everyone has the right to work and enjoy the freedom of work. Article 55 of the Constitution provides that every employee has the right to fair remuneration, such as to ensure a free and decent standard of living for him or her and his or her family, whereas Article 57 of the Constitution provides that the State ensures the right to assistance for weak, infirm and other persons unable to meet their basic needs owing to unemployment or incapacity to work.

The employment of inmates, that is, persons sentenced to imprisonment on the basis of a court decision is regulated within the meaning of these constitutional provisions. The provisions governing these issues are contained in the Act on the Enforcement of Prison Sentences, in particular, in its Articles 80 to 90.

It is important to stress that Article 91 of the same Act regulates that penitentiaries and prisons organise elementary education and vocational training and acquisition of new **working skills** for inmates, in accordance with their capacity. In this way, inmates are enabled to work in accordance with their health status, acquired skills and the capacity of the penitentiary or prison. They are at the same time encouraged to work, for the purpose of

maintaining and acquiring professional knowledge and experience, becoming trained and meeting their physical and mental needs.

An inmate who has given his or her consent to work is assigned to work usual working hours on the basis of a medical opinion and the individual programme of enforcement of the prison sentence. The organisation of work and methods of work must be as similar as possible to the organisation and methods of work in the outside world.

An inmate may be employed on assignments in the penitentiary or prison or with another employer, outside the penitentiary or prison.

An inmate is assigned to a workplace in the penitentiary or prison in compliance with the Ordinance on work and vocational training, the list and description of jobs at which inmates work, and remuneration for work and awards, enacted by the minister responsible for justice.

Employment of inmates in civil service positions and workplaces specified by the Rules of Internal Order of a penitentiary or prison is not permitted. In other words, while serving a prison sentence, inmates may not be employed in civil service.

Inmates are insured against the risks of accident at work and occupational disease. Financial gain from inmate labour must not be detrimental to the purpose of the enforcement of the prison sentence. Subject to his or her consent, an inmate may work outside the penitentiary or prison with another employer on the basis of a contract signed by the penitentiary or prison and the employer and approved by the Central Office of the Directorate for the Prison System. This contract regulates mutual rights and obligations.

An inmate who has been sentenced to less than six months of imprisonment may be allowed to continue to work with his or her employer, subject to the employer's consent, or continue his or her self-employment activity in the penitentiary or prison or outside it. While serving a prison sentence, a self-employed inmate engaged in economic or any other activity bears the costs of his or her accommodation and performance of this activity in the penitentiary or prison.

Requests to work with his or her employer or a self-employed inmate engaged in economic or any other activity are decided by the Central Office of the Directorate for the Prison System, upon obtaining a prior opinion from the warden. Working hours of inmates are determined pursuant to the general regulations (the Labour Act).

Overtime work is not permitted in penitentiaries or prisons where all working-age inmates who are willing to work cannot be employed. Breaks in the course of work, as well as daily and weekly rest periods are determined pursuant to the general regulations (the Labour Act).

Annual leave may last between eighteen and thirty working days, depending on the length of employment during the serving of sentence, conditions of work and the complexity of the

work, which is regulated in more detail by the Ordinance on work and vocational training, the list and description of jobs at which inmates work, and remuneration for work and awards.

Remuneration for work of inmates in penitentiaries or prisons is calculated by multiplying the base for the calculation of the remuneration for work by the co-efficient applicable to their work. The base for the calculation of the remuneration for work amounts to 20% of the gross base for the calculation of salaries of civil servants and civil service employees. Co-efficients applicable to the work of inmates are set by the above mentioned Ordinance. Working hours of inmates are governed by the general regulations. Annual leave may last between 18 and 30 working days, depending on the length of employment during the serving of the sentence, conditions of work and the complexity of the work, which is regulated in more detail by an ordinance. While on annual leave, inmates receive compensation.

If an inmate is not insured on any other basis, he or she may pay pension and disability insurance contributions from the remuneration received for his or her work, in an amount not lower than that applicable to the gross base for the calculation of salaries of civil servants and civil service employees. No taxes and contributions are levied on the remuneration for work. Inmates who perform outstandingly can be awarded in compliance with the Ordinance mentioned.

Remuneration for work of inmates employed with private employers is determined pursuant to the general acts of this employer. The amount determined in this way is paid to the account of the penitentiary or prison of which 25 five percent is transferred to the inmate as remuneration for his or her work. It may not be lower than 20% of the gross base for the calculation of salaries of civil servants and civil service employees.

Thirty percent of the remuneration for an inmate's work is allocated to his or her savings account, as mandatory savings, and deposited with a bank or savings bank. The remainder of the remuneration is at the inmate's free disposal in compliance with the House Rules. At the inmate's request, the warden may allow the amount mentioned to be used in compliance with the provisions Act on the Enforcement of Prison Sentences.

Inmates over sixty-five years of age with no income or those suffering from permanent inability to work, as well as unemployed inmates who have been unemployed for more than three consecutive months through no fault of their own are granted quarterly financial assistance from the State Budget. This assistance amounts to 20% of the base for the calculation of the remuneration for work multiplied by the co-efficient 1.

Violations of obligations arising from an employment contract are: being late for work, unjustified absence from work, abandoning work, deliberately causing reduced ability to work, deliberately damaging working instruments, failure to comply with the organisation and methods of work. In this case, an inmate may have his or her remuneration reduced in the amount proportionate to each hour started of being late for work or unjustified absence from work, he or she may be transferred to another job, or his or her employment contract may be

terminated. A decision on reductions, transfers and termination of employment contract is made by the employer, who informs the penitentiary or prison about it in writing.

Inmates are entitled to rights stemming from inventions and technical improvements made while serving the prison sentence in compliance with the general regulations.

Inmates who duly perform their training obligations are entitled to compensation in the amount of 25% of the base referred to in Article 84, paragraph 1 Act on the Enforcement of Prison Sentences multiplied by the co-efficient 1, which is paid from the State Budget.

At the inmate's request, the penitentiary or prison will issue him or her a certificate stating the job he or she performed and the length of his or her employment while he or she was serving the sentence.

Based on the provisions of the Act on the Enforcement of Prison Sentences mentioned, the Minister of Justice, Public Administration and Local Self-Government adopted, as part of her authority, the Ordinance on work and vocational training, the list and description of jobs at which inmates work, and remuneration for work and awards, which elaborates in more detail the rights and obligations of inmates arising from their work and vocational training, as well as the manner of performing work and providing vocational training for inmates in penitentiaries or prisons. It also lists the groups of jobs inmates may perform, co-efficients for the complexity of particular groups of jobs, the methods for calculation and payment of remuneration for work and awards, the use of funds earned from work and vocational training, as well as the duration of annual leave depending on the length of employment during the serving of sentence, conditions of work and the complexity of the work at a particular job.

The jobs at which inmates may work in the penitentiary or prison are: manufacturing various objects from various materials, manufacturing agricultural products, provision of trade and crafts services, performance of manual, intellectual and technical work. The work is performed according to the technical standards established for each particular type of work. The work is performed to serve the needs of the penitentiary or prison, to serve the needs of other penitentiaries, prisons and correctional establishments, the Training Centre, the Central Office of the Directorate for the Prison System and the ministry responsible for justice, as well as for sale on the open market.

The price of products manufactured and the services provided as a result of the work of inmates is established on the basis of actual costs, except in case of sales on the open market, when it is established taking into account the market trends.

Occupational safety and health measures are implemented in accordance with the general regulations.

Financial transactions related to the work and vocational training of inmates are conducted in accordance with accounting regulations applicable to State Budget beneficiaries.

The work and vocational training is organised into types and scope corresponding to the needs of inmates and the capacity of the penitentiary or prison. Jobs that may be performed by inmates are classified into six groups. Each group has an appropriate complexity coefficient.

1.	Simple occupations	Co-efficient 0.50
2.	Operators of machines, vehicles and assemblers of products	Co-efficient 0.60
3.	Occupations in crafts and individual production	Co-efficient 0.70
4.	Agricultural, hunting, forest and fishery workers	Co-efficient 0.80
5.	Services and trade occupations, administrative and clerical jobs	Co-efficient 0.90
6.	Complex occupations – complexity level VKV, VŠS or VSS	Co-efficient 1.00

The warden of the penitentiary or prison, subject to the consent of the Directorate for the Prison System, establishes the list and description of jobs performed by inmates. These jobs are classified into the groups defined by the Ordinance, following the structure of the National Classification of Occupations (*Official Gazette*, no. 111/98). The time needed to train inmates is established for each particular job, and it may not be shorter than one month or longer than two months. Descriptions of jobs, which are standardised according to the general regulations, include references to hourly production quotas for particular jobs, which may not be higher than the lowest quotas established by the general regulations.

Subject to his or her written consent, an inmate is assigned to an available job in the penitentiary or prison or with another employer outside the penitentiary or prison, appropriate to his or her health status, abilities, the level of training and interests, and according to the needs of the penitentiary or prison. **An inmate is assigned to work by a written decision by the warden of the penitentiary or prison.** The vocational instructor gives his or her remarks and opinion about the inmate's work, which are entered in the inmate's personal file.

A report on the inmate's work is submitted twice a year, by 15 July for the previous half year and by 31 January for the previous year, to the Central Office of the Directorate for the

Prison System. This report is made on the IOR form, which is reproduced as an integral part of the Ordinance.

The remuneration for the inmate's work is calculated and paid once a month, at the beginning of the month for the previous month. On the payment day, a payroll account is handed over to the inmate, subject to his or her signature. The payroll account is issued in at least three copies and contains the following information: the title of the job performed by the inmate, the co-efficient applicable to the corresponding group of jobs, the number of hours worked in regular working hours, overtime work, shift work, night work, work on non-working days and public holidays, the amount of remuneration per one hour, the total remuneration, the amount of remuneration which the inmate may freely use and the amount of mandatory savings deposited with a bank or savings bank.

As an exception, when an inmate is transferred to another penitentiary or prison, when he or she interrupts the service of his or her sentence, is conditionally or unconditionally released, the remuneration for work done is calculated on the first working day following the day when the inmate stopped working and is given to the inmate no later than on the day when he or she leaves the penitentiary or prison.

The amount of remuneration for work is determined by multiplying the base for the calculation of remuneration for work by the co-efficient applicable to a particular group of jobs from the Ordinance, for the maximum number of hours per month, with the exception of work for an employer outside the penitentiary or prison, when the remuneration for work is determined in accordance with Article 84, item 5 of the Act on the Enforcement of Prison Sentences.

The maximum number of hours per month is determined in accordance with the general regulations.

When the number of hours worked is higher or lower than the maximum number of hours per month, the remuneration for work is calculated on the basis of the amount of remuneration per one hour, determined for each group of jobs referred to in the Ordinance.

The remuneration for overtime work, work on non-working days and public holidays, shift and night work is increased according to the general regulations applicable to civil servants and civil service employees.

The records of the time spent by each inmate at work are kept by the vocational instructor.

In the course of training, an inmate is entitled to remuneration for work calculated on the basis of the co-efficient 0.5.

The work performed by an inmate is evaluated on a monthly basis by the vocational instructor who notifies the expert team about this. At the proposal of the expert team, at least

once every six months, the warden of the penitentiary or prison draws up a list of inmates who have fulfilled the conditions for a financial award, and determines the amount of this award.

The award for the inmate's work may not exceed 20% of the remuneration for work payable to an inmate who has worked the maximum number of hours per month, in regular working hours.

The minimum duration of annual leave is increased:

- a) in relation to the length of work performed while serving the prison sentence, after one year – by one day – until five years of work, and after that – by one additional day for each subsequent five years – until thirty years of work, and for the work performed for more than thirty years – by seven days;
- b) in relation to working conditions, for the work in jobs with arduous or special working conditions – by two days;
- c) in relation to the complexity of the work, for jobs with the co-efficients 0.50 and 0.60 – by one day, for the co-efficients 0.70 and 0.80 – by two days and for the co-efficients 0.90 and 1.00 – by three days.

An inmate acquires the right to annual leave after eleven months of uninterrupted work. For each subsequent calendar year, he or she may be granted the right to use one half of the annual leave after six months of uninterrupted work. The inmate may take the unused part of the annual leave acquired for the previous year by 30 June of the current year. In one calendar year, the inmate may not take annual leave for a period longer than the annual leave he or she acquired for one year of work.

For the purposes of granting annual leave, sick leave resulting from a deliberate threat to one's own health is considered to be an interruption of work. The schedule for taking annual leave by inmates is adopted by the warden, at the proposal of the expert team.

Financial resources generated through the work of inmates are used to cover the expenses incurred in the performance of the work, as well as the payment of remuneration for work and awards to inmates.

The income which remains after covering these expenses is used for:

- 1. the improvement of living and working conditions in penitentiaries or prisons,
- 2. technological improvement of work,
- 3. current expenditure,
- 4. capital expenditure.

At least 20% of the remaining income is used for the improvement of living and working conditions of inmates. For the use of these funds, the penitentiary or prison is obliged to obtain prior consent from the minister responsible for justice.

A report on the use of the funds generated through the work of inmates is submitted, on a quarterly basis – by the 15th of the current month for the preceding three-month, six-month and nine-month period – to the Central Office of the Directorate for the Prison System. This report is made on the IKS form, which is an integral part of this Ordinance.

An annual report on the use of the financial resources generated through the work of inmates is submitted on the form mentioned above for the period of twelve months in the previous calendar year, by 31 January of the current year.

The Central Office of the Directorate for the Prison System examines the annual report on the use of the financial resources generated through the work of inmates, and gives a proposal for final approval to the minister responsible for justice.

The provisions of the Ordinance relating to the organisation of work, remuneration for work and awards, and the use of financial resources generated through the work of inmates also apply to the work of persons in pre-trial detention.

In addition to being responsible, under the law, for the work and vocational training of convicted persons sent to penitentiaries and prisons to serve their prison sentence, the Directorate for the Prison System – Central Office is also responsible for the practical application and implementation of the provisions of the Act on the Enforcement of Protective Supervision and the Performance of Community Service.

This Act governs the enforcement of the following criminal sanctions: i) suspended sentence with protective supervision (hereinafter: "the protective supervision") and ii) the **replacement of the sentence of imprisonment for a period up to six months by community service** (hereinafter: "community service"). Protective supervision and community service orders are enforced against persons who have reached the age of majority and on whom these criminal sanctions were imposed in the criminal proceedings. Their enforcement against the convicted person starts after the court decision becomes legally effective. Protective supervision and community service orders are enforced in the convicted person's place of permanent or temporary residence.

Convicted persons do not bear the costs of enforcement of protective supervision and community service orders, nor do they pay any fees on pleadings, official actions or decisions related to the application of Act on the Enforcement of Prison Sentences, unless otherwise is not prescribed by the same Act.

Community service is performed free of charge and is not intended for gaining any profit. In other words, neither the convicted person nor the legal entity in which the community service is performed may derive financial benefit from this service.

The aim of imposing protective supervision and community service orders is to ensure, while respecting the general purpose of criminal sanctions, that the convicted person whose freedom is limited by certain conditions and obligations is not excluded from the society, but that he or she, with the assistance and supervision of the community and through his or her **voluntary** personal actions, work and attitude towards the consequences of the offence he or she committed, develops awareness of the detrimental nature of specific forms of behaviour and the responsibility for harmful consequences.

In other words, an essential element (*conditio sine qua non*) of the realisation of community service is the convicted person's voluntary consent for the replacement of the sentence of imprisonment of up to six months imposed on him or her by a community service order.

Protective supervision and community service orders are enforced in a way which guarantees the convicted person and his or her family respect of their human dignity, fundamental rights and freedoms, and privacy. Any discrimination on the grounds of race, colour, gender, language, religion, political or other belief, national or social background, property, birth, education, social status or other characteristics is prohibited. A convicted person who is exposed to unlawful treatment or discrimination is entitled to compensation for damage.

Protective supervision and community service orders are enforced according to individual enforcement programmes. Individual programmes for enforcement of protective supervision or community service orders are based on the assessment of personality, personal situation, health status, employment status, abilities and expertise of the convicted person.

We would like to emphasise that the State Inspectorate has not received any complaints relating to the organisation of forced or compulsory labour so far, and has no information whatsoever regarding this work.

Article 51 of the Criminal Code provides for sanctions against unlawfully forcing another person to act against his or her free will. In addition, Article 23 of the Constitution of the Republic of Croatia forbids forced and compulsory labour. Although there are no explicit provisions in the legislation of the Republic of Croatia, which define and prescribe punishment for unlawfully forcing another person to work, from what has been outlined above it is evident that every use of force, including forcing another to work, would be punishable.

However, we must stress that since in our knowledge there have been no cases of forcing another person to work in the Republic of Croatia, we cannot confirm the application of Article 51 of the Criminal Code to this form of coercion.

WORK OF INMATES – 2003

In 2003, there were on average 1,125 inmates (40.94% of the total average monthly figure) who were engaged in some form of work, of whom 352 inmates on average worked longer than the regular working hours.

The inmates worked as follows:

- in prison workshops	470 (41.78%)
- in auxiliary, technical, manual and intellectual work (maintenance work)	591 (52.53%)
- outside the penitentiary or prison	33 (2.93%)
- in the companies "Lipovica" and "Orljava"	31 (2.76%)

Prison workshops are mainly organised within departments for work and the vocational training of inmates. The activities performed by workshops include carpentry, metal work, hospitality services, agriculture, maintenance, gravelling, stone exploitation, manufacturing goods made of concrete and similar.

Auxiliary and technical jobs in which inmates in penitentiaries and prisons work mainly involve maintaining cleanliness and tidying up the premises and the area of the penitentiary or prison, washing vehicles, painting, auxiliary tasks in the laundry, kitchen, warehouse, prison workshop, etc.

When it comes to work outside penitentiaries or prisons, inmates performed auxiliary jobs in a saw-mill, construction industry, environment improvement, loading and unloading, agriculture and similar. Some of them also continued their own self-employment activity or work for their employer.

Inmates in penitentiaries, prisons and correctional establishments worked as follows:

	Penitentiaries	Prisons	Correctional establishments
Work in prison workshops	389 (49%)	69 (25%)	12 (18%)
Maintenance work	362 (46%)	175 (65%)	54 (82%)
Work outside the penitentiary or prison	6 (1%)	27 (10%)	-
Work in companies	31 (4%)	-	-
TOTAL:	788	271	66

In the period observed a total of HRK 6,985,767 was paid to inmates as remuneration for their work, of which HRK 6,251,484 was paid for work in regular working hours, and HRK 734,283 for overtime work.

The average remuneration for work amounted to HRK 463.07 for work in regular working hours and HRK 636.91 for regular work plus the work after full-time working hours.

The highest amounts of remuneration for work in regular working hours were, on average, earned in prison workshops (HRK 499.38), whereas the lowest were paid for work outside penitentiaries and prisons (HRK 157.99).

WORK OF INMATES – 2004

In 2004, there were on average 1,129 inmates (37.75% of the total average monthly figure) who were engaged in some form of work, of whom 329 inmates on average worked longer than the regular working hours.

The inmates worked as follows:

- in prison workshops	460 (40.75%)
- in auxiliary, technical, manual and intellectual work (maintenance work)	607 (53.76%)
- outside the penitentiaries or prisons	43 (3.81%)
- in the companies "Lipovica" and "Orljava"	19 (1.68%)

Prison workshops are mainly organised within departments for work and the vocational training of inmates. The activities performed by workshops include carpentry, metal work, hospitality services, agriculture, maintenance, gravelling, stone exploitation, manufacturing goods made of concrete and similar.

Auxiliary and technical jobs in which inmates in penitentiaries and prisons work mainly involve maintaining cleanliness and tidying up the premises and the area of the penitentiary or prison, washing vehicles, painting, auxiliary tasks in the laundry, kitchen, warehouse, prison workshop, etc.

When it comes to work outside penitentiaries or prisons, inmates performed auxiliary jobs in a saw-mill, construction industry, environment improvement, loading and unloading, agriculture and similar. Some of them also continued their own self-employment activity or work for their employer.

Inmates in penitentiaries, prisons and correctional establishments worked as follows:

	Penitentiaries	Prisons	Correctional establishments
Work in prison workshops	370 (46%)	68 (25%)	22 (40%)
Maintenance work	403 (50%)	172 (63%)	32 (58%)
Work outside the penitentiary or prison	9 (1%)	33 (12%)	1 (2%)
Work in companies	19 (3%)	0	0
TOTAL:	801	273	55

In the period observed a total of HRK 7,355.377 was paid to inmates as remuneration for their work, of which HRK 6,694.707 was paid for work in regular working hours, and HRK 660,670 for overtime work.

The average remuneration for work amounted to HRK 494.15 for work in regular working hours and HRK 661.49 for regular work plus the work after full-time working hours.

The highest amounts of remuneration for work in regular working hours were, on average, earned in prison workshops (HRK 643.56), whereas the lowest were paid for work outside penitentiaries and prisons (HRK 263.30).

Ord. no.	PENITENTIARY/PRISON	Auxiliary technical, manual and intellectual work	Work in the prison workshop	Work in the companies "Orjava" and "Lipovica"	Work outside the prison or penitentiary	T O T A L	Average monthly remuneration paid	Total monthly remunerations paid
1.	Zagreb Prison Hospital	2	0	0	0	2	484,46	11.627,12
2.	Glina Penitentiary	25	16	0	6	47	328,63	185.350,00
3.	Lepoglava Penitentiary	212	157	0	0	369	549,00 781,84*	2.766.238,38
4.	Lipovica Penitentiary	27	57	9	0	93	436,34 506,33*	506.268,30
5.	Požega Penitentiary	52	58	22	0	132	485,30 571,26*	846.080,38
6.	Turopolje Penitentiary	20	61	0	0	81	508,19 618,53*	498.930,05
7.	Turopolje Correctional Institute	54	0	0	0	54	268,50	173.985,00
8.	Valtura Penitentiary	24	52	0	0	76	606,41 832,07*	669.485,14
9.	Bjelovar Prison	5	0	0	1	6	521,39	37.540,18
10.	Dubrovnik Prison	1	0	0	0	1	493,29	5.919,41
11.	Gospić Prison	20	38	0	0	58	606,41 832,07*	496.546,23
12.	Karlovcu Prison	2	0	0	1	3	398,56	14.348,00
13.	Osijek Prison	5	8	0	10	23	268,54	74.117,97
14.	Požega Prison	2	0	0	4	6	313,20	22.550,11
15.	Pula Prison	23	7	0	10	40	270,64 462,27*	129.911,00
16.	Rijeka Prison	9	1	0	0	10	269,95 615,70*	57.288,00
17.	Sisak Prison	3	0	0	0	3	387,25 508,09*	16.915,12
18.	Split Prison	30	0	0	0	30	269,33 378,22*	109.756,92
19.	Šibenik Prison	17	0	0	0	17	459,69 571,00*	107.799,25
20.	Varaždin Prison	4	0	0	1	5	402,00	24.120,03
21.	Zadar Prison	2	0	0	0	2	494,93	11.878,36
22.	Zagreb Prison	52	15	0	0	67	279,89	225.028,17
GRAND TOTAL		591	470	31	33	1.125	463,07 636,91*	6.991.683,12

Ord. no.	PENITENTIARY/PRISON	Auxiliary technical, manual and intellectual work	Work in the prison workshop	Work in the companies "Orljava" and "Lipovica"	Work outside the prison or penitentiary	T O T A L	Average monthly remuneration paid	Total monthly remunerations paid
1.	Zagreb Prison Hospital	2	0	0	0	2	460,11	11.042,57
2.	Glina Penitentiary	34	16	0	0	50	335,51	201.304,88
3.	Lepoglava Penitentiary	209	160	0	9	378	562,21 734,29*	2.829.063,25
4.	Lipovica Penitentiary	34	53	11	0	98	491,48 570,12*	593.996,86
5.	Požega Penitentiary	83	35	8	0	126	554,02 650,63*	914.189,81
6.	Turopolje Penitentiary	17	47	0	0	64	536,92 843,57*	452.851,96
7.	Turopolje Correctional Institute	32	22	0	1	55	273,52	180.520,00
8.	Valtura Penitentiary	24	59	0	0	83	649,56 866,71*	759.010,44
9.	Bjelovar Prison	6	0	0	8	14	387,31	65.067,47
10.	Dubrovnik Prison	1	0	0	0	1	404,23	4.850,83
11.	Gospić Prison	18	46	0	0	64	445,67 635,02*	414.983,86
12.	Karlovcu Prison	2	0	0	1	3	594,21	21.391,70
13.	Osijek Prison	5	8	0	12	25	256,76 274,75*	77.460,26
14.	Požega Prison	2	0	0	3	5	340,23	20.413,72
15.	Pula Prison	18	0	0	5	23	591,58 732,33*	173.411,52
16.	Rijeka Prison	7	1	0	0	8	414,82 699,72*	65.013,00
17.	Sisak Prison	2	0	0	0	2	471,68	11.320,24
18.	Split Prison	28	0	0	0	28	362,83 485,65*	139.596,75
19.	Šibenik Prison	17	0	0	1	18	558,44 667,99*	131.141,35
20.	Varaždin Prison	5	0	0	1	6	417,13	30.033,36
21.	Zadar Prison	3	0	0	0	3	435,93	15.693,33
22.	Zagreb Prison	58	13	0	2	73	277,42	243.019,41
G R A N D T O T A L		607	460	19	43	1.129	494,15 661,49*	7.355.376,57

DIRECTORATE FOR THE PRISON SYSTEM - 2003

TOTAL AVERAGE NUMBER OF INMATES WORKING PER MONTH		REGULAR WORK	OVERTIME WORK
Auxiliary technical, manual and intellectual work		591	149
Work in the prison workshop		470	201
Work in the companies "Orljava" and "Lipovica"		31	2
Work outside the prison or penitentiary		33	0
TOTAL		1125	352
REMUNERATIONS PAID FOR REGULAR WORK			GRAND TOTAL
			6.251.484,00
Average monthly amount per inmate			463,07
Maximum individual amount			718,89
Minimum individual amount			340,87
Auxiliary technical, manual and intellectual work	Total		3.215.344,00
	Average monthly amount per inmate		453,38
Work in the prison workshop	Total		2.816.509,00
	Average monthly amount per inmate		499,38
Work in the companies "Orljava" and "Lipovica"	Total		157.068,00
	Average monthly amount per inmate		422,23
Work outside the prison or penitentiary	Total		62.563,00
	Average monthly amount per inmate		157,99
REMUNERATIONS PAID FOR OVERTIME WORK	Total		734.283,00
	Average monthly amount per inmate		173,84

<u>DIRECTORATE FOR THE PRISON SYSTEM- 2004</u>		
TOTAL AVERAGE NUMBER OF INMATES WORKING PER MONTH	REGULAR WORK	OVERTIME WORK
Auxiliary technical, manual and intellectual work	607	173
Work in the prison workshop	460	153
Work in the companies "Orljava" and "Lipovica"	19	3
Work outside the prison or penitentiary	43	0
TOTAL	1129	329
REMUNERATIONS PAID FOR REGULAR WORK		GRAND TOTAL
		6.694.706,97
Average monthly amount per inmate		494,15
Maximum individual amount		749,40
Minimum individual amount		342,66
Auxiliary technical, manual and intellectual work	Total	3.638.541,58
	Average monthly amount per inmate	499,53
Work in the prison workshop	Total	2.773.570,24
	Average monthly amount per inmate	502,46
Work in the companies "Orljava" and "Lipovica"	Total	146.730,78
	Average monthly amount per inmate	643,56
Work outside the prison or penitentiary	Total	135.864,37
	Average monthly amount per inmate	263,30
REMUNERATIONS PAID FOR OVERTIME WORK	Total	660.669,60
	Average monthly amount per inmate	167,34

<u>DIRECTORATE FOR THE PRISON SYSTEM - 2003</u>	
1.Income generated through the work of inmates in the penitentiary or prison	43.795.271
2.Income generated through the work of inmates outside the penitentiary or prison	463.211
3. TOTAL INCOME (1+2)	44.258.482
4. Expenses incurred as a result of inmates' work	34.565.817
5.Remunerations paid to inmates for their work	3.493.973
6. Awards paid	19.190
7. TOTAL EXPENSES (4+5+6)	38.078.980
8. Average number of inmates who worked	534
9. REMAINING INCOME (3-7)	6.179.502
10. Use of the remaining income	
10.a. Expenses for the improvement of living and working conditions in penitentiaries or prisons	49.521
10.b. Expenses for technological improvement of work	32.636
10.c. Current expenditure	3.183.168
10.d. Capital expenditure	2.089.896
11. UNUSED PART OF THE REMAINING INCOME	824.281

<u>DIRECTORATE FOR THE PRISON SYSTEM - 2004</u>	
1.Income generated through the work of inmates in the penitentiary or prison	31.878.671
2.Income generated through the work of inmates outside the penitentiary or prison	970.696
3. TOTAL INCOME (1+2)	32.849.367
4. Expenses incurred as a result of inmates' work	26.717.465
5.Remunerations paid to inmates for their work	3.072.558
6. Awards paid	15.650
7. TOTAL EXPENSES (4+5+6)	29.805.673
8. Average number of inmates who worked	522
9. REMAINING INCOME (3-7)	3.043.694
10. Use of the remaining income	
10.a. Expenses for the improvement of living and working conditions in penitentiaries or prisons	296.292
10.b. Expenses for technological improvement of work	125.579
10.c. Current expenditure	4.115.030
10.d. Capital expenditure	1.338.873
11. UNUSED PART OF THE REMAINING INCOME	-2.832.080

ARTICLE 1 PARA. 3

"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

to establish or maintain free employment services for all workers;"

Question A

Please describe the operation of free employment services available in your country, indicating the age, sex and nature of occupation of persons placed by them in employment and persons seeking employment.

Please indicate as far as possible the number of vacancies, the placement rate and the duration of unemployment of persons placed.

In the first five months of 2005, a total of 63,018 persons found jobs through the Croatian Employment Bureau, which was by 2.2% more than in the same period of the previous year. Out of the total number of employed persons, there were 33,521 women. As to the structure of employment, persons with secondary school qualifications accounted for the largest share (70%), and were followed by those who finished elementary school education and those who dropped out of elementary school) (17.5%) and those who finished two-year post-secondary education and university education (12.5%).

Employed from the register	Period	TOTAL	No education and unfinished elementary school	Elementary school	Vocational secondary school up to 3 yrs and school for skilled (KV) and highly skilled (VKV) workers	Vocational secondary school lasting 4 or more yrs and grammar school	Two-year post-secondary education, 1st level of college education and professional studies	Faculty, academy, master's degree, doctor's degree
Total number of employed from the register	1-5/2005	63,018	1,049	9,981	27,102	17,324	2,871	4,691
	1-5/2004	61,634	1,343	9,996	26,591	16,195	2,710	4,799
	Index	102.2	78.1	99.8	101.9	107.0	105.9	97.7
Total number of employed women from the register	1-5/2005	33,521	508	5,289	11,776	10,914	2,009	3,025
	1-5/2004	33,126	672	5,252	11,808	10,420	1,887	3,087
	Index	101.2	75.6	100.7	99.7	104.7	106.5	98.0

In the course of 2004, a total of 138,580 persons were employed from the Employment Bureau's unemployment register, which was by 6,631 or 4.6% less than in 2003. Of the total number of persons employed, there were 76,543 women, whose share in the total employment was 55.2%, in comparison with 52.9% in 2003.

More than two thirds of the registered employment account for persons with secondary school education, including those who finished 3-year vocational secondary schools and schools for skilled (KV) and highly skilled (VKV) workers (60,616 or 43.7%) and those who finished 4-year vocational secondary schools and grammar schools (37,846 or 27.3%). They are followed by persons who finished elementary school (15.1%), faculty (7.6%), two-year post-secondary education (4.5%), and persons who have no education or who failed to complete elementary education (1.8%). In comparison with the previous year, registered employment decreased at all levels of education, and the sharpest fall was recorded in the level of university education (by 12.5%)

Employed from the Employment Bureau's unemployment register in 2003 and 2004, by level of education							
	Total	No education and unfinished elementary school	Elementary school	Vocational secondary school up to 3 yrs and school for skilled (KV) and highly skilled (VKV) workers	Vocational secondary school lasting 4 or more yrs and grammar school	Two-year post-secondary education, 1st level of college education and professional studies	Faculty, academy, master's degree, doctor's degree
2003	145,211	2,670	21,232	64,146	38,389	6,735	12,039
Structure	100.0	1.8	14.6	44.2	26.4	4.6	8.3
2004	138,580	2,517	20,864	60,616	37,846	6,204	10,533
Structure	100.0	1.8	15.1	43.7	27.3	4.5	7.6
Index 2004/2003	95.4	94.3	98.3	94.5	98.6	92.1	87.5

The order of particular groups of occupations (according to the National Classification of Occupations) in the registered employment was as follows:

- sales and services occupations (33,139 or 23.9%),
- simple occupations (31,354 or 22.6%),
- occupations in trades and crafts and individual production (21,547 or 15.5%),
- engineers, technicians and related occupations (17,134 or 12.4%),
- administrative and clerical occupations (15,025 or 10.8%),
- operators of machines and vehicles (10,526 or 7.6%),
- professionals and scientists (8,548 or 6.2%),
- agricultural, hunting, forest and fishery workers (932 or 0.7%),

- executives, officials and managers (207 or 0.1%),
- military occupations (168 or 0.1%).

As regards work experience, of the total number of persons employed, 108,471 (78.3%) had previous work experience, whereas for 30,109 (21.7%) this was their first employment. In comparison with the previous year, there was a 1.2% increase in the number of employed persons with previous work experience, whereas the share of those with no work experience followed a downward trend.

A total of 115,579 (83.4%) persons were employed under fixed-term employment contracts, whereas 23,001 (16.6%) of them were employed under open-ended employment contracts. In comparison with 2003, the share of employment under fixed-term contracts grew, and the share of open-ended contracts decreased (by 0.7 percentage points).

The majority of persons with work experience who are registered in the unemployment register usually come from the manufacturing industry, trade, hotels and restaurants and construction industry. However, these four sectors of economic activity at the same time employ the highest number of persons, for example, in 2004 a total of 90,114 persons or 65.0% found employment in them and, in particular:

- wholesale and retail trade – 30,605 persons or 22.1%,
- manufacturing industry – 26,078 persons or 18.8%,
- hotels and restaurants – 19,530 persons or 14.1%,
- construction industry – 13,901 persons or 10.0%.

In comparison with the previous year, an increase in the registered employment was recorded in the real estate industry (by 591 persons or 7.1%), agriculture, hunting and forestry (by 296 persons or 3.8%), fishery (by 77 persons or 36.8%) and education (by 6 persons), whereas in all other activities there was a decrease in the registered employment, with this decrease being the largest in public administration and defence (21.5%), mining (19.0%) and other community, social and personal services (10.6%).

When it comes to the regional structure, the largest share in the registered employment was in the Splitsko-dalmatinska County (17,192 persons or 12.4%), the City of Zagreb (17,079 or 12.3%) and the Osječko-baranjska County (14,134 or 10.2%), while at the same time the lowest number of persons found employment in Ličko-senjska County (1,852 or 1.3%), Krapinsko-zagorska County (2,964 or 2.1%) and the Požeško-slavonska County (3,009 or 2.2%). In comparison with the previous year, registered employment was on the increase in eight counties (with the largest increase being recorded in Ličko-senjska County – 14.5% and Vukovarsko-srijemska County – 12.2%), and it was reduced in thirteen counties (with the biggest fall being recorded in the Zagrebačka County – by 14.0% and Krapinsko-zagorska County – by 13.7%).

As regards the employment rate, in 2004 it was 24.6%, which means that almost one quarter of job-seekers found employment during that year. Significant differences were noted in the employment rate of persons with different levels of education. The employment rate of persons with no education or those who did not complete elementary school was 8.8%, those who finished elementary school – 18.3%, vocational secondary school up to 3 years and school for skilled (KV) and highly skilled (VKV) workers – 25.8%, vocational secondary school lasting 4 or more years and grammar school – 26.7%, two-year post-secondary education, with 1st level of college education and professional studies – 35.7%, faculty, academy, master's degree, doctor's degree – 38.5%. Therefore, the higher the level of education, the higher the employment rate.

Question B

Please describe the organisation of public employment services in your country indicating the accompanying measures for the unemployed, and where appropriate, the steps taken to revise the geographical distribution of local and regional employment centres and to redeploy resources when the changing patterns of economic activity and of population so warrant.

The organisation of public employment services

The Croatian Employment Bureau was established in accordance with the Act on Employment Mediation and Entitlements during Unemployment (*Official Gazette*, nos. 32/02, 86/02 corr. and 114/03), as a public institution owned by the Republic of Croatia to which the regulations governing institutions apply. The Employment Bureau performs the activities from the scope of its work through the following organisational units:

- Central Office
- regional offices and branch offices.

The Employment Bureau has organised its work in 22 regional offices, which have 91 branch offices. In this way, the Croatian Employment Bureau's presence on the whole territory of Croatia has been guaranteed.

The Employment Bureau is managed by the Employment Bureau's Management Council, which is composed of 9 members appointed by the Government of the Republic of Croatia, of which there are 3 representatives of trade unions, 3 representatives of employers and 3 representatives appointed at the proposal of the minister responsible for labour.

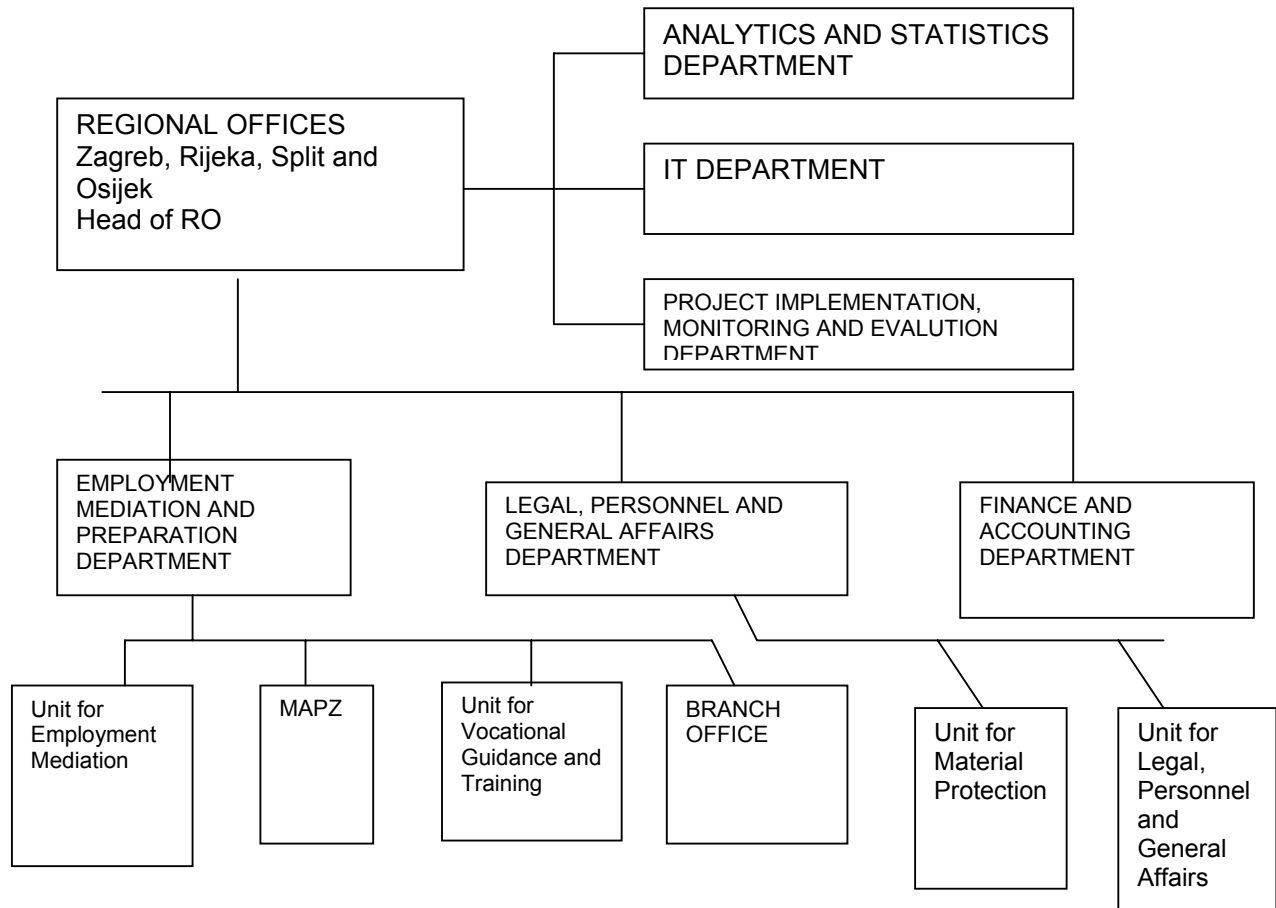
The person in charge of the management of the Employment Bureau is the Director who represents the Employment Bureau and acts on its behalf.

The Croatian Employment Bureau's work policy, methods and techniques are implemented in the practice by regional offices which pursue the Employment Bureau's goals in the field, through direct contacts with unemployed persons, employers and other interested organisations.

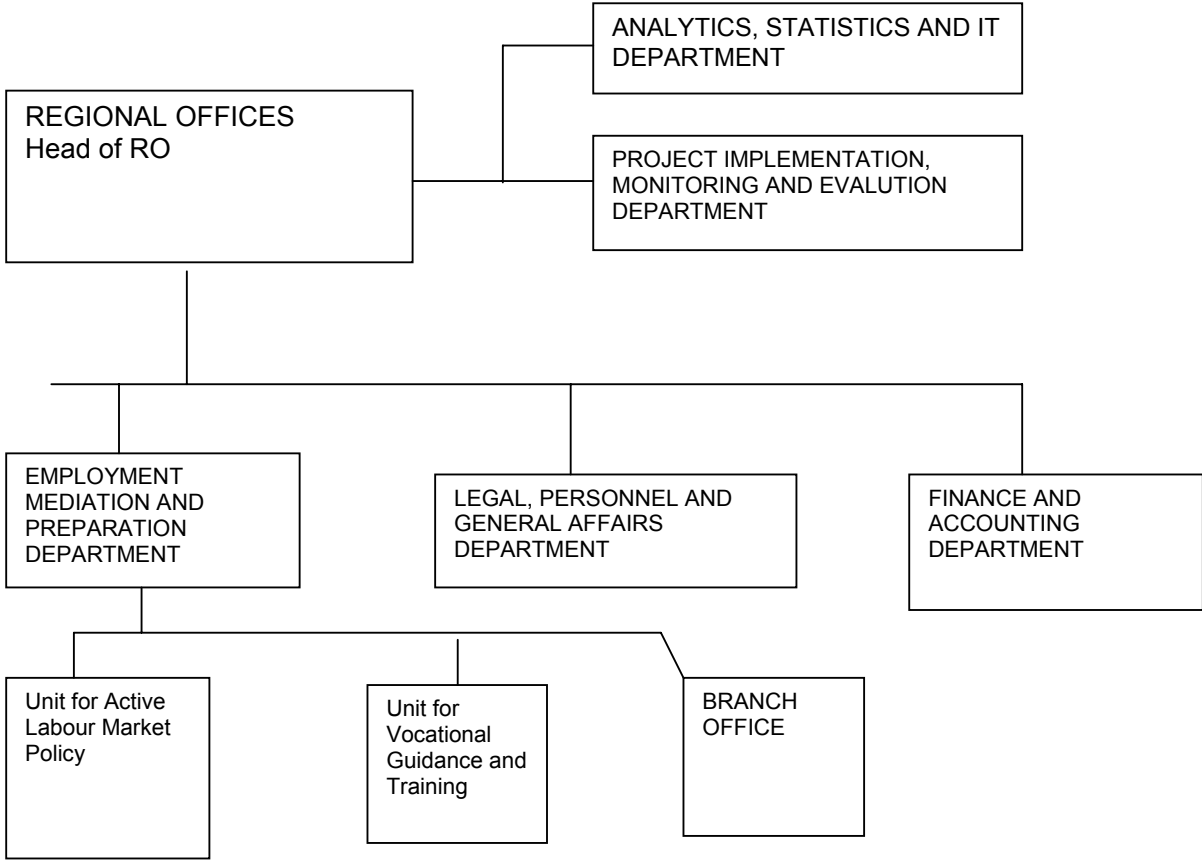
The Employment Bureau performs the following tasks:

1. monitors, analyses and researches economic, social and other trends, the level of employment, new employment and the level of unemployment, and their interactions, on the basis of which it proposes the measures for improvements in the field of employment;
2. keeps records of unemployed and other persons, mediates in employment between employers and persons seeking employment, monitors demand for workers and their employment, and co-operates with employers in this regard;
3. organises and implements programmes of vocational guidance, educational programmes and other forms of the active labour market policy in co-operation with employers, educational institutions and other legal entities;
4. co-operates with educational institutions in order to adjust educational programmes to the demand for workers and undertake vocational guidance;
5. implements international agreements on employment and entitlements during unemployment;
6. carries out tasks regarding the employment of Croatian citizens in foreign countries and the realisation of their rights,
7. renders decision on the rights of unemployed persons and makes payments of unemployment benefits on the basis of the decisions rendered.

ZAGREB, SPLIT, RIJEKA, OSIJEK
REGIONAL OFFICES



OTHER REGIONAL OFFICES



Question C

If both public and private free employment services exist in your country, please describe the steps taken to co-ordinate such services, and to determine the conditions governing the operation of private employment agencies.

Article 21 of the Act on Employment Mediation and Entitlements during Unemployment (*Official Gazette*, nos. 32/02, 86/02 corr. and 114/03) provides that in the provision of mediation services, the Employment Bureau acts impartially as regards unemployed persons and employers.

Article 22 of the Act prescribes that the Employment Bureau provides mediation services free of charge. Expenses incurred by the Employment Bureau as a result of employer's special demands and expenses incurred in mediating abroad are reimbursed to the Employment Bureau by that employer.

The Act on Employment Mediation and Entitlements during Unemployment (*Official Gazette*, nos. 32/02, 86/02 corr. and 114/03) prescribes that activities related to employment can be domestically conducted by legal entities such as companies and physical persons as an independent activity, except those related to insurance in the event of unemployment.

In addition, the same Act prescribes that secondary school institutions may only conduct the activities of mediation in employment for the occasional employment of full-time secondary school students.

In accordance with Article 3 of the Act on Employment Mediation and Entitlements during Unemployment, the Ordinance on the performance of activities related to employment other than through the Croatian Employment Bureau (*Official Gazette*, no. 96/02) was adopted. It regulates the conditions and the methods for performing activities related to employment, when these activities are performed by legal and physical persons outside the Croatian Employment Bureau.

Legal and physical persons and secondary school institutions may conduct activities in connection with employment if they:

- have been issued a permit (decision) by the ministry responsible for labour,
- meet the personnel, organisational, physical, technical and other requirements prescribed for the conduct of these activities.

The ministry (the Ministry of the Economy, Labour and Entrepreneurship) keeps records about the permits issued and sends each decision to the attention of the Croatian Employment Bureau and the State Inspectorate.

Article 16 of the Ordinance provides that the mediator may only charge the employer for the services rendered in connection with employment, according to the price list which must be posted in the mediator's office.

The prices for services must be established as fixed amounts and may not be determined as a percentage of the salary agreed between the employer and the worker for whom the mediator rendered mediation services.

The Act on the Amendments to the Act on Employment Mediation and Entitlements during Unemployment (*Official Gazette*, no. 114/03), which entered into force and whose application began on 19 July 2003, provided for the deletion of the provision imposing an obligation on private mediators to submit to the Croatian Employment Bureau the data on the number of persons in respect of whom they rendered mediation services and on the number of persons who found employment through their mediation.

Question D

Please indicate whether and how the participation of representatives of employers and workers in the organisation and operation of the employment services and in the development of employment services policy is provided for.

The Croatian Employment Bureau is managed by the Management Council, which is composed of 9 members appointed by the Government of the Republic of Croatia, of which there are three representatives of trade unions, three representatives of employers and three representatives appointed at the proposal of the minister responsible for labour. Members of the Management Council are appointed for a term of office of 4 years. The Management Council reports to the Government of the Republic of Croatia. The scope of the Management Council's work, its authorities and responsibilities are established by the Statute of the Employment Bureau.

Advisory Councils have been established at the Employment Bureau's regional offices. Each of them is composed of three representatives of trade unions, three representatives of employers and one representative of unemployed people. Before making decisions which may affect the position of unemployed people and, in particular, decisions relating to the adoption and implementation of measures for employment promotion, the head of the regional office is obliged to consult the Advisory Council.

Question E

Please indicate what legislation or administrative guarantees are provided to ensure that these services are available to all.

The Act on Employment Mediation and Entitlements during Unemployment (*Official Gazette*, nos. 32/02, 86/02 corr. and 114/03) provides that the Employment Bureau performs the following activities: employment mediation, vocational guidance, training for the purpose of increasing the employability of the labour force, insurance against unemployment, and actions taken on the labour market with a view to fostering the geographical and occupational mobility of the labour force, as well as new employment and self-employment.

Article 2 of the Act on Employment Mediation and Entitlements during Unemployment provides that all the activities mentioned are carried out for unemployed and employed job seekers, employers and other persons who seek information and advice on employment conditions and opportunities.

Article 4 of the same Act prescribes that all employed workers are insured against the risk of unemployment, and this insurance is based on the principle of solidarity.

The insurance covers the right to unemployment benefit, pension insurance, financial assistance and coverage of costs during education, one-time financial assistance and coverage of travel and resettlement costs, as well as health insurance.

Article 21 of the Act on Employment Mediation and Entitlements during Unemployment provides that in the provision of mediation services, the Employment Bureau acts impartially as regards unemployed persons and employers.

Article 22 of the same Act prescribes that the Employment Bureau provides mediation services free of charge. Expenses incurred by the Employment Bureau as a result of employer's special demands and expenses incurred in mediating abroad are reimbursed to the Employment Bureau by that employer.

ARTICLE 1 PARA. 4

"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

to provide or promote appropriate vocational guidance, training and rehabilitation."

Please indicate, illustrating with relevant data as far as possible, what measures have been taken to provide or promote:

- a. vocational guidance¹
- b. vocational training²
- c. vocational rehabilitation³

with the aim of giving everyone the possibility of earning his living in an occupation freely entered upon.

Please indicate whether equal access is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled people.

1. If your country has accepted Article 9, it is not necessary to describe the vocational guidance services here.

2. If your country has accepted the four paragraphs of Article 10, it is not necessary to describe the vocational training services here.

3. If your country has accepted the two paragraphs of Article 15, it is not necessary to describe the rehabilitation services for physically or mentally handicapped persons.

As part of its activities, the Croatian Employment Bureau covers the majority of tasks related to vocational guidance, although some tasks are being increasingly taken over by other actors in the community (schools, employers, social partners, associations, universities, civil initiatives).

Providing professional assistance to clients in making decisions about their further career path is one of the basic functions of the Employment Bureau, which is performed in accordance with international conventions. Assistance in vocational guidance is used both by those who for the first time choose the profession or occupation for which they will go to school and by those who, for whatever reason, have to make a decision about changing their current occupation or job.

Over the last few years, a marked trend has been observed where counselling services of vocational guidance are being increasingly used by the category of adult persons. Due to the strong needs for constant professional development and adjustments to the frequent and rapid changes in the world of occupations and work, this trend is also noticeable in other parts of the world. Growing problems related to employment place an additional emphasis on the need for vocational guidance or vocational selection of unemployed adults. It is especially important to emphasise that the greatest increase in the use of these services took place in relation to guidance and selection, which are based on a team approach to candidates who are subject to professional examination (psychological and medical).

Vocational guidance consists of providing information and counselling. The provision of information is, as a rule, targeted to larger groups of beneficiaries – and for many of them this information is sufficient to make a specific occupation-related decision. The provision of vocational counselling is a more complex task. It is based on a more detailed analysis of the personal characteristics of the candidate which are important for his or her career success, such as his or her abilities, interests, motivations, skills, personality traits, health status and similar. For this reason, vocational counselling is the result of the teamwork of psychologists, physicians, pedagogues and other professionals, if necessary. In addition to vocational counselling, which may help individuals to make optimal decisions about their vocation, it is also necessary to mention vocational selection, which is based on the same professional techniques, but is mainly intended for employers, to assist them in the selection of staff.

To provide elementary school students with information on vocational guidance, the Ministry of Science, Education and Sports, in co-operation with the Croatian Employment Bureau, publishes every year the brochure *Enrolling in Secondary Schools* with the following contents:

- the requirements for enrolling in secondary schools
- a list and description of all programmes for specific occupations
- a list of secondary schools, with corresponding educational programmes
- information about institutions (student's hostels, offices of state administration, county chambers of trades and crafts, regional offices of the Croatian Employment Bureau)

- guidance on how to choose an occupation.

These brochures are sent to all elementary schools, regional offices of the Croatian Employment Bureau, county chambers of trades and crafts and bodies of local government and self-government responsible for education.

The activities of the Croatian Chamber of Trades and Crafts in the field of vocational guidance include the making of a leaflet on education for licensed trades and crafts and the organisation of the event *I Want to be a Master Craftsman* as part of the Trades and Crafts Fair.

The availability of education for a profession or vocation is governed by the Secondary School Education Act. Secondary school education is available to everyone under the same conditions, according to his or her abilities (Article 3). Secondary school education of children who are members of national minorities is implemented under the provisions of the Act on the Education in the Language and Script of National Minorities (Article 5). Education of nationals of other contracting parties is available to all those who have regulated their stay in the Republic of Croatia on whatever basis.

Vocational rehabilitation or habilitation is an integral part of the overall rehabilitation/habilitation, aimed at providing the social integration of persons with developmental difficulties to the maximum possible degree.

The system of vocational rehabilitation consists of three indivisible successive components:

- vocational guidance,
- training for productive work, or vocational training/training for work, and
- employment.

Vocational guidance should be implemented through the following stages:

- vocational education and provision of information,
- individual counselling,
- follow-up activities for persons who have received counselling

Vocational guidance, i.e. its first stage – vocational education and provision of information, should start as early as possible, to prepare the person to make the right choice of occupation when he or she reaches the stage of individual counselling.

Those who are responsible for vocational education and provision of information include, first of all, teachers and members of elementary school expert teams, who are obliged to provide, in their annual plans and programmes of work, for concrete activities in relation to vocational guidance and the provision of initial vocational information for students and their parents.

In the Republic of Croatia it is obligatory to provide all students of the eighth grade of elementary schools with the basic information about programmes for particular occupations and schools in which these programmes are implemented, especially by means of printed materials.

The activities of vocational education and provision of information, especially when it comes to children and students with developmental difficulties, must be implemented systematically. In other words, they should not be limited to providing information just before the enrolment of students in the programmes in which they will acquire certain qualifications or the level of training necessary for their inclusion in the world of work. On the other hand, these activities should also not be confined merely to individual counselling. Unfortunately, in practice these professional requirements are not met in line with this.

One of the examples of good practice in our country is the fact that in order to enrol in a secondary school, all children who were officially registered as children with developmental difficulties in elementary schools must go through the procedure of individual counselling at the regional office of the Croatian Employment Bureau.

The procedure for individual counselling is carried out as a team effort, and the expert team must include a pedagogue, psychologist and a physician – an occupational medicine specialist. One of the major deficiencies of this arrangement is the non-inclusion of a special education and rehabilitation specialist as a mandatory member of this team.

Unfortunately, a number of other deficiencies have also been noticed in the implementation of these two stages of vocational guidance.

- the lack of connection and co-ordination between the systems and services involved (elementary schools, secondary schools, Croatian Employment Bureau, Ministry of Science, Education and Sports, Institute for Educational Development); efforts should be also made to intensify the activities of informing students, parents and teachers, as well as expert teams in elementary schools about secondary schools (programmes, occupations, models for acquiring qualifications within the framework of an educational profile);
- a student undergoes the procedure for individual counselling only once, by being subjected to collective tests of cognitive and psychomotor skills; basic deficiencies of collective testing include, for example, time limitation, undergoing written tests (whereby the child should read the text and answer particular questions) which are not adapted to students who have mainly attended adjusted educational programmes;
- the opinion about the programme suitable for a particular child (mostly one, although it would be desirable to have at least two proposals) is more based on the existing options for acquiring qualifications for an occupation, than on the interests and abilities of the child (these children are offered a very limited range of programmes anyway);

- for a number of years now there have been no work trials, that is, diagnostic procedures in which persons with developmental difficulties are required to perform a specific work task or show a specific skill;
- there are no systematic solutions to problems when a student, parent or perhaps school is not satisfied with the counselling provided (except for the possibility of being rendered a second-instance decision by the Croatian Employment Bureau).

The third stage of vocational guidance includes follow-up activities regarding persons who received counselling (catamnesis) in view of their performance in secondary school education, as well as performance in initial stages of employment. The aim of this evaluation is to check the efficiency of the vocational guidance services provided, with a view to their improvement. In the Republic of Croatia there is no systematic catamnesis, especially with regard to persons with developmental difficulties.

Training for productive work consists of:

- vocational training which results in the acquisition of a specific level of qualifications or occupation, and
- training for work, that is, training for the performance of simple jobs and work tasks below the lowest level of qualifications.

This part of training is systematically included in the regular elementary school education of persons with developmental difficulties, until they reach 21 years of age, and each institution is obliged to issue the student a Certificate on the Level of Training, after he or she completes this training.

In the Republic of Croatia, the training for productive work of persons with developmental difficulties has been carried out since 1980 as part of the system of regular secondary school education and, in accordance with the Secondary School Education Act, it is implemented in:

1. Regular secondary schools
 - a) full integration (in regular classes)
 - according to the regular programme, but individualised,
 - according to an adjusted programme
 - b) partial integration
 - physical integration (in special classes)
 - according to an adjusted programme
 - according to a special programme
2. Special educational establishments
 - according to the regular programme
 - according to an adjusted programme
 - according to a special programme.

The teaching plan and programme is based on the class-subject-period system, so in the Republic of Croatia we can still not speak about a curriculum, although changes have constantly been introduced in this respect over the last few years.

It defines the aim and tasks of the programme, teaching subjects and content, duration and basic forms of programme implementation, annual and weekly number of periods in particular subjects, as well as requirements in terms of methodics, didactics and other requirements for their implementation.

The teaching plan and programme is prepared at three or four levels:

The framework teaching plan and programme is adopted in a centralised manner, with approval from the Ministry of Science, Education and Sports, and is prepared by working groups of experts from the Institute for Educational Development of the Republic of Croatia. It contains mandatory and optional parts of the programme and there are:

1. regular – prescribed educational content for each area of education, at all levels of education (systematised in terms of generations by grades);
2. special - prescribed educational content for each area of education, at all levels of education (systematised in terms of generations by grades) for students with (multiple) developmental difficulties that affect their learning;
3. The Implementation Plan and Programme adopted by the school or group of schools in a county; in practice, it is referred to as the Annual Plan and Programme of the Work of School – and it elaborates mandatory subjects, taking into account local characteristics and selects and elaborates optional subjects in accordance with the interests, as well as personnel and material capacities of the school;
4. The Operational Plan and Programme is prepared by a group of teachers (or individual teachers) teaching the same subject in a specific school, on the basis of the Annual Plan and Programme of the school – it elaborates the contents of education, and the selection of methods, means and forms of work for a particular teaching subject and for every grade or generation;
5. Preparation Plan – on the basis of the above plans and programmes, each teacher makes a special preparation plan for each class, containing a detailed articulation of work, methods, means and forms of work, and specifies approaches in terms of methodics and didactics and other issues for students with developmental difficulties who have been integrated in that particular class.

Teaching plans and programmes for children with developmental difficulties are developed in compliance with the requirements prescribed by the Ministry of Science, Education and Sports. The following programmes are available in the secondary school education system:

1. secondary school education for students with developmental difficulties in regular schools

- three-year and four-year educational programmes for the acquisition of secondary school qualifications
 - programmes lasting up to two years for the acquisition of lower qualifications
 - three-year educational programmes for the acquisition of lower qualifications, for students with developmental difficulties
2. secondary school education for students with developmental difficulties in special schools
- the acquisition of secondary school qualifications – lasting from 3 to 4 years, and possibly 5 years
 - the acquisition of lower qualifications (Table 1) as a rule lasts 3 years, and the students undergo education for auxiliary occupations in the following fields: mechanical engineering, mechanical energetics and mechanics (e.g. for the occupations – assistant locksmith, assistant car body repairman, assistant tinsmith, assistant to a heating and air conditioning devices fitter, assistant plumber, and the like), agriculture (e.g. for the occupations – assistant gardener, assistant florist), food production (assistant miller, assistant baker, and the like), woodwork (e.g. for the occupations – assistant carpenter, assistant woodworker, assistant parquet layer, assistant cooper, and the like), textile and clothing industry (e.g. for the occupations – assistant tailor, assistant knitter, and the like), construction industry (e.g. for the occupations – assistant floor layer, and the like), leather work (e.g. for the occupations – assistant shoemaker, assistant orthopaedic shoemaker, assistant shoe outfitter, and the like), printing industry (e.g. for the occupations – assistant bookbinder, assistant cardboard worker, and the like), hospitality sector and tourism (e.g. for the occupations – kitchen hand, assistant pastry cook, assistant waiter), economy and trade (e.g. for the occupations – assistant administrator, and the like) and other services (e.g. for the occupations – assistant upholsterer, assistant house-and-woodwork painter, assistant car body sprayer and the like).

In special institutions the programmes as a rule last from 3 to 4 years, but programmes for the acquisition of lower qualifications and secondary school qualifications may even be implemented for a period longer than prescribed if this is necessary because of the type and degree of developmental difficulties of students.

Table 1 Teaching plan for students with severe developmental difficulties for the acquisition of lower qualifications

Ord. no.	SUBJECT	Weekly number of periods		
		1 st Year	2 nd Year	3 rd Year
1.	CROATIAN LANGUAGE	3	3	3
2.	ETHICS AND CULTURE	1	1	1
3.	POLITICS AND THE ECONOMY		1	1
4.	MATHEMATICS	3	3	2
5.	PHYSICAL AND HEALTH EDUCATION	2	2	2
6.	TECHNOLOGY OF OCCUPATIONS	3	3	3
7.	FORM TEACHER'S CLASS	1	1	1
8.	RELIGIOUS EDUCATION/ETHICS	1	1	1
9.	PRACTICAL TRAINING	14	14	21
	Total	28	29	35
	Extended professional treatment (by classes or groups)	18	18	18

* Mild mental retardation with additional developmental difficulties

Students enrol in secondary schools on the basis of a Decision on the elements and criteria for the selection of candidates for the enrolment in the first grade of secondary school, which is adopted by the Minister of Science, Education and Sports for every school year, in accordance with the Secondary School Education Act. As well as the joint criteria, this Decision also contains supplementary criteria for enrolment of students in secondary schools. A particular aspect here is the direct enrolment of students with developmental difficulties in training programmes for productive work which are suitable for them.

Direct enrolment is made on the basis of:

- the decision by the competent office for education and sports granting the student the right to a suitable form of education in elementary school,
- a decision by the competent body on the award of social welfare benefits,
- other prescribed documents establishing the programme suitable for the student's abilities and skills. (Other prescribed documents also include the opinion by the vocational guidance service of the Employment Bureau establishing the teaching programme suitable for the student's abilities, capacities, needs and motivation.)

b) **Vocational training** is provided through formal, non-formal and informal channels.

The Labour Act, the laws related to the education system and other subordinate regulations govern the rights and manner of implementation of occupational and vocational training – the

initiatives in the field of adult education (advanced training, additional training, levels of vocational and professional training , retraining) have become more defined and will be made statutory by the adoption of a law which is currently in parliamentary procedure, since adult education should also be governed by regulations that have the status of a law (the issues relating to adult education fall within the scope of the National Policy for Economic Development, as part of the society's orientation towards achieving the aim of lifelong learning).

Mobility in the education system and the removal of the existing obstacles to vocational training will be achieved through changes at the level of secondary, higher and university education, and will include contents-related (programme), procedural, normative and other changes.

Secondary school education is going through a stormy period of adjustments and changes aimed at addressing the real needs of modern life and management beyond national framework (in an increasingly globalised world).

The links between formal and non-formal forms of vocational training are strengthened with students' mobility from one system to another.

This mobility is still insufficient, especially at the level of documentation and exercise of rights on the labour market.

Changes to programmes are underway and they include modifications of a material, teaching-methods and organisational nature, with a view to achieving the overall modernisation and fulfilment of needs at the individual and societal level.

The preparation of the National Classification of Occupations is only one of the tasks which, once completed, will result in the compatibility and clarity of the Croatian education system with regard to other systems in the world (especially in Europe).

The establishment of the Agency for Vocational Training is one of the steps towards creating a professional support framework and serving the needs of the vocational system, no matter whether it is formal, informal or non-formal.

Another step is the realisation of rights, at a competitive level, **according to the criterion of individual abilities**, without age, education and other limitations, which have existed so far. The rights to vocational training have not been realised to a sufficient extent, but increasing numbers of participants in the adult education process, the literacy project, a large number of accredited vocational training programmes, the number of licences and certificates, the offer of projects and their implementation are part of the trends aimed at enhancing mobility in the secondary level education system.

Apprenticeship, as a constituent part of the secondary vocational system, is covered by a series of activities implemented by several partners, at the level of equipping programmes in material terms, defining personnel-related needs and creating an optimal network according to education quality criteria at the national and regional level. More frequent and better links between educational establishments and the local community are also among the aims and objectives of the education policy.

All potential beneficiaries are informed about the apprenticeship system through promotion activities including exhibitions, brochures, TV shows, AV materials and opportunities for direct contact by electronic means. On the other hand, the CASCAID programme will, through its programme contents, cover many distant places in Croatia and thus improve the provision of vocational information.

Higher and university education, science and technology, both in terms of their application and development, have been undergoing enormous changes.

The Bologna Process includes alignment of in terms of legislation, programmes and organisation.

The major part of the Process will be completed by 15 June 2005, according to plan, including programmatic alignments and changes, as well as the classification of titles of programmes (professions).

The system for providing information about all these changes is transparent, accessible to the public through the media and the web site of the Ministry of Science, Education and Sports, and it is also possible to obtain more information through electronic contact.

Vocational training is still not sufficiently available to interested adults. This should be regulated by the law announced, and especially through financial support which would provide for various forms of retraining and advanced training necessary for coping better on the labour market, as well as achieving greater competitiveness.

Some incentives to this effect are more precisely described in the activities of the Employment Bureau (fees, costs, forms and conditions for advanced training of employed persons – this is partly regulated by the Labour Act currently in force, but is still insufficiently applied, especially in the protection of rights of apprentices and young employees in practice).

The Act on Vocational Rehabilitation and Employment of Persons with Disabilities provides that persons with disabilities are entitled to vocational rehabilitation, employment and work. It contains provisions defining a person with disabilities and reduced capacity to work, employment and work of persons with disabilities under general and special conditions, and the establishment of institutions for vocational rehabilitation, protected workshops and work centres, their scope of activities and management and professional bodies, the measures to

promote employment and work of persons with disabilities, the establishment of the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities, as well as responsibility for violations of the provisions of the Act.

Persons with disabilities are employed under general and special conditions. Employment under general conditions is employment of persons with disabilities under general regulations governing work and employment, whereas employment under special conditions is employment in an institution or company established for the purpose of providing employment to persons with disabilities, as well as self-employment of persons with disabilities.

Under the Act mentioned, a person with disability has the right to vocational training and rehabilitation under general conditions, and if type or severity of his or her disability and the success of the rehabilitation process so requires, he or she may receive this training and rehabilitation in special schools and institutions for vocational rehabilitation, under adjusted or special programmes.

ARTICLE 2: THE RIGHT TO JUST CONDITIONS OF WORK

ARTICLE 2 PARA. 1

"With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake: to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;"

Legislation of the Republic of Croatia

1. Constitution of the Republic of Croatia

Under Article 55 of the Constitution, every employee has the right to fair remuneration, such as to ensure a free and decent standard of living to him or her and his or her family. Maximum working hours are regulated by law, and every employee has the right to a weekly rest and paid annual leave, which may not be renounced.

2. International agreements

ILO Convention No. 106 concerning Weekly Rest in Commerce and Offices, 1957 (*Official Gazette - International Agreements*, nos. 6/95, 3/02)

ILO Convention No. 132 concerning Annual Holidays with Pay (Revised), 1970 (*Official Gazette - International Agreements*, nos. 6/95, 3/02)

ILO Convention No. 14 concerning the Application of the Weekly Rest in Industrial Undertakings, 1921 (*Official Gazette - International Agreements*, nos. 6/95, 1/02)

3. Primary legislation

Labour Act (*Official Gazette*, no. 137/04 – consolidated version)

Act on Public Holidays, Memorial Days and Non-Working Days in the Republic of Croatia (*Official Gazette*, no. 136/02 – consolidated version)

4. Secondary legislation

Ordinance on jobs with special conditions of work (*Official Gazette*, no. 5/84)

Collective Agreements

Question A

Please indicate what statutory provisions apply in respect of the number of working hours, daily and weekly and the duration of the daily rest period.

The Labour Act provides that full-time working hours must not exceed 40 hours a week. Unless working hours are specified by a law, collective agreement, agreement between the workers' council and the employer or employment contract, full-time working hours are considered to be 40 hours a week.

The 40-hour working week may also be shortened by a special law. This may be done in case when it is assessed that business operations may be successfully performed even if working hours are shorter than 40 hours and in respect of jobs, as established by a collective agreement, employment rules or ordinance passed by the minister responsible for labour, whose harmful effects may not be removed by occupational safety and health measures. Working hours may also be reduced as a measure taken under a redundancy social security plan.

Working hours need not be distributed over five or six days a week.

If daily and weekly schedules of working hours are not regulated by a regulation, collective agreement, agreement between the workers' council and the employer or employment contract, the schedule of working hours is determined by the employer in a written decision, which must be communicated to the workers at least one week in advance (except in cases of urgent overtime work).

From these provisions of the Labour Act it arises that working weeks need not be of the same length. The permitted length of the working day (except for Sunday, the last day in the week which is defined as the day of weekly rest) indirectly follows from the provisions on the

minimum rest period between two consecutive working days, which must be at least 12 days, and in seasonal jobs at least 10 hours, which means that daily working hours may not be longer than 12 hours, or 14 hours in seasonal jobs.

In the case of *force majeure*, an extraordinary increase in the scope of work and in other similar cases of a pressing need, the worker must, at the employer's request, work longer than the full-time working hours, but for at most 10 hours a week.

If working hours are rescheduled, they may not exceed 52 hours a week. In case of seasonal jobs, a collective agreement may provide that rescheduled working hours may exceed 52 but not 60 hours a week.

Question B

Please indicate what rules concerning normal working hours and overtime are usual in collective agreements, and what is the scope of these rules.

The arrangements provided by collective agreements are mainly in line with the Labour Act provisions governing working hours.

The following collective agreements govern working hours as follows.

Collective Agreement for Health Care Services and Health Insurance (Official Gazette, no. 9/05)

Full-time working hours are 40 hours a week.

Weekly working hours are distributed over five days in the week, from Monday to Friday.

For special tasks that are performed in shift work or tasks that require different distribution of daily or weekly working hours, the employer may determine a different daily or weekly schedule, in accordance with the ordinance on working hours in health institutions, passed by the minister responsible for health, but this must be done within a five-day working week.

Basic Collective Agreement for Public Servants and Employees in Public Services (Official Gazette, no. 3/02)

Full-time working hours are 40 hours a week.

Weekly working hours are distributed over five days in the week, from Monday to Friday.

For special tasks, collective agreements concluded for particular services may determine different daily or weekly schedule.

Collective Agreement for Health Services in Private Practice in Croatia (Official Gazette, no. 185/03)

Full-time working hours of health workers employed in private practice are 40 hours a week.

The employer may determine for a particular worker shorter working hours than those stated in the previous paragraph, either by the employment contract concluded with that worker or by a special decision.

If the employer has determined that working hours are shorter than 40 hours a week, as stated in the previous paragraph, the working hours established in this way are considered full-time working hours.

In cases referred to in Article 41 of the Labour Act (*force majeure*, an extraordinary increase in the scope of work and in other similar cases of a pressing need), the employer may order the worker to work longer than the full-time working hours (overtime work).

When it comes to the duration of overtime work and prohibition of such work for certain persons, the mentioned Article 41 of the Labour Act is applicable.

In the case of *force majeure*, an extraordinary increase in the scope of work and in other similar cases of a pressing need, the worker must, at the employer's request, work longer than the full-time working hours, but for not longer than 10 hours a week.

If working hours have been rescheduled, they may not exceed 52 hours a week. A collective agreement may provide that in case of seasonal jobs rescheduled working hours may exceed 52 but not 60 hours a week.

Question C

Please indicate the average working hours in practice for each major professional category.

Collective Agreement for Social Welfare Services (Official Gazette, no. 126/02)

Full-time working hours are 40 hours a week.

Weekly working hours are distributed over 5 days in the week, from Monday to Friday.

For tasks that are performed in shift work or tasks that require different distribution of working hours, the institution may order, in agreement with the trade union commissioner, a different daily or weekly schedule of working hours, but only within a five-day working week.

Collective Agreement for the Trade Sector (Official Gazette, no. 41/98)

Full-time working hours are 40 hours a week. The beginning and the end of the working day, including rest periods during the time of work, are determined by the employer, in a written decision. Weekly working hours are distributed over not more than 5 days, except in the retail trade and services necessary for normal functioning of the retail trade, where weekly working hours are distributed over not more than 6 days.

Collective Agreement for the Construction Sector (Official Gazette, no. 4/02)

Full-time working hours are 40 hours a week.

The beginning and the end of the working day, including rest periods during the time of work are determined by the employer, in a written decision or by agreement with the workers' council.

Daily and weekly distribution of working hours or their duration within the limits of full-time working hours are determined by the employer, in a written decision or by agreement with the workers' council.

Collective Agreement for the Hospitality Sector (Official Gazette, no. 69/02)

Full-time working hours are established as 40 hours a week.

Weekly working hours are, as a rule, distributed over six working days.

Daily working hours may be organised in one or two sessions, as well as in shifts, in full-time, part-time and rescheduled working hours.

Work is considered as organised in two sessions if the interruption between these sessions is longer than one hour.

Shift work is work organised in at least two shifts with full-time working hours, where workers work alternate days, weeks or other periods of time.

After consulting the workers' council or trade union, the employer makes a written decision on the general distribution of working time. Due to specific qualities of operations in the hospitality sector and requirements related to the organisation of work in this sector, especially due to primarily seasonal character of operations, the weekly and daily distribution of working hours is determined by the employer, in a written decision.

If the employer fails to notify the worker about the distribution or change to working hours at least one week in advance, the worker is not obliged to come to work, except in case of urgent overtime work.

Collective Agreement for the HEP Group (Official Gazette, no. 27/04)

Full-time working hours at the employer are 40 hours a week.

For workers in the parts of work processes in which work does not have to be organised in shifts, weekly working hours are distributed over five working days.

The employer will establish, by its decision, the beginning and the end of the working day, rescheduling and distribution of working hours, as well as staggered work schedule.

The annual number of working hours at the employer must be in line with paragraph 1 of this Article.

If the nature of the work so requires, full-time working hours may be rescheduled so that during one period they last longer, and during another less than full-time working hours, but the total working must not exceed full-time working hours for that period.

If working hours are rescheduled, they must not exceed 52 hours a week.

Rescheduled working hours are not considered overtime work.

The employer is obliged to inform the worker about rescheduled working hours at least seven days in advance.

Rescheduled working hours are reduced to full-time working hours in January for the previous calendar year.

For the purpose of this Collective Agreement, shift work is work which lasts 24 hours without interruption, and is performed in two or three alternate shifts.

A decision on the organisation of shift work is made by the employer on the proposal of managers of organisational units in which work is organised in shifts.

This decision must provide for alternation of shifts and define the monthly number of hours, brought in line with the monthly dynamics of the annual number of hours.

In the case of *force majeure*, an extraordinary increase in the scope of work, or to prevent the occurrence of greater damage, to replace a worker who is unexpectedly absent from work and in other similar cases of a pressing need, the worker must, at the employer's written request, work longer than the full-time working hours ("overtime work"), but for at most 10 hours a week.

In case of emergency, the employer may order overtime work even orally, but must subsequently (on the next working day) make a written confirmation of the oral request.

A worker, who is forbidden to work longer than the full-time working hours because of some special circumstances, may not be ordered to work overtime.

To avoid overtime work as much as possible, the employer will implement and arrange personnel and organisational measures, in particular, by rescheduling working hours, increasing the number of those who should perform the work by bringing workers from other organisational units or, in the end, by hiring new staff.

When it comes to workers who, for technological reasons, have been ordered by their employer in writing to be on standby during the period of a daily or weekly rest or on public holidays established by law to be prepared to come to work to eliminate possible breakdowns or for other justified reasons, 20% of the time spent by them on standby during working days or periods of daily or weekly rest and 30% of time spent in this manner on public holidays established by law is, for accounting purposes, deemed to be time spent on work in regular working hours. By means of rescheduling of working hours, these workers are allowed to take days off work on the basis of the time spent on standby. For the purpose of calculation of salaries and exercise of other rights arising from employment, the hours thus established are not included in the stock of working hours.

The employer will, by a special decision, determine the number and structure of workers or jobs in each organisational unit who may be ordered to be on standby.

Collective Agreement for the Workers of the Croatian Post (Hrvatska pošta d.d.) (Official Gazette, no. 27/04)

Working hours are 40 (forty) hours a week.

Weekly working hours are distributed over 5 (five) working days in the week.

It is only on the days of pension payments and similar extraordinary payments that the distribution of work may also extend to the 6th working day in the week.

For each 6th day in the week worked, the worker is entitled to one day off work with compensation of salary, which may be taken in the current month.

The beginning and the end of the working day is established by the Employer.

A decision on overtime work is made by the Employer, but overtime work may only be ordered in the cases and under the conditions prescribed by the law.

A decision on overtime work must be made in writing and delivered to the worker no later than within 5 days following the time when overtime work started.

A pregnant woman, a mother of a child under three years of age, a minor worker, a parent working one half of full-time working hours to care for his or her severely handicapped child and a single parent with a child under six years of age may work overtime only if he or she gives a written consent.

Collective Agreement for the Water Management Services (Official Gazette, no. 88/03)

Full-time working hours are determined as 40 hours a week, including a paid half-hour daily rest period (break).

The schedule of working hours in a calendar year is determined by the plan of working hours (work calendar).

The plan of working hours is adopted by the Director General, after consultation with the Workers' Council in December for the following year.

The schedule of weekly working hours, the beginning and the end of the working day and rest periods are determined by a decision by the Director General, after consultation with the Workers' Council.

Weekly working hours are distributed over five working days, from Monday to Friday.

In agreement with the Directors of VGOs, the Director General may make a decision to determine for each organisational unit the beginning of the working day between 7.30 h and 8.30 h, and the end between 15.30 h and 16.30 h.

Saturday and Sunday are days of weekly rest.

When it is necessary to order overtime work for the purposes of the protection from floods, torrents, ice, removal of extraordinary pollution and contamination, working hours may last longer than prescribed by law.

Collective Agreement for the Workers of the Croatian Forests (Hrvatske šume d.o.o.) (Official Gazette, no. 6/04)

Full-time working hours, including a daily rest period, are 40 hours a week, in a five-day working week.

The beginning and the end of the working time is established by the employer.

Collective Agreement for the Croatian Motorways (Hrvatske autoceste d.o.o.) (Official Gazette, no. 6/04)

Full-time working hours are established in the duration of 40 (forty) hours a week.

Weekly working hours are distributed, as a rule, over five working days.

In the case of *force majeure*, an extraordinary increase in the scope of work and in other similar cases of a pressing need, the worker must, at the Employer's request, work longer than the full-time working hours, but for at most 10 (ten) hours a week.

A worker, who is forbidden to work longer than the full-time working hours because of some special circumstances as defined in law, may not be ordered to work overtime.

The Employer is obliged to keep records of the number of hours worked overtime, and show this in the payroll account. These records must be in writing and handed over to the worker on the first working day in the following month.

A pregnant woman, a mother of a child under 3 (three) years of age, a parent working one half of full-time working hours to care for his or her child with serious developmental problems and a single parent with a child under 6 (six) years of age may work overtime only if he or she gives a written consent to overtime work.

Collective Agreement for the Printing Industry (Official Gazette, no. 101/04)

Full-time working hours are 40 hours a week.

Full-time working hours are, as a rule, established as 8 hours a day.

Weekly working hours may be distributed over at least five consecutive working days.

In the case of *force majeure*, an extraordinary increase in the scope of work and in other similar cases of a pressing need, the worker must, at the employer's request, work longer than the full-time working hours (overtime work), but not longer than 10 hours a week. For overtime work longer than this, the workers' consent is required.

If overtime work by a particular worker lasts more than four consecutive weeks or more than twelve weeks during one calendar year, or if overtime work by all workers of a certain employer exceeds 10 percent of the total working hours in a particular month, a labour inspector must be notified of this.

The labour inspector will prohibit overtime work if this work has harmful consequences on the workers' health and working ability or if, as a result of its excessive usage, the hiring of unemployed persons is hindered.

Overtime work by minor workers is prohibited.

A pregnant woman, a mother of a child under three years of age and a single parent of a child under six years of age may only work overtime if he or she gives a written statement about voluntary consent to such work.

The labour inspector will prohibit overtime work by a minor, a pregnant woman, a mother of a child under three years of age and a single parent of a child under six years of age who has not given a written statement about voluntary consent to overtime work.

Question D

Please indicate to what extent working hours have been reduced by legislation, by collective agreements, or in practice during the reference period and, in particular, as a result of increased productivity.

On 1 July 2001 the maximum full-time working hours in the Republic of Croatia were reduced from 42 hours to 40 hours a week. There is complete freedom to further shorten full-time working hours by collective agreements, agreements between the worker's council and the employer or employment contracts. In all these cases, it is necessary to obtain consent from the employer or association to which this is affiliated. The 40-hours working week may also be shortened by a special law. They may be shortened on the ground that the business operations may be successfully performed even by working less than 40 hours a week and in respect of jobs, as established by a collective agreement, employment rules or ordinance passed by the minister responsible for labour, whose harmful effects may not be removed by occupational safety and health measures (Article 40 of the Labour Act), and also as a measure taken under a redundancy social security plan (Article 127, paragraph 1, subparagraph 6 of the Labour Act).

The minister responsible for labour has not passed the ordinance mentioned, because due to the improvement of occupational safety and health, the reduction of working hours on this ground are less and less needed, so this option was left to those whom it directly concerns – employers, trade unions and workers' councils.

Question E

Please describe, where appropriate, any measures permitting derogations from legislation in your country regarding daily and weekly working hours and the duration of the daily rest period (see also Article 2 paras. 2, 3 and 5).

Please indicate the reference period to which such measures may be applied.

Please indicate whether any such measures are implemented by legislation or by collective agreement and in the latter case, at what level these agreements are concluded and whether only representative trade unions are entitled to conduct negotiations in this respect.

The Labour Act provides that the worker has the right to a daily rest period between two consecutive working days of a minimum of 12 hours without interruption. As an exception

from this rule, a worker who has attained the age of majority and who performs a seasonal job in industry has the right to a rest period between two consecutive working days of at least 10 hours without interruption, but for a maximum period of sixty days in one calendar year, whereas a worker who has attained the age of majority and who performs a seasonal job in agriculture, industry (commerce) and other non-industrial activities has the right to a rest period between two consecutive working days of at least 10 hours without interruption.

As regards the conduct of negotiations and conclusion of collective agreements, all trade unions participate in negotiations through a negotiating committee (composed of trade union representatives), and agreement is signed by all the trade unions in the field for which negotiations have been conducted.

Question F

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not so covered (see Article 33 of the Charter).

Following what has been mentioned above, according to the information obtained from the Division for Inspection in the Field of Labour and Occupational Safety and Health, the inspection visits made in 2003 revealed that there were 8,569 workers who worked overtime in contravention of law, whilst in the first six months of 2004 there were 4,355 such workers.

ARTICLE 2 PARA. 2

"With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake: to provide for public holidays with pay;"

Question A

Please indicate the number of public holidays with pay laid down by legislation, stipulated by collective agreement or established by practice during the last calendar year.

The Act on Public Holidays, Memorial Days and Non-Working Days in the Republic of Croatia (*Official Gazette*, no. 136/02 – consolidated version) established the following public holidays and non-working days on which workers do not work and have the right to salary compensation.

- 1 January – New Year's Day
- 6 January – Epiphany
- Easter Monday – Second Day of Easter
- Body and Blood of Christ (Corpus Christi)
- 1 May – May Day
- 22 June – Anti-Fascism Day

- 25 June – Statehood Day
- 5 August – Victory and National Thanksgiving Day
- 15 August – Assumption of the Blessed Virgin Mary
- 8 October – Independence Day
- 1 November – All Saints
- 25 and 26 December – Christmas

Public holidays are non-working days in Republic of Croatia.

Memorial days in the Republic of Croatia are the Sunday closest to 15 May – a commemorative day for Croatia's victims in the struggle for freedom and independence, and 30 May – the Croatian Parliament Day.

The Sunday closest to 15 May – a commemorative day for Croatia's victims in the struggle for freedom and independence is marked in a proper and dignified manner, by paying tribute to Croatia's victims in the struggle for freedom and state independence.

The Croatian Parliament Day, as a memorial day marking the constitution of the first freely elected multi-party Parliament on 30 May 1990 and the historical role of the Croatian Parliament in preserving the Croatian statehood over many centuries is marked in a proper and dignified manner, at a ceremonial session of the Croatian Parliament.

Citizens of the Republic of Croatia who celebrate Christmas on 7 January have the right to be absent from work on that day, whereas those of Islamic religious affiliation have the right to be absent from work on the days of Ramadan Bayram and Kurban Bayram, and those of Jewish religious affiliation on the days of Rosh Hashanah and Yom Kippur.

In other words, these days are non-working days for members of these particular religions, on which they have the right to be absent from work.

The Act also provides that workers are entitled to salary compensation on public holidays and non-working days.

The Government of the Republic of Croatia may specify state and other public bodies, as well as other legal and natural persons who are obliged to work on public holidays in the Republic of Croatia.

As it is evident from this, public holidays in the Republic of Croatia are established by Article 1 of the Act on Public Holidays, Memorial Days and Non-Working Days in the Republic of Croatia. Public holidays in the Republic of Croatia are not working days. The same Act also provides that workers have the right to salary compensation for public holidays. The Act is not explicit as to whether or not the right to salary compensation for public holidays applies unconditionally to all workers and whether workers are only entitled to salary compensation if

they would be obliged to work on the day on which this public holiday falls or are entitled to salary compensation regardless of the day of the week on which it falls.

Under Article 93 of the Labour Act, a worker has the right to salary compensation for periods in which he or she does not work due to justified reasons established by the law, another regulation or collective agreement. From this provision, and especially its part stating "periods in which he or she does not work due to justified reasons", it is evident that salary compensation is a benefit payable to the worker when he or she is absent from work for justified reasons, that is, when he or she does not work for justified reasons, and if it were not for these circumstances, he or she would be obliged to work. Based on this, it may be concluded that workers who are not obliged to work on the days falling on public holidays are also not entitled to salary compensation, because on these days they do not receive salary anyway.

Under the provisions of the Labour Act, the amount of salary compensation is established by laws, other regulations, collective agreements, employment rules or employment contracts. However, unless otherwise regulated by these regulations, the worker has the right to salary compensation equal to the sum of the average salary paid to him or her in the preceding three months.

In public transportation services, health care services, police, customs services at border crossings and the like, that is, public services which operate round the clock 365 days a year, some workers will, as well as on Sundays, also have to work on public holidays and non-working days.

Question B

Please indicate what rules apply to public holidays with pay according to legislation, collective agreements or practice.

Please describe, where appropriate, whether measures permitting derogation from legislation in your country regarding daily and weekly working hours have an impact on rules pertaining to public holidays with pay.

For work on public holidays with pay, workers are entitled to salary compensation the same as if they had worked.

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements, or other measures, please state what proportion of all workers is not so covered (see Article 33 of the Charter).

What is particular in this regard is that working hours of employees in the trade sector are regulated by the Trade Act, which prescribes that working hours and the schedule of daily and weekly working hours of shops and other forms of trade, working hours on the days of

public holidays and non-working days on which shops must be open, as well as working hours of market places are regulated by municipality or city governments, in accordance with a regulation passed by the minister.

ARTICLE 2 PARA. 3

"With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake: to provide for a minimum of two weeks annual holiday with pay;"

Question A

Please indicate the length of annual holidays under legislative provisions or collective agreements; please also indicate the minimum period of employment entitling workers to annual holidays.

Please describe, where appropriate, whether measures permitting derogation from statutory rules in your country regarding daily and weekly working hours have an impact on rules pertaining to the duration of annual holidays.

According to the provisions of the Labour Act, a worker is entitled to paid annual leave for a minimum of eighteen working days, for each calendar year. A minor worker is entitled to annual leave for a minimum of twenty four working days, for each calendar year.

In addition, the Act on Vocational Rehabilitation and Employment of Persons with Disabilities provides that a person with disability is also entitled to paid annual leave for a minimum of 24 working days.

A worker who performs jobs in which, even by application of occupational safety and health measures, he or she may not be protected from harmful effects, is entitled to annual leave for a minimum of thirty working days, for each calendar year. These jobs and the minimum duration of annual leave to which the worker performing these jobs is entitled are established by a collective agreement or employment rules. If this has not been established, the minister responsible for labour may, upon the proposal of a person who may be a party to a collective agreement under the Labour Act, and upon obtaining prior consent from the minister responsible for health, adopt an ordinance which regulates these issues (Article 47).

The duration of annual leave longer than the minimum prescribed may be established by a collective agreement, employment rules or employment contract, without any limitations whatsoever.

The usual way of determining the duration of annual leave is to take the Labour Act provisions on the minimum guaranteed duration of annual leave and apply the provisions on supplementary days of annual leave awarded on various grounds. There is complete freedom to regulate this, both as regards the grounds (reasons) and the criteria (the number of working days). One of the grounds prescribed almost always is the total number of years of service. Other grounds which frequently occur include as follows: age, jobs with arduous

or special working conditions or with increased responsibility, shift work, having small children, being a single parent, being a parent of a child with severe physical or mental impairment, disability and the like.

Public holidays and non-working days established by law and periods of temporary inability to work, confirmed by an authorised physician, are not included in the duration of an annual leave.

An agreement under which a worker waives his or her right to annual leave or accepts payment of compensation in lieu of annual leave is null and void.

A worker who is employed for the first time or who has a period of interruption of work between two consecutive employments longer than eight days acquires the right to annual leave after six months of uninterrupted work.

This worker has the right to one-twelfth of annual leave, as determined in accordance with the Labour Act, for each full month of work in the following cases:

- if, in the calendar year in which his or her employment commenced, he or she did not acquire the right to annual leave because the six-month waiting period did not expire;
- if his or her employment terminates before the expiration of the six-month waiting period;
- if his or her employment terminates before 1 July.

When computing a proportional part of the annual leave, at least one-half of a day of annual leave is rounded up to a whole day of annual leave. A worker who has fully availed himself or herself of his or her right to annual leave for the current calendar year when working for the previous employer is not even entitled to the proportional part of the annual leave. It is precisely for the purpose of these provisions that it was prescribed that the employer is obliged to provide the worker with a certificate on the use of annual leave, which implicitly means that the worker is obliged to hand over this certificate to the new employer.

While on annual leave, the worker is entitled to salary compensation in an amount determined by a collective agreement, employment rules or employment contract. The salary compensation may not be lower than the worker's average monthly salary in the preceding three months.

A worker has the right to take annual leave in two portions, of which 12 working days must be taken in the current calendar year and the remaining days by 30 June of the following year at the latest. The only exceptions are members of the crew of a ship, workers working abroad or workers doing the military service, who may take annual leave in its entirety in the following calendar year. If the worker interrupted his or her annual leave or was unable to take it due to illness or maternity leave, he or she is entitled to take it by 30 June of the following year, provided that he or she worked for at least 6 months in the year which preceded the year in which he or she returned to work.

A schedule for taking annual leave is prepared by the employer, in accordance with the collective agreement, employment rules and employment contract, taking into account the needs concerning the organisation of work and the possibilities for rest and leisure available to workers. The worker has the right to take one day of annual leave whenever he or she wishes. The worker must be informed about the schedule and the duration of annual leave at least 15 days before annual leave is to be taken. Unless otherwise specified by a collective agreement or agreement between the workers' council and the employer, the salary compensation for annual leave must be paid to the worker in advance (Article 53).

The days on which the worker would not be obliged to work anyway, even if not on annual leave, are not included in the annual leave. The answer may differ with respect to the sixth day in a five-day working week. This means that the days which are not included in the annual leave are public holidays and non-working days as established by the Act on Public Holidays, Memorial Days and Non-Working Days, then the time spent on sick leave, Sundays or other days of weekly rest other than Sundays, as well as the days of paid leave taken during the annual leave (e.g. because of the death of a member of the worker's immediate family), whereas the sixth day in a five-day working week (most frequently Saturday) is included unless collective agreement, employment rules or employment contract specify otherwise.

Question B

Please indicate the effect of incapacity for work through illness or injury during all or part of annual holiday on the entitlement to annual holidays.

Under the Labour Act, if the annual leave was interrupted or not taken at all due to illness, the worker has the right to take it by 30 June of the following year, provided that he or she worked for at least six months in the year which preceded the year in which he or she returned to work (Article 55).

Also, under Article 48, a period of temporary inability to work, which was confirmed by an authorised physician, is not included in the duration of annual leave.

Question C

Please indicate if it is possible for workers to renounce their annual holiday.

Workers may not renounce their annual holiday. In other words, an agreement under which a worker waives his or her right to annual leave or accepts payment of compensation in lieu of annual leave is null and void.

Question D

Please indicate the customary practice where legislation or collective agreements do not apply.

In general, there are no cases in which legislation or collective agreements do not apply. However, when the employer refuses to allow a worker to take annual leave, this refusal constitutes a ground for seeking pecuniary or non-pecuniary damages. Pecuniary damage occurs when the injured party does not receive salary compensation paid by the employer, as a form of assistance during the annual leave, whereas non-pecuniary damage is caused by deprivation of leisure and satisfaction the annual leave usually brings.

Question E

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article 33 of the Charter).

ARTICLE 2 PARA. 4

"With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake: to provide for additional paid holidays or reduced working hours for workers engaged in dangerous or unhealthy occupations as prescribed;"

Question A

Please state the occupations regarded as dangerous or unhealthy. If a list exists of these occupations, please supply it.

The Ordinance on jobs with special conditions of work (*Official Gazette*, no. 5/84) prescribes jobs with special conditions of work, as well as special requirements that must be met by workers performing these jobs.

Jobs with special conditions of work are, under this Ordinance, those which may only be performed by persons who, in addition to general requirements for employment, must also meet some special requirements, for the purpose of the prevention of harmful effects on their life and health (injuries, occupational and other diseases), and they concern:

- age;
- gender;
- professional abilities;
- health, physical and psychological status (hereinafter: health status);
- psychophysiological and psychological abilities (hereinafter: psychological abilities).

Jobs with special conditions of work are as follows:

1. handling and operating mechanically-propelled machinery and equipment in relation to which it is impossible to apply protection from mechanical hazards;

2. handling and operating automotive mechanically-propelled machinery (harvesters, graders, loading machines, excavators, bulldozers, machinery for soil compression, and the like);
3. handling equipment in plants for extracting and processing crude oil and gas;
4. handling boiler plants, compressor stations and other energy plants, stations and compressed gas containers;
5. operating mechanically-propelled hoisting machines;
6. jobs performed by signallers (securing cargo, giving warnings in the operations with hoisting machines, directing traffic, giving hazard warnings, and the like);
7. handling equipment in plants for storing and processing flammable and explosive fluids and gases;
8. diving jobs;
9. handling equipment for air supply in mines, caissons and while performing diving jobs;
10. assembling, maintaining and inspecting electrical wiring, equipment and plants with voltage above 250 V, and with voltage of 220 V with special requirements;
11. putting up scaffolding and placing board forms and rails while performing construction work;
12. manufacture of explosives and handling explosives;
13. filling and detonating mines;
14. fire-fighting jobs;
15. protection of persons and property with the use of firearms;
16. jobs which during the predominant part of full-time working hours require heavy physical strain (handling cargo over 25 kg of weight for men or 15 kg for women) as well as jobs performed in non-ergonomic or forced postures;
17. jobs performed at the height over 3 m, unless the application of basic occupational safety and health rules may prevent increased risk of falling down the place of work;
18. jobs at which the worker is, during the predominant part of his or her full-time working hours, exposed to physical and chemical harm and, in particular: unfavourable microclimate, noise, vibrations and shocks, increased atmospheric pressure, ionised radiation, non-ionised radiation, non-fibrogenic dust, fibrogenic dust, organic dust, vapours, smoke or dust of lead, tetraethyl lead, mercury, chromium, nickel, manganese, cadmium, vanadium, selenium, platinum, uranium, hard metals, beryllium, arsenic, phosphorus, acids or alkalis, irritating gases, fluorine, carbon monoxide, hydrogen cyanide, carbon disulfide, glycols, vapours of oil and oil derivatives, halogenous derivatives of hydrocarbons, vinyl chloride monomer, benzene and homologues, nitro and amino derivatives of benzene, artificial resins and plastic materials, organophosphorous, carbamate and other pesticides, artificial fertilisers and biological agents;

19. jobs which have been defined as jobs with special conditions of work by applicable provisions of special regulations (such as certain jobs in railway, air and road traffic, health care, forestry, construction industry, industry, etc.).

The special requirements that must be met by workers in order to perform jobs under items 1 to 18 and the time limits within which the abilities of workers necessary for the performance of jobs with special conditions of work are re-examined, in terms of their health status and psychological capacity, are contained in an enclosure to the above mentioned Ordinance and constitute an integral part thereof.

The provisions of special regulations provide that, for performing jobs defined as jobs with special conditions of work, workers must meet the requirements laid down in these special regulations.

A worker who performs several jobs of this type must meet special requirements for each of them.

The worker's ability to perform a job with special conditions of work, in terms of his or her health status and psychological capacity, is established before his or her assignment to this job and re-examined within the time limits specified by a general act in accordance with the provisions of the above mentioned Ordinance and when this is requested by the organisation in which the worker is employed or ordered by the organisation which, in accordance with health regulations, provides occupational medicine services, or the organisation which establishes special requirements as regards psychophysiological and psychological abilities of workers.

The time limit for re-examination starts to run on the date indicated on the last document on the worker's abilities, issued by the competent organisation.

On the occasion of re-examination of the worker's health status it is established whether this worker has suffered any health damage which is considered as counterindication for the performance of the job to which he or she had been assigned or whether there have been any changes to the requirements prescribed. The worker's health status, required for the continuation of the work, is assessed depending on the level of damage to the worker's health, if any.

On the occasion of re-examination of the worker's psychological abilities it is established whether there have been any changes to the worker's psychological status which are considered a requirement or counterindication for the performance of the job to which he or she had been assigned. The worker's psychological abilities, required for the continuation of the work, are assessed depending on the level of changes, if any.

The employers are obliged to issue a general act, in compliance with the provisions of the above mentioned Ordinance and the special enclosure thereto, establishing the jobs with

special conditions of work which are performed by its workers and special requirements that must be met by the workers assigned to these jobs.

When it comes to health status and psychological abilities required for jobs with special conditions of work, the general act also provides for time limits within which the worker's ability to perform these jobs is re-examined.

On the basis of the opinion obtained from the health organisation which, under the health regulations, provides occupational medicine services and in agreement with the administration body responsible for labour, the organisation may also define other jobs, other than those defined by the above mentioned Ordinance, as jobs with special conditions of work.

The health organisations which, under the health regulations, provide occupational medicine services and issue documents on the fulfilment of special requirements in terms of health status, as well as the organisations which issue documents on the fulfilment of special requirements in terms of psychophysiological and psychological abilities of workers are obliged to comply with the provisions.

One of the laws specifying jobs with special conditions of work is also the Demining Act (19/96, 86/98, 64/00). Namely, under Article 13 of this Act, an explosives disposal specialist who performs demining work may not work longer than five hours, without interruption, during daily working hours. When it comes to the right to salary and other rights arising from or related to employment, the hours worked by an explosives disposal specialist as stated above are deemed to be full-time working hours (Article 15 of the Act).

For these purposes, the period of uninterrupted performance of demining work is the period in which the explosives disposal specialist does not have a break longer than half an hour.

Question B

Please state what provisions apply under legislation or collective agreements or otherwise in practice as regards reduced working hours or additional paid holidays in relation to this provision.

As already stated, under the provisions of the Labour Act, working hours are shortened in proportion to the harmful effects of working conditions on the worker's health and working ability in jobs in which, despite the application of occupational safety and health measures, it is impossible to protect the worker from these harmful effects.

It is also prescribed that a worker who performs jobs in which, even by application of occupational safety and health measures, it is not possible to protect him or her from harmful effects, is entitled to annual leave for a minimum of thirty working days, for each calendar year (Article 47 of the Labour Act).

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers concerned is not covered (see Article 33 of the Charter).

ARTICLE 2 PARA. 5

"With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake: to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest."

Question A

Please indicate what provisions apply according to legislation, collective agreements or otherwise in practice as regards weekly rest periods.

Please indicate whether postponement of the weekly rest period is provided for these provisions and, if so, please indicate under what circumstances and over what period of reference.

Please indicate, where appropriate, whether measures derogating from statutory rules in your country regarding daily and weekly working time have an impact on rules relating to the weekly rest period.

The Labour Act provides that a worker has the right to a weekly rest period on Sunday, lasting at least 24 consecutive hours, and if his or her work on Sunday is indispensable, then he or she must be provided with one day of rest for each working week, in the period determined by a collective agreement, agreement between the workers' council and the employer or employment contract.

Question B

Please indicate what measures have been taken to ensure that workers obtain their weekly rest period in accordance with this paragraph.

See answer under A. above.

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article 33 of the Charter).

Please indicate, for Article 2 as a whole, the rules applying to workers in atypical employment relationships (fixed-term contracts, part-time, replacements, temporaries, etc.).

See answer under A. above.

Workers in atypical employment have the same rights and exercise them under the same conditions as workers hired under open-ended employment contracts.

ARTICLE 5: THE RIGHT TO ORGANISE

"With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Contracting Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this Article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations."

Legislation of the Republic of Croatia

1. Constitution of the Republic of Croatia

Article 43 of the Constitution guarantees everyone the right to freedom of association for the purposes of protection of their interests or promotion of their social, economic, political, national, cultural and other convictions and objectives. For this purpose, everyone may freely form trade unions and other associations, join them or leave them.

The exercise of this right is restricted by the prohibition of any violent threat to the democratic constitutional order and independence, unity and territorial integrity of the Republic of Croatia.

In Chapter 3 entitled "Economic, Social and Cultural Rights", Article 59 regulates in more detail the right to organise by stating that in order to protect their economic and social interests, all employees have the right to form trade unions and are free to join and leave them. Trade unions may form their federations and join international trade union

organisations. Employers also have the right to form associations and are free to join or leave them.

However, formation of trade unions in the armed forces and the police may be restricted by law.

2. International agreements

Under Article 140 of the Constitution of the Republic of Croatia, international agreements concluded and ratified in accordance with the Constitution and made public, and which are in force, are part of the internal legal order of the Republic of Croatia and are above law in terms of legal effects. Their provisions may be changed or repealed only under conditions and in the way specified in them or in accordance with the general rules of international law.

The Republic of Croatia has ratified the following conventions:

ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise (*Official Gazette - International Agreements*, no. 2/94 – Item 16 of the Decision to publish the conventions of the International Labour Organisation to which the Republic of Croatia is a party on the basis of notification of succession, *Official Gazette*, no. 3/00)

ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (*Official Gazette - International Agreements*, no. 2/94 – Item 19 of the Decision to publish the conventions of the International Labour Organisation to which the Republic of Croatia is a party on the basis of notification on succession, *Official Gazette*, no. 3/00)

ILO Convention No. 135 concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking (*Official Gazette - International Agreements*, no. 2/94 – Item 27 of the Decision to publish the conventions of the International Labour Organisation to which the Republic of Croatia is a party on the basis of notification of succession, *Official Gazette*, no. 5/00)

The Republic of Croatia is also a signatory of the following instruments:

International Covenant on Economic, Social and Cultural Rights
International Covenant on Civil and Political Rights

3. Primary legislation

Labour Act (*Official Gazette*, no. 137/04 – consolidated version)

Act on the Method of Determining the Representation of Trade Union Associations of a Higher Level in Tripartite Bodies at the National Level (*Official Gazette*, no. 19/99)

Police Act (*Official Gazette*, no. 129/00)

The Law on Civil Servants and Employees (*Official Gazette*, no. 27/01)

4. Secondary legislation

Ordinance on the registration of associations (of employers and trade unions) (*Official Gazette*, no. 14/96)

Decision determining the representation of trade union associations of a higher level in tripartite bodies at the national level (*Official Gazette*, no. 29/04)

Agreement on the Social and Economic Council and Other Forms of Social Partnership in the Republic of Croatia (*Official Gazette*, no. 88/01)

Question A

a. Please indicate whether any, and if so what, categories of workers and employers are prohibited by law from forming organisations, or restricted in doing so.

Please indicate, *inter alia*:

- the existence of legislation or special regulations applicable to the forming of organisations by civil servants and other persons employed by the public authorities at central or local level;**
- to what extent the rights provided for in this Article apply to members of the armed forces and of the police, explaining in particular the nature and functions of any staff associations which may be available to them;**
- whether nationals of other Contracting Parties lawfully resident or working regularly in the territory of your country may join or be a founding member of a trade union. Please indicate in particular whether they may hold positions in the administration or management of a trade union;**
- the eligibility of workers, nationals of other Contracting Parties to the Charter, for election to consultation bodies at the enterprise level such as works councils.**

b. Please indicate any conditions of registration or otherwise with which employers' and workers' organisations must comply when they are founded and the provisions with which they must comply in the course of their existence.

c. Please indicate the measures intended to guarantee the exercise of the freedom to organise and in particular those to protect workers' organisations from any interference by employers and by the state. Please indicate how such protection from outside interference applies to employers' organisations.

d. Please indicate, where appropriate, any statutory provisions regarding the affiliation of employers' and workers' organisations with national federations of organisations and with international organisations of the same type.

In accordance with the provisions of the Constitution of the Republic of Croatia regulating the freedom of association, and especially Article 59 of the Constitution of the Republic of Croatia which provides that in order to protect their economic and social interests, all employees and employers have the right to form trade unions and employers' association, respectively, and are free to join and leave them. Based on this provision of the Constitution, Article 167 of the Labour Act prescribes that workers and employers have the right, without any distinction whatsoever and according to their own free choice, to found and join trade unions and employers' associations, respectively, subject to only such requirements which may be prescribed by the articles of association or internal rules of these trade unions or employers' associations. Trade unions and employers' associations may be formed without any prior approval. "Employees and employers may freely decide on their membership in an association and leaving this association." (Article 168, paragraph 1 of the Labour Act).

"A trade union may be founded by at least ten natural persons who have attained the age of majority and have disposing capacity. An employers' association may be founded by at least three legal entities or natural persons who have attained the age of majority and have disposing capacity." (Article 173, paragraphs 1 and 2 of the Labour Act).

Although associations may be formed freely, without any prior approval, to ensure security in legal transactions and collective bargaining, the Labour Act provides that an association is obliged to register to acquire legal personality and, thus, be able to engage in collective bargaining. The association is registered in the Register of Associations, at the proposal of its founders.

Associations and higher-level associations which operate on the territory of a single county are registered in the Register of Associations kept by the state administration office in the county which is responsible for labour affairs. Associations and higher-level associations which operate on the territory of two or more counties are registered in the Register of Associations kept by the ministry responsible for labour.

The following data are entered in the Register: the date of foundation, title, seat, the scope of activity, the name of executive body, the names of the persons authorised to represent the association, termination of operations of the association or higher-level association. The application for registration must be accompanied by the following documents: the deed of foundation, the minutes taken at the founding assembly, the articles of association, the list of founders and members of the executive body, and name and family name of the person or persons authorised to represent the association. The articles of association of an association must be based and adopted according to principles of democratic representation and democratic exercise of its members' will. The articles of association regulate the purpose of the association, its name, seat, scope of activity, logo, bodies, method for the election and

recall of members of these bodies, powers given to the association's bodies, procedure for acceptance to membership and termination of membership, methods for adopting and amending the articles of association, rules and other general acts, termination of the association's operations. (Article 174 of the Labour Act)

Therefore, the law only prescribes what the articles of association must contain, but it does not prescribe in what way this will be regulated by these articles of association, except for the requirement that the internal organisation of the association must be based on the principles of democratic representation and democratic exercise of its members' will and that entering into collective agreements must be specified in the articles of association as one of the purposes of this association.

The body authorised for registration must issue a decision on an application for registration in the Register of Associations within no later than 30 days following the filing of a compliant application.

If the authorised body fails to issue a decision within this time limit, the association will be considered registered as of the day following the expiration of this time limit, in which case the body authorised for registration must issue a certificate of registration of this association, containing particulars identical to those from the decision on its application for registration in the Register of Associations, within seven days following the expiration of the time limit for issuing a decision.

In the procedure for registration the authorised body may only check whether the application submitted contains evidence of compliance with the requirements prescribed by the Labour Act and whether the articles of association comply with the Labour Act. If the articles of association do not comply with this Act or if the application does not contain the evidence of compliance with the requirements prescribed by the same Act, the applicant association is invited to bring the articles of association into conformity with the law or to produce adequate evidence, within a time limit which may not be shorter than eight days and longer than fifteen days.

Article 59 of the Constitution of the Republic of Croatia also provides that trade unions may form their federations and join international trade union organisations.

Based on this provision of the Constitution, the Labour Act, in its Article 170, also provides that associations and higher-level associations have the right to freely join federations and co-operate with international organisations founded for the purpose of the promotion of their common rights and interests.

In the Republic of Croatia the following associations are currently registered with the Ministry of the Economy, Labour and Entrepreneurship:

- 6 higher-level trade union associations,
- 1 higher-level employers' association (the Croatian Employers' Association)

- 269 trade union associations, and
- 39 employers' associations.

Question B

a. Please describe how the right to join a trade union is protected in law and in practice and indicate whether any, and if so which, categories of workers are prohibited from joining a trade union or restricted in doing so.

b. Please indicate whether and how the right of workers not to join a union is protected in law and in practice. Please indicate in particular whether examples exist in practice of an obligation to belong to a trade union (closed shop clauses, etc.) and what are the measures taken in this regard.

The provisions of Labour Act (Article 168) provide that a worker and employer may freely decide on their membership in an association and leaving this association.

However, based on the provisions of Article 59 of the Constitution which regulates that formation of trade unions in the armed forces and the police may be restricted by law, the Act on the Armed Forces of the Republic of Croatia (*Official Gazette*, no. 23/95) provides that active military personnel are forbidden to form trade unions. As it can be seen, this Act only exempts active military personnel from the right to form trade unions, whereas this right is not denied to other persons in the armed forces (civil servants and employees in the military).

The staff of the Croatian police is not forbidden to form trade unions nor is restricted in this by any special regulation, so the general rules on the right to organise are also applicable to them.

As regards prohibitions, we should only mention Article 95 of the Police Act under which police officers are not allowed to form political parties nor engage in any political activities in the Ministry of the Interior.

As regards the civil servants' right to organise, Article 4 of the Act on Civil Servants and Civil Service Employees provides that civil servants have the right to form trade unions in accordance with general labour regulations, unless otherwise specified by a special law.

In other words, the right to form trade unions has been recognised to civil servants without any limitations whatsoever, the same as to all other employees. As regards civil service employees, their right to form trade unions is governed by the Labour Act.

The Labour Act is also applicable to employment relations of employees in public enterprises and enterprises which are predominantly owned by the state.

As already stated, every worker and employer freely decides about his or her joining or leaving an association. Also, no one may be placed in a less favourable position on the ground of his or her membership or non-membership of an association or participation or failure to participate in the activities of an association.

Question C

a. Please furnish a complete description of any representativity criteria, ie. any conditions which trade unions must fulfil in order to be considered representative.

b. If such criteria exist, please also give information on the existence and type of appeal against decisions by the authority or authorities responsible for determining whether a trade union is representative or not. Please indicate the functions which are reserved for representative unions in respect of the negotiation and conclusion of collective agreements, participation in the nomination of various types of workers' representatives and participation in consultation bodies.

c. Please reply to the questions under a. and b. in respect of representativity of employers' organisations, except when negotiations at enterprise level are concerned.

c)

The Act on the Method of Determining the Representation of Trade Union Associations of a Higher Level in Tripartite Bodies at the National Level governs the procedure for determining the representation of higher-level trade union associations in the bodies at the national level, which consist of representatives of the Republic of Croatia, trade unions and employers.

If tripartite bodies at the national level are established by agreement, the number of seats belonging to trade unions in these bodies may not be lower than the number of associations established by a decision by the minister responsible for labour.

To qualify for representation in tripartite bodies at the national level, the association must cumulatively meet the following requirements:

1. it must be registered in the Register of Associations kept by the ministry responsible for labour, in the Book of Higher-Level Associations;
2. it must have at least 15,000 members who pay fees to the trade unions affiliated with it;
3. at least 5 trade unions operating at the national level (in particular sectors of economic activity, professions or companies) must be affiliated with it; these trade unions must be registered in the Register of Associations kept by the ministry responsible for labour and must contribute part of their trade union fees for financing this association;

4. through their branch offices or affiliated trade unions, it must operate in at least 11 counties in the Republic of Croatia,
5. it must operate in accordance with the articles of association, according to the principles of democratic representation and democratic exercise of its members' will,
6. it must be a party to at least three collective agreements for different sectors of economic activity at the national level, regardless of whether it concluded these agreements, acceded to them or they were concluded or acceded by trade unions affiliated with it.

Every association which meets the above requirements and wants to be represented in tripartite bodies at the national level may, within thirty days of the entry into force of this Act, file an application with the ministry responsible for labour, requesting the establishment of its compliance with these requirements.

Compliance with requirements by applicant associations is established by the Commission for the Establishment of Compliance with the Requirements for Representation in National Tripartite Bodies by Higher-Level Trade Union Associations. This Commission consist of an equal number of representatives of associations, the Government and employers, appointed by the minister responsible for labour.

The application mentioned must contain a list of employers for whom members of affiliated trade unions work and the names of trade union commissioners or trade union representatives who act on their behalf before these employers, as well as a list of trade unions in particular sectors of economic activity, professions or companies which are members of the association and are registered in the Register of Associations kept by the Ministry of Economy, Labour and Entrepreneurship, as well as the trade unions' decisions on financing the association, an excerpt from the minutes taken at the session at which the leader of the association was elected, containing the details on the results of election and the minutes taken at the most recent session of the association's assembly or other relevant body in accordance with the articles of association, a list of collective agreements concluded and the name of the person who will represent the association in the Commission.

On the basis of the observations provided, the minister responsible for labour will appoint the representatives of all applicant associations to the Commission.

The Commission will establish the number of members of an association on the basis of the list of employees from whose salaries trade union fees are withheld. These lists are provided to the Commission's by the employers, at its request.

Following the instructions given by the Minister, the employers are obliged to provide the information requested within fifteen days of the receipt of the Commission's request, accompanied by a declaration by the trade union commissioner or the representative of the

association or its affiliated trade unions for which the establishment of compliance is sought, stating that the information provided is true.

If no agreement has been reached among the associations established by the decision, their representation in tripartite bodies at the national level may be established, unless otherwise provided by a special law, on the basis of the number of votes gained by each particular association in the vote of confidence procedure (hereinafter: "vote of confidence") in which all employees in the Republic of Croatia take part, with the exception of military personnel, civil servants in the military, employees in the military and authorised official persons of the Ministry of the Interior.

An application for carrying out a vote of confidence is filed with the competent minister.

The date of vote of confidence and a list of associations in respect of which the vote of confidence is to be carried out are established by the competent minister and the results of the vote are established by the Commission for the Establishment of the Results of Vote of Confidence, designated by the competent minister.

The competent minister will appoint to this Commission members of all associations in respect of which the vote of confidence is carried out, as well as the equivalent number of representatives of the Government and employers.

A vote of confidence must be held no later than within one month of the day when the application was filed.

Employees vote in person and by secret ballot at the premises of their employers.

On the basis of the results of the vote, the representation of associations in tripartite bodies at the national levels is established by a decision by the competent minister, according to the number of seats in these bodies to which trade unions are entitled, by appropriate application of the Labour Act provisions on the determination of results of the election for employees' councils.

By 1 October 2003, six higher-level associations filed applications (accompanied by enclosures) for the establishment of compliance, in accordance with the Act on the Method of Determining the Representation of Trade Union Associations of a Higher Level in Tripartite Bodies at the National Level.

Pursuant to Article 5 of this Act, the Minister of Labour and Social Welfare on 7 July 2003 made a decision appointing 14 members to the Commission for the Establishment of Compliance with the Requirements for Representation in National Tripartite Bodies by Higher-Level Trade Union Associations (hereinafter: the Commission). On 30 October 2003 the Minister issued the Instructions for Compiling and Submitting Information about Employees from Whose Salaries Trade Union Fees are Withheld.

Due to the large scope of work and many status changes, bankruptcies, liquidations and other changes in comparison with what was reported by employers, and to make sure that the current situation is reflected in their work as much as possible, the Commission decided to continue its work even after the expiration of the statutory time limit and finally established the current situation by its minutes of 20 February 2004.

According to the information established by the Commission and under the provisions of the Act, the Minister of the Economy, Labour and Entrepreneurship in 2004 rendered a decision (*Official Gazette*, no. 29/04) in which it established that the following higher-level trade union associations meet all the requirements prescribed by the Act on the Method of Determining the Representation of Trade Union Associations of a Higher Level in Tripartite Bodies at the National Level:

1. Croatian Trade Unions Association (*Hrvatska udruga sindikata*)
2. Association of Croatian Public Services Trade Unions (*Matica sindikata javnih službi*)
3. Independent Trade Unions of Croatia (*Nezavisni hrvatski sindikati*)
4. Union of Autonomous Trade Unions of Croatia (*Savez samostalnih sindikata Hrvatske*)
5. Association of Workers' Trade Unions of Croatia (*Udruga radničkih sindikata Hrvatske*)
6. Trade Union of Services UNI-CRO, Zagreb (*Sindikat usluga UNI-CRO*)

The same decision established that, based on the lists of employers enclosed with applications for the establishment of compliance filed by higher-level trade union associations with the Ministry of the Economy, Labour and Entrepreneurship until 1 October 2003, these associations had the following total number of members, taken as the number of all members of affiliated trade unions from whose salaries trade union fees were withheld:

1.	Croatian Trade Unions Association	35,866 members
2.	Association of Croatian Public Services Trade Unions	49,875 members
3.	Independent Trade Unions of Croatia	87,313 members
4.	Union of Autonomous Trade Unions of Croatia	211,205 members
5.	Association of Workers' Trade Unions of Croatia	52,435 members
6.	Trade Union of Services UNI-CRO, Zagreb	20,099 members

When it comes to the criteria for establishing representativity of higher-level employers' associations and in view of determining the activities and actions by these higher-level associations aimed at effective representation of their members and the protection of their interests at the NATIONAL LEVEL in the Republic of Croatia, the experts from the International Labour Organisation, at the meeting held in 2003 at the Ministry of Labour and Social Welfare of the time, presented the criteria for establishing representativity of employers' associations. These criteria were as follows:

QUALITATIVE – the ability of an association to effectively represent and protect the interests of its members, in particular, with regard to:

- the engagement of its members in negotiations;
- the implementation of collective agreements, participation in conciliation and dispute resolution;
- having competent professional staff (number + professional level of employees on a steady payroll);
- the number of employees engaged in the activities related to social dialogue;
- membership of an international employers' organisation engaged in the issues of social dialogue at the international and/or regional level;
- the number of meetings on social issues held with its members (provision of information and consultation);
- publications: news, i.e. bulletins, circular letters, handbooks on social issues, web page ...
- budget approved for the field of social issues;
- revenues – part from fees collected from members and from services provided to members and/or from other sources, sponsorship ...

QUANTITATIVE

- the number of member companies (in comparison with the entire branch, e.g. NACE code or territory);
- the number of workers employed in member companies (e.g. in comparison with the total labour force in a branch, territory ...);
- turnover, that is, revenue or added value created by all member companies, the share of this revenue in the GDP or added value created by the branch.

The representatives of the Croatian Employers' Association added the date of registration of the higher-level association to the above list of criteria proposed by ILO experts.

Based on this and taking into account the discussion held at the session of the Economic and Social Council, the following was established:

THE CRITERIA FOR ESTABLISHING REPRESENTATIVITY OF EMPLOYERS' ASSOCIATIONS

QUALITATIVE CRITERIA	QUANTITATIVE MINIMUM
Date of registration of the association	3 years
Branch employers' associations (number, name)	Minimum 5
The number and names of employers – members of branch employers' associations (Total number of members)	Minimum 2,000

a) The number of workers employed with employers - members of branch employers' associations b) The percentage of workers employed with employers - members of branch employers' associations in comparison with the total number of workers employed in the relevant sector of economic activity c) The percentage of workers employed with employers - members of branch employers' associations in comparison with the total number of workers	Minimum 100,000 Minimum 10% Minimum 10%
a) The number of collective agreements concluded at the national level b) The number of collective agreements concluded at the level of a company or institution	Minimum 3 Minimum 10
a) The higher-level association's membership of an international employers' organisation b) Membership of particular higher-level branch employers' associations in international associations	YES/NO Minimum 2
Turnover or profit of all affiliated subjects and its share in the GDP	Minimum 10%
a) The number of professional staff employed in the headquarters of a higher-level employers' associations b) The number of professional staff employed in branch employers' associations	Minimum 10 of whom 5 with university qualifications Minimum 5 of whom 3 with university qualifications
Standards of communication with members and the public (web pages, circular letters, regular or occasional bulletins, consultations with members, handbooks)	At least web page, bulletin, circular letters
Facilities and services for the members (legal advice, representation in labour disputes, collective bargaining, counselling and consulting, training and education ..)	At least 3 types of facilities and services

Budget structure for the functioning of the association by sources of revenue (membership fees, sponsors, services)	
Regional organisation of a higher-level association (number of offices)	Minimum 3
The number of conciliation procedures in which representatives of affiliated members of a higher-level employers' association took part	Minimum 5

However, it is necessary to point out that the above conclusions have not been made into an act with binding effect, as is the case with trade unions.

Question D

Please indicate under what circumstances and on which conditions trade union representatives have access to the workplace. Please indicate also whether trade unions are entitled to hold meetings on the premises of the enterprise.

Under the provisions of Article 189 of the Labour Act, the employer is obliged to make it possible for a trade union representative or commissioner to exercise, timely and effectively, the rights and interests of trade union members and provide him or her access to information necessary for the exercise of this right.

Question E

Please give information on the measures taken to ensure protection against reprisals on grounds of trade union activities.

The protection against reprisals is primarily regulated by Article 188 of the Labour Act which provides for prohibition of unequal treatment on the ground of membership of a trade union or participation in trade union activities. Under this Article, a worker may not be placed in a less favourable position than other workers on the ground of his or her membership of a trade union. It is, in particular, not allowed to conclude an employment contract with a worker, under the condition that he or she does not join a trade union or that he or she leaves the trade union, and terminate the worker's employment contract or place a worker in a less favourable position than other workers in some other way because of his or her membership of a trade union or participation in trade union activities after working hours, or, subject to the consent of the employer, during working hours.

The employer must not take into consideration membership of a trade union and participation in trade union activities when rendering a decision on whether or not to conclude an

employment contract, on the assignment of a worker to another job or to another place of work, on specialist training, promotion, pay, social benefits and termination of his or her employment contract. The employer, chief executive or another body, as well as the employer's representative, must not use coercion in favour of or against any trade union.

In accordance with the Labour Act (Article 190), during the trade union commissioner's performance of his or her duty and six months after the termination of this duty it is not allowed to cancel the trade union commissioner's employment contract, to assign the trade union commissioner to another job, or to place the trade union commissioner in a less favourable position than other workers in any other way, if the trade union has not given its consent to that effect. This protection is enjoyed by at least one trade union commissioner, whereas the maximum number of trade union commissioners with an employer who enjoy protection is determined by applying the Labour Act provisions governing the number of members of the workers' council, as appropriate.

ARTICLE 6: THE RIGHT TO BARGAIN COLLECTIVELY

Legislation of the Republic of Croatia

1. Constitution of the Republic of Croatia

Article 43 of the Constitution guarantees everyone the right to freedom of association for the purposes of protection of their interests or promotion of their social, economic, political, national, cultural and other convictions and objectives. For this purpose, everyone may freely form trade unions and other associations, join them or leave them.

The exercise of this right is restricted by the prohibition of any violent threat to the democratic constitutional order and independence, unity and territorial integrity of the Republic of Croatia.

In Chapter 3 entitled "Economic, Social and Cultural Rights", Article 59 regulates in more detail the right to organise by stating that in order to protect their economic and social interests, all employees have the right to form trade unions and are free to join and leave them. Trade unions may form their federations and join international trade union organisations. Employers also have the right to form associations and are free to join or leave them.

However, formation of trade unions in the armed forces and the police may be restricted by law.

Article 60 of the Constitution guarantees the right to strike, which may be restricted in the armed forces, the police, the public administration and the public services as specified by law.

Employees may participate in decision-making in their company, in accordance with the law.

2. International agreements

Under Article 140 of the Constitution of the Republic of Croatia, international agreements concluded and ratified in accordance with the Constitution and made public, and which are in force, are part of the internal legal order of the Republic of Croatia and are above law in terms of legal effects. Their provisions may be changed or repealed only under conditions and in the way specified in them or in accordance with the general rules of international law.

The Republic of Croatia has ratified the following conventions:

ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise (*Official Gazette - International Agreements*, no. 2/94 – Item 16 of the Decision to publish the conventions of the International Labour Organisation to which the Republic of Croatia is a party on the basis of notification of succession, *Official Gazette*, no. 3/00)

ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (*Official Gazette - International Agreements*, no. 2/94 – Item 19 of the Decision to publish the conventions of the International Labour Organisation to which the Republic of Croatia is a party on the basis of notification on succession, *Official Gazette*, no. 3/00)

ILO Convention No. 135 concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking (*Official Gazette - International Agreements*, no. 2/94 – Item 27 of the Decision to publish the conventions of the International Labour Organisation to which the Republic of Croatia is a party on the basis of notification of succession, *Official Gazette*, no. 5/00)

The Republic of Croatia is also a signatory of the following instruments:

International Covenant on Economic, Social and Cultural Rights

International Covenant on Civil and Political Rights

3. Primary legislation

Labour Act (*Official Gazette*, no. 137/04 – consolidated version)

Police Act (*Official Gazette*, no. 129/00)

Act on the Method of Determining the Representation of Trade Union Associations of a Higher Level in Tripartite Bodies at the National Level (*Official Gazette*, no. 19/99)

Conciliation Act (*Official Gazette*, no. 163/03)

4. Secondary legislation

Ordinance on the registration of associations (of employers and trade unions) (*Official Gazette*, no. 14/96)

Decision determining the representation of trade union associations of a higher level in tripartite bodies at the national level (*Official Gazette*, no. 29/04)

Agreement on the Social and Economic Council and Other Forms of Social Partnership in the Republic of Croatia (*Official Gazette*, no. 88/01)

Ordinance on the methods for the selection of conciliators and the conduct of the conciliation procedure (*Official Gazette*, no. 170/03)

Decision establishing a list of conciliators and members of conciliation councils (*Official Gazette*, no. 92/03)

Decision on the criteria for the payment of fees to conciliators and members of conciliation councils and reimbursement of the costs incurred by them in conciliation procedures conducted in collective labour disputes (*Official Gazette*, no. 112/03)

ILO Convention No. 11 concerning the Rights of Association and Combination of Agricultural Workers, 1921 (*Official Gazette - International Agreements*, no. 6/95).

ARTICLE 6 PARA. 1

"With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties undertake: to promote joint consultation between workers and employers;"

Please indicate the legislative or other steps taken to encourage joint consultation between workers and employers in your country. In what way do the public authorities encourage or participate in such consultation? Please give particulars on the bodies responsible for such consultation, at the national, regional, or local levels as the case may be, and on the procedures entailed, together with information on the issues covered (financial issues, social issues, working conditions, etc.) and on the sectors of the economy to which the procedures apply.

Social dialogue on the enterprise (companies) level is conducted between the management and the workers through the possibility of founding trade unions and through their activities,

as well as through the election of workers' representatives to Workers' Councils and Supervisory Boards in enterprises (companies). All this is based on the relevant provisions of the Labour Act.

On the basis of the Occupational Safety and Health Act, workers have the right to elect or appoint an occupational safety officer, who, together with the authorised persons from the employer, supervises the implementation of measures for the protection of the health of workers and safety at work.

Advisory Employment Councils operating at the Croatian Employment Bureau's (CEB's) regional offices have as their members, in addition to representatives of the Bureau and unemployed persons, also the representatives of social partners who are, in this way, actively involved in the formulation and implementation of employment policy measures at the local level.

Along side the tripartite relations, bipartite relations are also developed intensively between individual social partners: employers' associations – trade union associations, the Government of the Republic of Croatia – trade union associations and employers' associations – the Government of the Republic of Croatia.

On the local and regional levels too Economic and Social Councils have been founded as tripartite bodies with the task of co-ordinating economic and social development measures in a specific area.

The national Economic and Social Council (ESC) is the central place of realisation of social dialogue and partnership in the Republic of Croatia, and at the same time an advisory body of the Government of the Republic of Croatia. Through the ESC, the representatives of representative social partners co-ordinate special and common interests with regard to all the issues relating to the economic and social policy in the Republic of Croatia.

The Economic and Social Council commissions are tripartite expert bodies through which social partners conduct preliminary discussions on particular issues from the scope of work of the national ESC. Ten ESC Commissions have been founded: the Commission for Wage Policy and Taxation System, the Commission for Labour and Social Policy, the Commission for Collective Bargaining, the Commission for Privatisation, the Commission for Employment, Education and Alignment with the Labour Market, the Commission for Legislation, Implementation of Regulations and the Exercise of Protection of Rights, the Commission for International Relations and Preparations for Croatia's Accession to the EU, the Commission for the State Budget, the Commission for the Pension and Health System and the Commission for Alternative Dispute Resolution.

To co-ordinate some more specific and narrower issues of interest for social partners, ESC may also decide to set up special working groups, if necessary, such as those for determining a uniform consumer basket at the national level, for regulating working hours on

Sundays and public holidays, for monitoring the impact of changes to electric energy rates on socially deprived categories of the population, and the like.

Representatives of social partners are actively involved in the work of the management and advisory councils of certain funds and other institutions and bodies through which they can promote and represent the interests of their members, and co-ordinate standpoints and management with representatives of the Government of the Republic of Croatia. These are the Croatian Institute for Pension Insurance (CIPI), Croatian Employment Bureau (CEB), the Croatian Institute for Health Insurance (CIHI), the Media Council, the Fund for Development and Employment, and the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities.

With the aim of improving occupational safety and health measures, the National Council for Safety at Work has been founded as a separate Government advisory body, in whose work the representatives of the Government of the Republic of Croatia and of the social partners, as well as recognised experts from this field take part.

Representatives of social partners (employers and trade unions) have been appointed, on an equal basis, as members (with no voting rights) of three working bodies, that is, committees of the Croatian Parliament and, in particular, of the Committee for Labour, Health and Social Policy, the Committee for Finances and State Budget and the Committee for the Economy and Development, through which they may present the views of their organisations and engage in dialogue with Members of Parliament.

ARTICLE 6 PARA. 2

"With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties undertake: to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;"

Question A

Please give a description of the existing collective bargaining machinery and its results in both the private and public sector (indications of the number of negotiations and agreements concluded and other indicators or evaluation criteria).

Collective bargaining and collective agreements are specific sources of labour law. It is through them that the protection of workers and rights and obligations arising from employment is established at a level above basic levels established by the Labour Act or special laws. Collective bargaining and the collective agreement, as an outcome of the bargaining process, resolve numerous issues of mutual interest for the parties to the

collective agreement, provide for social dialogue and, through co-operation between employers and trade unions, basic foundations are laid for wage-setting autonomy.

In the Republic of Croatia there are 22 wage-setting areas for bargaining and conclusion of collective agreements, as agreements of particular branches (areas) or sectors of economic activity. They are:

- Mining and non-metal sector;
- Oil and chemical sector;
- Food industry, agriculture and forestry in Croatia;
- Textile and leather;
- Wood, paper and furniture;
- Publishing and printing industry;
- Metals and non-metal products;
- Manufacture of machines and means of transportation;
- Electrical, medical and optical equipment;
- Construction industry;
- Trade;
- Hospitality sector and services;
- Transport and storage;
- Financial transactions;
- Food, beverages and tobacco;
- Utilities;
- Culture, leisure and sport;
- Communications;
- Professional and technical activities;
- Public administration;
- Education;
- Health.

The following collective agreements are currently in force in the Republic of Croatia:

- Basic Collective Agreement for Public Servants and Employees in Public Services (in force until 31 December 2006), *Official Gazette*, no. 3/02;
- Collective Agreement for Health Services in Private Practice in Croatia (in force until 29 November 2006), *Official Gazette*, no. 185/03;
- Collective Agreement for Employees in Primary School Institutions (in force until 31 December 2006), *Official Gazette*, no. 80/02;
- Collective Agreement for Science and University Education (in force until 15 June 2007), *Official Gazette*, nos. 101/02, 81/03, 203/03;
- Collective Agreement for Social Welfare Services (in force until 31 December 2006), *Official Gazette*, nos. 126/02, 87/03, 203/03, 47/04;
- Collective Agreement on Work under Fixed-Term Employment Contracts (in the Croatian Restoration Institute) (concluded for an indefinite period), *Official Gazette*, no. 18/02;

- Collective Agreement for the Trade Sector, *Official Gazette*, no. 41/98; application extended to the whole territory of the Republic of Croatia;
- Collective Agreement for the Construction Sector (concluded for an indefinite period), *Official Gazette*, nos. 4/02, 91/03, 93/04; on 1 January 2002 its application was extended to the construction sector in the whole territory of the Republic of Croatia;
- Collective Agreement for the Hospitality Sector (concluded for an indefinite period), *Official Gazette*, nos. 69/02, 139/04; its application was extended to the whole territory of the Republic of Croatia, *Official Gazette*, no. 69/02;
- Collective Agreement for the HEP Group (in force until 31 December 2005), *Official Gazette*, no. 27/04;
- Collective Agreement for the Workers of the Croatian Post (*Hrvatska pošta d.d.*) (in force until 31 December 2006), *Official Gazette*, no. 27/04, 34/04;
- Collective Agreement for Travel Agencies (concluded for an indefinite period), *Official Gazette*, nos. 94/02; its application in this sector of economic activity was extended to the whole territory of the Republic of Croatia, *Official Gazette*, no. 94/02;
- Collective Agreement for the Water Management Services (in force until 5 June 2007), *Official Gazette*, no. 88/03;
- Collective Agreement for the Bilokalnik System (concluded for an indefinite period), *Official Gazette*, no. 106/03;
- Collective Agreement for the Workers of the Croatian Forests (*Hrvatske šume d.o.o.*) (in force until 14 November 2006), *Official Gazette*, no. 6/04;
- Collective Agreement for the Croatian Motorways (*Hrvatske autoceste d.o.o.*) (in force until 18 December 2005), *Official Gazette*, no. 6/04;
- Collective Agreement for the Croatia Insurance Company (*Croatia osiguranje d.d.*) (in force until 15 May 2006), *Official Gazette*, no. 77/04;
- Collective Agreement for the Croatian Lottery (*Hrvatska lutrija d.o.o.*) (in force until 11 May 2006), *Official Gazette*, nos. 80/04, 139/04;
- Collective Agreement for *Zagrebačka banka d.d.* (in force until 30 April 2006), *Official Gazette*, nos. 80/04;
- Collective Agreement for the Printing Industry in Croatia (in force until 31 May 2006), *Official Gazette*, nos. 101/04;
- Collective Agreement for the Agency for Integral Transport (*Agencija za integralni transport d.o.o.*) (in force until 19 July 2009), *Official Gazette*, nos. 111/04;
- Collective Agreement for Brick and Tile Industry (for an indefinite period).

Question B

Please indicate whether and how the law encourages or obliges employers or their organisations to bargain with workers' organisations collectively, and whether and how it encourages or obliges workers' organisations to bargain with employers or their organisations. Please also indicate how the question of union recognition is dealt with.

It is important to emphasise that, within the Economic and Social Council, social partners hold consultations about the economic and budgetary policies, including the issue of wage policy in the relevant period.

For this reason, we must point out that trade unions are completely autonomous, both as parties in the bargaining process and as signatories to collective agreements.

To encourage and promote full-fledged development of bargaining and establish conditions of employment by collective agreements, the previous practice whereby the general provisions of the law of civil obligations applied when an issue was neither regulated by autonomous sources of labour law nor by regulations on labour relations was made statutory by the provisions of Article 10 of the Labour Act.

Thus, Article 10 of the Labour Act now reads as follows: "The general rules of the law of civil obligations shall apply to the conclusion, validity and termination of employment contracts or to other issues related to employment contracts, collective agreements or agreements between the workers' council and the employer, which are not regulated by this or another Act, in accordance with the nature of these contracts."

From the provisions of Articles 195 to 212 of the Labour Act it is visible that the subject of bargaining and the contents of collective agreements are exclusively left to the parties in the bargaining process, whereas the law only regulates legally valid procedures in this regard.

Parts of a collective agreement are:

- a) the civil-law part of the collective agreement, which refers to the rights and obligations of the subjects who have entered into this particular collective agreement (e.g. provisions on trade union rights, cancellation of collective agreement) – mandatory part of the collective agreement;
- b) the normative part of the collective agreement, which contains provisions relating to individual labour relations.

Parties to a collective agreement may be, on the employer side, one or more employers, an employers' association, or a higher-level employers' association, and, on the trade union side, a trade union or a higher-level trade union association, which are willing and able to use pressure to protect and promote the interests of their members in the course of negotiations on the conclusion of collective agreements. (Article 194 of the Act)

If more than one trade union or higher-level trade union association are present in the area in respect of which a collective agreement is to be concluded, the employer or employers, the employers' association or higher-level employers' association are permitted to negotiate a collective agreement only with a bargaining committee composed of representatives of these trade unions.

Trade unions decide on the number of members and the composition of the bargaining committee referred to in the preceding paragraph, by mutual agreement.

If trade unions fail to reach an agreement about the number of members and the composition of the bargaining committee, a decision about this is rendered by the Economic and Social Council, taking into account the number of members of trade unions represented on the area in respect of which a collective agreement is to be concluded, or by the minister responsible for labour, if the Economic and Social Council has not been established.

The employer, the employers' association, or the higher-level employers' association, depending on the area in respect of which a collective agreement is to be concluded, are obliged to provide the Economic and Social Council, on the basis of the information available to them, with a certificate showing the number of members of the trade unions represented in the respective area, within 15 days of the day when they received a request to do so.

The bargaining committee establishes its own method of work and decision-making procedures. (Article 195)

Under the Labour Act, the persons who, under that Act may be parties to a collective agreement are obliged to engage in good faith bargaining over the conclusion of a collective agreement in relation to the issues which, under that Act, may be a subject of a collective agreement.

A collective agreement may be concluded for a definite or an indefinite period.

A collective agreement concluded for an indefinite period may be cancelled. A collective agreement concluded for a definite period may only be cancelled if it contains a cancellation clause. A collective agreement concluded for an indefinite period and a collective agreement concluded for a definite period containing a cancellation clause must also contain clauses on the grounds for cancellation and cancellation periods.

If a collective agreement may be cancelled, but does not contain a clause on cancellation period, the cancellation period is three months. A notice of cancellation must be submitted to all the parties to this collective agreement.

In case of conclusion of a collective agreement for a definite period, the legal rules of this agreement (the normative part) remain valid even after the expiration of validity of this collective agreement, or in case of a collective agreement concluded for an indefinite period, even after the termination of this agreement, which occurred upon the expiration of its validity, by means of cancellation. The legal rules regulating the conclusion, contents and termination of employment continue to be applied until the conclusion of a new collective agreement, as part of the previously concluded employment contracts.

A collective agreement must contain the provisions on the amendment and renewal procedures.

Question C

Please indicate to what extent, under what conditions, according to which procedures and for which types of subject matter the State can intervene in the process of free collective bargaining. Please indicate where state intervention occurred during the reference period.

It is important to point out that, in accordance with the provisions of Article 199 of the Labour Act, a collective agreement is binding on all the persons who have concluded it, and on all the persons who, at the time of the conclusion of this agreement, were or subsequently became members of the association which concluded the collective agreement. The same applies to the persons who acceded to a collective agreement or subsequently became members of the association which acceded to this collective agreement.

However, an exception to this rule and to the principle of voluntariness of acceding to a collective agreement is contained in Article 211 of the Labour Act under which the minister responsible for labour may, for the purposes of public interest, extend the application of a collective agreement, on the proposal of a party to this collective agreement, to include the persons who did not take part in its conclusion or did not subsequently accede to it. Before rendering a decision to extend the validity of a collective agreement, the minister responsible for labour must consult trade unions, employers' associations or employers' representatives to which the collective agreement is to be extended.

Collective agreements whose validity was extended to the whole territory of Croatia are included in the list of collective agreements in the reply under A.

ARTICLE 6 PARA. 3

"With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties undertake: o promote the establishment and use of appropriate machinery for conciliation and oluntary arbitration for the settlement of labour disputes;"

Question A

Please describe such machinery as exists by virtue either of law, collective agreements or practice for the settlement of disputes by:

- a. conciliation;**
- b. arbitration or court procedure;**
- c. other methods of dispute resolution.**

The resolution of collective labour disputes is regulated by the Labour Act, which provides for conciliation and arbitration mechanisms.

Conciliation (Articles 213 to 217 of the Labour Act)

Thus, in case of a dispute related to concluding, amending or renewing a collective agreement or other similar dispute which could result in a strike or other form of industrial action, and non-payment of salary or salary compensation, if they have not been paid within 30 days of their maturity date ("collective labour dispute"), conciliation procedure must be conducted as prescribed by the Labour Act, except when the parties have reached an agreement on an alternative method for its resolution. Conciliation is conducted by the person selected by the parties to a dispute from the list established by the Economic and Social Council or determined by mutual agreement ("the conciliator").

The Economic and Social Council adopts an ordinance regulating the methods for the selection of conciliators, the conduct of the conciliation procedure and the performance of administrative work necessary for this procedure.

Unless otherwise agreed by parties to a dispute, the conciliation provided for by the Labour Act must be completed within five days following the submission of information about the dispute to the Economic and Social Council, or to the county office responsible for labour affairs.

Parties may either accept or reject the conciliator's proposal. A proposal accepted by the parties has the legal force and effects equivalent to those of a collective agreement.

Here, we must also underline the role of the Economic and Social Council which, amongst other things, has the powers to establish a list of conciliators and adopt an ordinance regulating the methods for the selection of conciliators and the conduct of the conciliation procedure. It also promotes the concept of tripartite cooperation among the Government, trade unions, and employers' associations for the purpose of resolving economic and social issues and problems, and encourages amicable resolution of collective disputes. Some of these functions of the Economic and Social Council are performed by the Office of the Government of the Republic of Croatia for Social Partnership in the Republic of Croatia, which also performs administrative and logistic tasks for the Economic and Social Council.

If the Economic and Social Council has not been established, or if the Council has not established a list of conciliators within thirty days of the day when the application was filed, or if it has not adopted an ordinance governing the methods for the selection of conciliators and the conduct of the conciliation procedure within the same time limit, these issues will be regulated by the minister responsible for labour within an additional time limit of thirty days. The Economic and Social Council has rendered the Decision establishing a list of conciliators and members of conciliation councils and adopted the Ordinance on the methods for the selection of conciliators and the conduct of the conciliation procedure.

Arbitration (Articles 218 to 220 of the Labour Act)

Parties to a dispute may bring their collective labour dispute before an arbitration body, by mutual agreement.

The appointment of an individual arbitrator or an arbitration board and other issues related to the arbitration procedure may be regulated by a collective agreement or by an agreement of the parties made after the dispute has arisen.

In their agreement to bring a dispute before an arbitration body, the parties will define the issue to be resolved. The arbitration body may only decide upon the issues brought before it by the parties to a dispute.

If a dispute concerns interpretation or application of law, another regulation or collective agreement, an arbitration body will base its decision on this law, another regulation or collective agreement, and if a dispute concerns the conclusion, amendment or renewal of a collective agreement, the arbitration body will base its decision on equitable grounds. Unless the parties to a dispute specify otherwise in the collective agreement or in the agreement to bring a dispute before an arbitration body, an arbitration award must include the reasons for the award.

No appeal is permitted against an arbitration award.

If a dispute concerns the conclusion, amendment or renewal of a collective agreement, an arbitration award has the legal force and effects of such an agreement.

Furthermore, the Conciliation Act (*Official Gazette*, no. 163/03) governs conciliation in civil law disputes, including disputes in the field of commercial, labour and other property relations in the matters in which parties have the freedom of disposal, unless something else has been provided for some of these disputes by a special law.

As it can be seen from the above provision of the Conciliation Act, this Act provides a normative framework for conducting conciliation in a broadly defined area. The Act was designed as what is called an "umbrella law" or "framework law", so it does not exclude the possibility of regulating conciliation in some disputes in more detail by special laws or of regulating it in a way which derogates from the provisions of this Act. For this reasons, the arrangements contained in it should be applied, on a subsidiary basis, to all relations in which special legislation does not contain explicitly different rules.

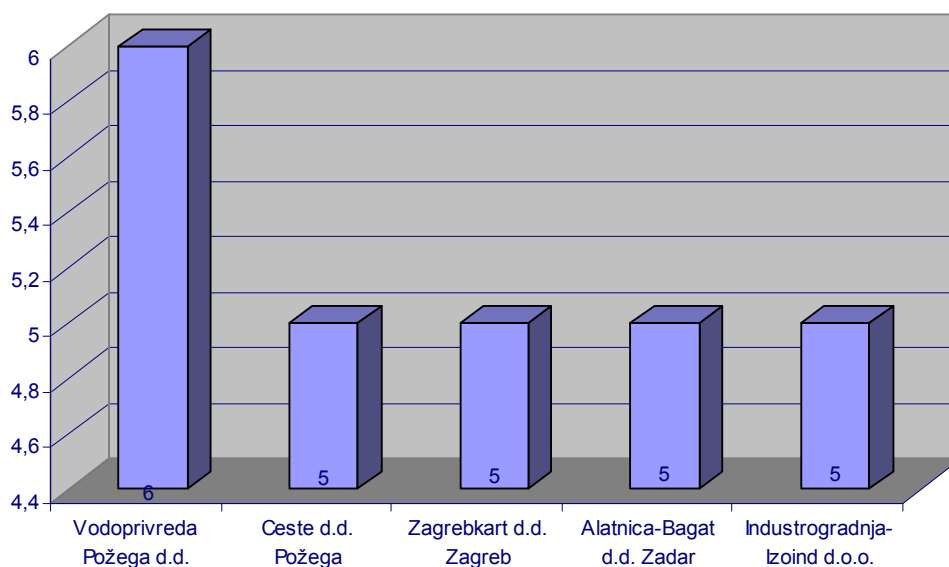
To comply with its obligations to adopt an ordinance regulating the methods for the selection of conciliators, the conduct of the conciliation procedure and the performance of administrative work necessary for this procedure, and under the powers referred to in Article 229, paragraph 3, subparagraph 8 of the Labour Act, the Economic and Social Council

adopted, under Article 215 of the Labour Act, the Ordinance on the methods for the selection of conciliators and the conduct of the conciliation procedure.

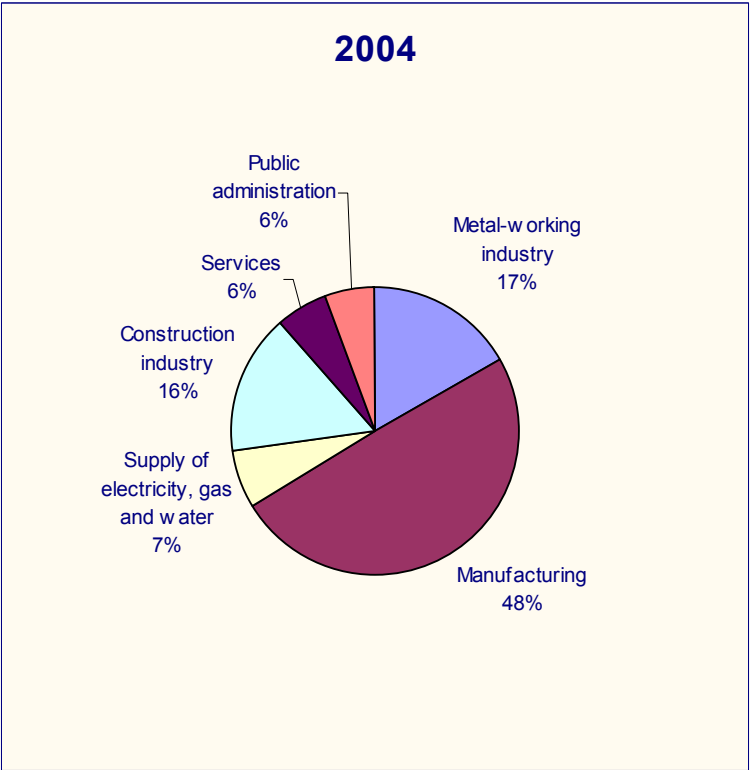
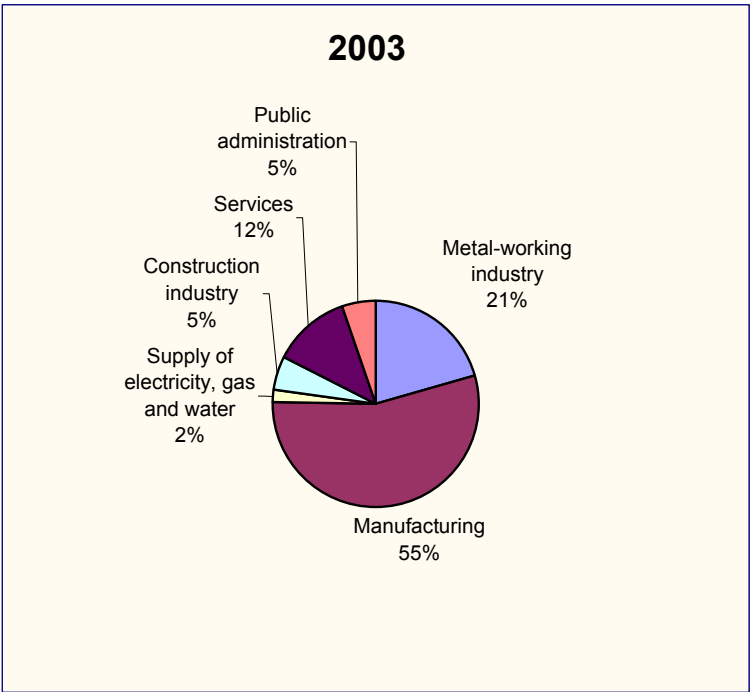
On the basis of the same sources of law, the Economic and Social Council also rendered the Decision establishing a list of conciliators and members of conciliation councils, and the minister responsible labour issued the Decision on the criteria for the payment of fees to conciliators and members of conciliation councils and reimbursement of the costs incurred by them in conciliation procedures conducted in collective labour disputes.

The Ordinance on the methods for the selection of conciliators and the conduct of the conciliation procedure regulated three segments of the conciliation procedure: i) the method for selecting conciliators, ii) the conduct of the conciliation procedure, and iii) the performance of administrative and logistic work which is necessary for this procedure.

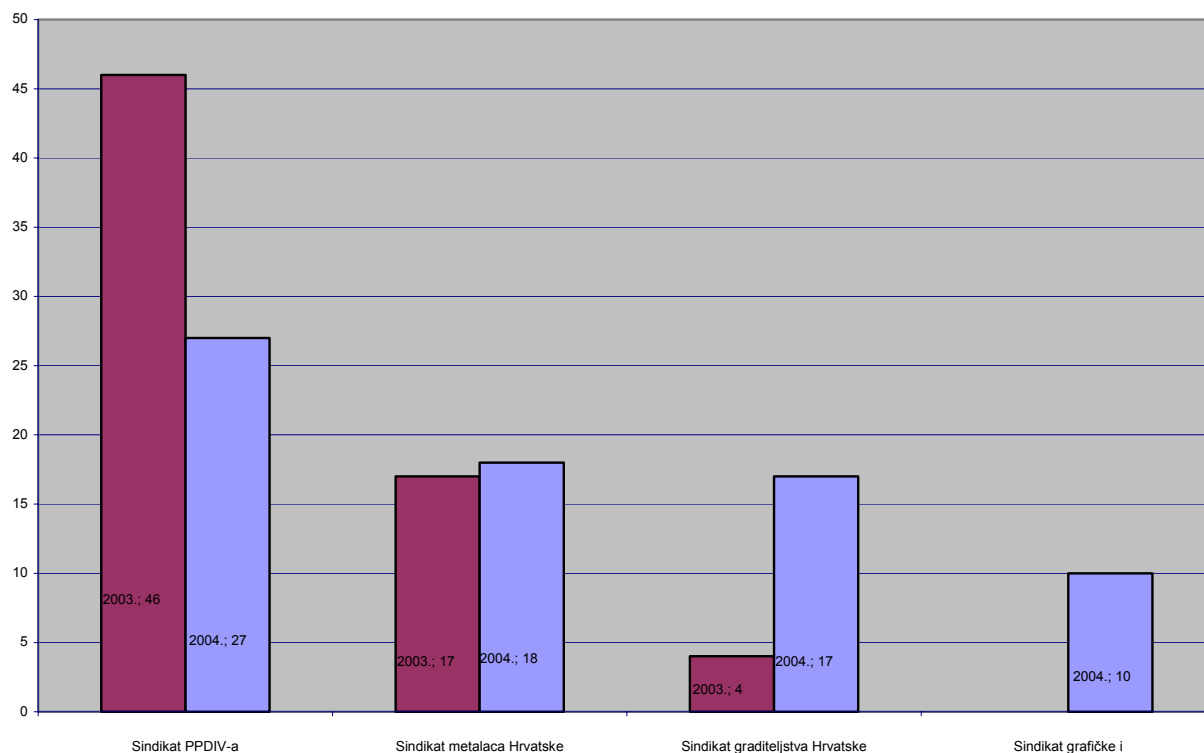
OVERVIEW OF NUMBER OF CONCILIATION PROCEDURES IN PARTICULAR ENTERPRISES IN 2004



CONCILIATION PROCEDURES BY SECTORS OF ECONOMIC ACTIVITY



OVERVIEW OF NUMBER OF CONCILIATION PROCEDURES INSTITUTED BY PARTICULAR SUBJECTS IN 2004



CONCILIATION PROCEDURES BY SECTORS OF ECONOMIC ACTIVITY

Sector of Economic Activity	2003	2004
Metal-working industry	20	18
Manufacturing	53	52
Supply of electricity, gas and water	2	7
Construction industry	5	17
Services	12	6
Public administration	5	6

Question B

In so far as certain machinery may be compulsory, please describe:

- the sanctions imposed by law or by collective agreements used for its enforcement;**
- their significance in practice.**

According to the provisions of Article 247, paragraphs 1 and 2 of the Labour Act, a fine in an amount ranging from HRK 31,000.00 to 60,000.00 will be imposed on the employer-legal entity (paragraph 1), (of which a fine of HRK 10,000 may be imposed on the spot), whereas an employer-natural person and the responsible person in the employer-legal entity (paragraph 2) will be fined in an amount ranging from HRK 4,000.00 to 6,000.00 for the following violations (of which a fine of HRK 3,000 may be imposed on the spot):

- for failing to take part in a conciliation procedure provided for by the Labour Act, when required to do so (Article 214),
- for placing a worker involved in organisation or participation in a strike, organised in compliance with the law, collective agreement and trade union rules, in a less favourable position than other workers (Article 223, paragraph 2).

If any of these violations is committed in respect of a minor worker, the fine is doubled.

According to the provisions of Article 249 of the Labour Act, a trade union or a higher-level trade union association will be fined in an amount ranging from HRK 5,000.00 to 20,000.00 for the following violations:

- for not participating in a conciliation procedure, as provided by the Labour Act, when required to do so (Article 213),
- for starting a strike prior to the completion of a conciliation procedure, as provided by the Labour Act, or prior to termination of amicable dispute resolution procedure which may have been agreed to by the parties (Article 213, paragraph 3)

According to the provisions of Article 250 of the Labour Act, an employers' association or a higher-level employers' association will be fined in an amount ranging from HRK 5,000.00 to 20,000.00 for not participating in a conciliation procedure, as provided by the Labour Act, when required to do so (Article 213).

Also, under Article 111 of the Criminal Code, whoever denies or limits the right to strike which is organised and carried out in conformity with the law will be punished by a fine or by imprisonment not exceeding one year.

Question C

Please describe the procedures provided, whether by law, staff regulations or practice, for settling disputes between public sector employees and the administration, and show whether existing procedures are open to them.

An individual employment relationship between a worker and an employer is, as a rule, formed by the conclusion of the employment contract. If the worker fails to comply with the contract, the employer has the right to undertake certain measure: terminate the employment contract, cancel the employment contract and seek damages. If the employer is the one who is in breach of this contract, the same rights belong to the worker. As the workers and employers most often do not reach an agreement as to how to resolve their dispute, the remaining channel to do this is through an individual labour dispute before the court. Admittedly, when the case does not concern a monetary claim, the Labour Act governs that the worker should first seek protection from the employer, and if the employer does not make a decision favourable for the worker, the worker will file a complaint with the municipal court, taking into account the time limits and other matters, as required under the law.

As regards the resolution of individual disputes between public sector workers and public administration (for instance, the police, military, civil service), a disciplinary procedure is also possible.

ARTICLE 6 PARA. 4

"With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties recognise: the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into."

[The Appendix to the Charter stipulates that it is understood that each Contracting Party may, in so far as it is concerned, regulate the exercise of the right to strike by law, provided that any further restriction that this might place on the right can be justified under the terms of Article 31.]

Question A

Please explain the meaning of collective action in your country specifying what forms of action are recognised (strike, lockout, other forms), what are the permitted objectives of collective action and how the right to collective action is guaranteed.

Pursuant to the provisions of the Labour Act, trade unions and their associations have the right to call and undertake a strike in order to protect and promote the economic and social interests of their members or on the ground of non-payment of salary or salary compensation within 30 days of their maturity date. A strike must be announced to the employer, or to the

employers' association, against which it is directed, whereas a solidarity strike must be announced to the employer on whose premises it is organised.

A strike may not begin before the conclusion of the conciliation procedure, when this procedure is required under that Act, or prior to the completion of other amicable dispute resolution procedures agreed upon by the parties. A solidarity strike may begin even if the conciliation procedure has not been conducted, but not before the expiration of two days from the date of commencement of the strike in whose support it is organised.

The letter announcing a strike must state the reasons for the strike, the place, date and time of its commencement (Article 213).

Lockout

Employers may engage in a lockout only as a response to a strike already in progress, but the lockout must not commence prior to the expiration of eight days from the date of the commencement of the strike and the number of workers locked out from work must not be higher than one half of the workers on strike.

With respect to the workers who are locked out, the employer must pay contributions prescribed by specific regulations on the base equivalent to the minimum salary.

The Labour Act's provisions applicable to strikes are also applicable, as appropriate, to the employer's right to lock the workers out in the course of a collective labour dispute.

Upon a proposal by the employer, the trade union and the employer prepare and adopt, by mutual agreement, the rules applicable to production maintenance assignments and essential assignments which must not be interrupted during a strike or a lockout.

These rules include, in particular, the provisions concerning assignments and the number of workers who must work on these assignments during a strike or a lockout, with the aim of enabling the restoration of regular work immediately after the strike ("the production maintenance assignments"), or with the aim of performance of work which is essential for the prevention of risks to life, personal safety or health of the population ("the essential assignments").

The definition of the production maintenance and essential assignments must not prevent or substantially restrict the right to strike.

If the trade union and the employer fail to reach an agreement on the assignments mentioned within 15 days of the day when the employer's proposal was forwarded to the trade union, the employer or the trade union may, within additional 15 days, request that these assignments be defined by an arbitration body consisting of one representative of the

trade union, one representative of the employer and an independent chairperson who is appointed subject to an agreement between the trade union and the employer.

If the trade union and the employer cannot reach an agreement as to the appointment of the chairperson of the arbitration board, and these issues are not otherwise regulated by a collective agreement or an agreement between the parties, the chairperson will be appointed by the president of the court which, according to the provisions of the Labour Act, has first-instance jurisdiction to hear cases related to the prohibition of strikes or lockouts.

If one of the parties refuses to participate in the arbitration procedure for defining the assignments which must not be interrupted, the procedure will be completed without the participation of this party, and a decision on assignments must be rendered by the chairperson of the arbitration board, within 15 days following the institution of the arbitration procedure.

If the employer failed to propose the definition of the above assignments until the day when the conciliation procedure commenced, the procedure for defining these assignments may not be instituted until the end of the strike.

Organisation of a strike or participation in a strike, which is organised in compliance with the law, collective agreement and trade union rules, do not constitute a violation of an employment contract.

A worker must not be placed in a less favourable position than other workers because of his or her involvement in organisation of or participation in a strike organised in compliance with the law, collective agreement and trade union rules. This worker may only be dismissed if he or she organises or participates in a strike non-compliant with the law, collective agreement or trade union rules, or if in the course of the strike he or she commits some other grave violation of an employment contract.

A worker must not, by any means, be coerced to participate in a strike. Except for children allowance, the salary and salary supplements of a worker who has participated in a strike may be reduced in proportion to the time spent on strike.

An employer or an employers' association may move the court having jurisdiction to prohibit the organisation and undertaking of a strike which is contrary to the provisions of the law. Also, they may claim compensation for the damage suffered as a result of a strike organised and undertaken contrary to the provisions of the law.

A trade union may move the court having jurisdiction to prohibit the organisation and undertaking of a lockout which is contrary to the provisions of the law. Also, it may claim compensation for the damage suffered by it or by the workers as a result of a lockout organised and undertaken contrary to the provisions of the law.

If a strike or a lockout is undertaken in the territory of only one county, the first-instance jurisdiction to prohibit this strike or lockout lies in the county court having jurisdiction, sitting as a chamber composed of three judges, whereas if a strike or a lockout is undertaken in the territory of two or more counties, the first-instance jurisdiction to prohibit this strike or lockout lies in Zagreb County Court, sitting as a chamber composed of three judges.

An appeal against a decision rendered under these provisions is decided by the Supreme Court.

The first-instance decision on a motion to prohibit a strike or a lockout must be rendered within four days following the filing of the motion, whereas a decision on the appeal must be rendered within five days following the submission of the first-instance case.

Question B

Please indicate who is entitled to take collective action (individuals, groups/coalitions of workers, trade unions, employers or employers' organisations, etc.).

See answer under A. above.

Question C

If the right to collective action is restricted, please state what the content of these restrictions, and whether they are related to the purposes pursued or the methods employed by those taking action, or both, and by which authority they may be imposed.

Please also state any procedural requirements pertaining to collective action (eg. notice rules, cooling-off periods, conciliation/arbitration, ballot requirements, quorums, etc.).

See answer under A. above.

Question D

Please indicate whether any existing restrictions to the right to collective action “are prescribed by law and are necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals” (Article 31 of the Charter).

Based on the provisions of the Constitution stating that the right to strike may be restricted in the armed forces, the police, the public administration and the public services, the Labour Act also states that strikes in the armed forces, the police, public administration and public services are regulated by a special law.

However, although the Constitution prescribes that the right to strike may be restricted in the public administration and public services, in the Republic of Croatia this possibility has not been availed of, so those who are employed in the civil service and public service have an unrestricted right to strike, in accordance with the provisions of the Labour Act.

Active military personnel are forbidden to strike, because they are also forbidden to form trade unions. All the other civil servants and employees in the armed forces are allowed to form trade unions, so they also have the right to strike, pursuant to the general labour regulations.

Article 96 of the Police Act provides that police officers do not have the right to strike in the following cases:

1. during a state of war or an immediate threat to the independence and unity of the State;
2. during an armed rebellion, upheaval and other forms of violent threats to the democratic constitutional order of the Republic of Croatia or fundamental freedoms and human rights;
3. when a natural disaster has been declared or in the event of its imminent occurrence on the territory of two or more counties or on the whole territory of the Republic of Croatia;
4. in the event of other disasters and accidents obstructing normal life and compromising the safety of people and property.

Even while on strike, a police officer is obliged to apply police powers if this is necessary to:

1. protect the lives and safety of people,
2. arrest a person caught while committing a criminal offence which is prosecuted *ex officio* and bring this person before the competent authority;
3. prevent the commission of a criminal offence which is prosecuted *ex officio* or discover the perpetrator of this criminal offence.

The organisation and undertaking of police strikes is subject to the Labour Act's provisions on strikes.

Likewise, pursuant to Article 222 of the Labour Act, upon a proposal by the employer, the trade union and the employer prepare and adopt, by mutual agreement, the rules applicable to production maintenance assignments and essential assignments which must not be interrupted during a strike or a lockout.

These rules include, in particular, the provisions concerning assignments and the number of workers who must work on these assignments during a strike or a lockout, with the aim of enabling the restoration of regular work immediately after the strike ("the production maintenance assignments"), or with the aim of performance of work which is essential for the prevention of risks to life, personal safety or health of the population ("the essential assignments").

The definition of these assignments must not prevent or substantially restrict the right to strike.

If the trade union and the employer fail to reach an agreement on the assignments mentioned within 15 days of the day when the employer's proposal was forwarded to the trade union, the employer or the trade union may, within additional 15 days, request that these assignments be defined by an arbitration body.

The arbitration body must render a decision on these assignments within 15 days following the institution of the arbitration procedure, and if the employer failed to propose the definition of these assignments until the day when the conciliation procedure commenced, the procedure for defining these assignments may not be instituted until the end of the strike.

Question E

Please state the effect of strikes or lockouts on the continuation of the employment contract and any other consequences, eg. deduction from wages, liability, etc.

In accordance with Article 223 of the Labour Act, organisation of a strike or participation in a strike, which is organised in compliance with the law, collective agreement and trade union rules, do not constitute a violation of an employment contract, and except for children allowance, the salary and salary supplements of a worker who has participated in a strike may be reduced in proportion to the time spent on strike.

Question F

Please supply available statistics on strikes and lockouts.

In the last two years, the Supreme Court has heard three cases which concerned strikes.

ARTICLE 7: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

ARTICLE 7 PARA. 1

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake: to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;"

Legislation of the Republic of Croatia

1. Constitution of the Republic of Croatia

Article 64 of the Constitution of the Republic of Croatia provides that children may not be employed before reaching the legally determined age, nor may they be forced or allowed to do work which is harmful to their health or morality.

2. International agreements

The Republic of Croatia has ratified the following instruments:

United Nations Conventions on the Rights of the Child, New York, 20 November 1989 (*Official Gazette of the SFRY – International Agreements*, no. 15/90, *Official Gazette*, no. 12/93)

ILO Convention No. 16 concerning the Compulsory Medical Examination of Children and Young Persons Employed at Sea, 1921 (*Official Gazette - International Agreements*, nos. 2/94, 3/02)

ILO Convention No. 90 concerning the Night Work of Young Persons Employed in Industry (Revised), 1948 (*Official Gazette - International Agreements*, no. 6/95)

ILO Convention No. 138 concerning Minimum Age for Admission to Employment, 1973 (*Official Gazette - International Agreements*, nos. 2/94, 3/02)

ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (*Official Gazette - International Agreements*, no. 5/01)

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (*Official Gazette - International Agreements*, nos. 5/02, 7/02)

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (*Official Gazette - International Agreements*, nos. 5/02, 2/03)

3. Primary legislation

Labour Act (*Official Gazette*, no. 137/04 – consolidated version)

Family Act (*Official Gazette*, no. 116/03)

Criminal Code (*Official Gazette*, nos. 110/97, 27/98, 51/00 and 105/04)

Defence Act (*Official Gazette*, no. 33/02)

Children's Ombudsperson Act (*Official Gazette*, no. 96/03)

Occupational Safety and Health Act (*Official Gazette*, nos. 59/96, 94/96 and 114/03)

4. Secondary legislation

Ordinance on jobs in which it is not allowed to employ a minor and those in which minors may only work upon examination of their health status (*Official Gazette*, no. 59/02)

Ordinance on jobs in which a worker may only work upon examination of his or her health status (*Official Gazette*, no. 59/02)

Ordinance on the sectors of economic activity which are considered industry (*Official Gazette*, no. 8/96)

Ordinance on the performance of activities related to employment other than through the Croatian Employment Bureau (*Official Gazette*, nos. 96/02, 159/04)

Question A

Please indicate whether the minimum age of admission to employment is regulated by legislation. If so, please send the relevant texts.

Please indicate whether the minimum age of admission to employment applies to all categories of work, including agricultural work, domestic work and work carried out in family enterprises.

As regards employment of children, the Labour Act contains provisions on: minimum age for employment, legal capacity of minors to conclude employment contracts, prohibition of employment of minors in certain jobs, authority of labour inspector to prohibit the employment of a minor in certain jobs, prohibition of overtime work for minors, prohibition of work of minors in rescheduled full-time working hours, minimum duration of annual leave for minors, prohibition of night work for minors, except in extraordinary situations (due to *force majeure*), as well as penalty provisions to sanction actions which are contrary to these provisions.

Article 21 of the Labour Act specifies that it is not allowed to employ a person younger than fifteen years of age.

Question B

Please state whether your country's legislation dealing with minimum age allows derogations. If so, please state the derogations provided for in general by law or granted by an authority.

Please provide a definition of “light work” and, if appropriate, the list of such of work.

Specifically, the provisions of the Labour Act regulate as follows:

a) As an exception and upon prior approval by the labour inspector, a person under fifteen years of age may, for remuneration, participate in film making, the preparation and giving artistic, theatrical or other similar performances in the manner, to the extent and on the assignments which do not threaten his or her health, morals, schooling or development. (Article 21 of the Act).

b) It is provided that a minor over fifteen years of age, who has been given written authorisation to this effect by his or her legal representative, may have legal capacity to conclude and rescind an employment contract and carry out all legal actions related to the fulfilment of rights and obligations arising from this contract. This authorisation is not sufficient in case of legal transactions for the performance of which the legal representative needs approval from the competent social welfare authority. The legal representative may withdraw or limit the authorisation mentioned or terminate employment on the minor's behalf. (Article 22 of the Act).

The protection of children (persons younger than 18 years of age) is also governed by the Children's Ombudsperson Act. Under this Act, the Children's Ombudsperson monitors the application of all regulations that relate to the protection of children's rights and interests and may participate in drafting legislation relating to children's rights or regulating some issues which are important for children. The Children's Ombudsperson may undertake initiatives aimed at adopting and amending the laws and regulations on child rights and protection when, in the course of monitoring activities that fall within his or her scope of work, he or she thinks that this is necessary.

Question C

Please indicate the measures taken to combat illegal child labour and to implement in practice the relevant legislation and regulations.

To ensure implementation and application of the laws and regulations governing these issues, as well as effective protection of children and minors, and to prevent actions contrary to these regulations, the following penalty provisions have been adopted.

Article 248 of the Labour Act specifies violations committed in relation to employment of children and minors and characterises them as the gravest violations of employers.

Paragraphs 1 and 2 state that a fine in an amount ranging from HRK 61,000.00 to 100,000.00 is to be imposed on the employer-legal entity, whereas an employer-natural

person and the responsible person of the employer-legal entity is to be fined in an amount ranging from HRK 7,000.00 to 10,000.00:

1. if, in case when an employment contract is not made in writing, the employer fails to give the worker a written certificate about the conclusion of the contract before the work commences or if he or she fails to give the worker a copy of the registration form for the mandatory pension and health insurance scheme within the prescribed time limit (Article 16, paragraphs 3 and 5),

2. for concluding an employment contract in a separate place of work which does not contain the information required under this Act, or for concluding such contract for work for which it must not be concluded (Article 19, paragraphs 1 and 4),

3. for failing to notify the state administration body responsible for labour inspection of the conclusion of an employment contract in a separate place of work within the prescribed time limit (Article 19, paragraph 6),

4. for hiring a person under fifteen years of age (Article 14, paragraph 1),

5. for allowing a person under fifteen years of age to participate, for remuneration, in film making, preparing and giving artistic, theatrical or other similar performances without the prior approval of a labour inspector, or for allowing this person to engage in these activities in the manner, to the extent and on the assignments which threaten his or her health, morals, schooling or development (Article 21, paragraph 2),

6. for hiring a minor in a job which may threaten his or her health, morals or development (Article 23, paragraph 1),

7. for failing to offer the minor worker to conclude an employment contract for the performance of other appropriate job (Article 23, paragraph 6),

8. for failing to obtain an expert opinion on the impact of a job on the minor worker's health and development within the time limit set by the labour inspector (Article 24, paragraph 2),

9. for failing to comply with an order issued by the labour inspector prohibiting a minor worker from performing a specific job (Article 24, paragraph 4),

10. for failing to offer the minor worker to conclude an employment contract for the performance of other appropriate job (Article 25, paragraph 6),

11. for concluding an employment contract in which full-time working hours are stipulated for longer than permitted by law (Article 38, paragraph 1),

12. for requiring workers to work longer than reduced working hours in jobs where, even when occupational safety and health measures are undertaken, it is not possible to protect them from harmful effects, or for requiring them to work overtime (Article 40, paragraphs 1 and 4),

13. for requiring workers to work longer than full-time working hours ("overtime work"), exceeding the maximum number of hours permitted by law for such work (Article 41, paragraph 1),

14. for failing to inform the labour inspector about overtime work, when required to do so (Article 41, paragraph 2),

15. for failing to obtain a report on the impact of overtime work on the worker's health and working ability within the time limit determined by the labour inspector (Article 41, paragraph 3),

16. for failing to comply with the labour inspector's decision prohibiting overtime work which has harmful consequences on the worker's health and working ability, or which hinders the employment of unemployed persons (Article 41, paragraph 4),

17. for ordering a minor worker to work overtime (Article 41, paragraph 5),

18. for ordering a pregnant woman, a mother of a child under three years of age, or a single parent of a child under six years of age to work overtime without obtaining their written consent (Article 41, paragraph 6),

19. if rescheduled working hours are longer than those prescribed by the law (Article 43, paragraphs 4 and 5),

20. for ordering a minor worker to work rescheduled, full-time working hours (Article 43, paragraph 7),

21. for ordering a pregnant woman, a mother of a child under three years of age, or a single parent of a child under six years of age to work rescheduled, full-time working hours without obtaining their written consent (Article 43, paragraph 8),

22. for failing to request consent for rescheduling from the labour inspector, when such rescheduling is not regulated by a collective agreement or an agreement between the workers' council and the employer (Article 43, paragraph 10),

23. for failing to make it possible for a worker to take a minimum annual leave, as provided by this Act (Article 47),

24. for concluding with a worker an agreement under which he or she waives his or her right to a minimum annual leave, or accepts receive payment of compensation in lieu of annual leave (Article 49),

25. for failing to pay a worker a salary compensation for annual leave in the amount and in the manner provided by this Act (Article 53),

26. for ordering a woman employed in industry to work night hours, contrary to the provisions of this Act (Articles 60 and 61),

27. for ordering a minor worker to work night hours, contrary to the provisions of this Act (Article 62),

28. for hiring women in jobs they must not perform (Article 63),

29. for refusing to employ a pregnant woman, cancelling a pregnant woman's employment contract or transferring a pregnant woman to another job, contrary to the provisions of this Act (Article 64, paragraph 1),

30. for not allowing the mother or the father of a child to take maternity leave or to work reduced working hours, under the conditions prescribed by this Act (Articles 66 and 67),

31. for not allowing the father of a child whose mother has died, abandoned the child or is not able to take care of the child because of illness or other similar reason, to exercise all the rights provided for by this Act for the purpose of the protection of motherhood and child rearing (Article 69, paragraph 1),

32. for not allowing one of the child's parents not to work until the child turns two years of age during which period his or her rights and obligations arising from employment and related to employment are suspended (Article 70),

33. for not allowing a female worker who has given birth to a stillborn child or a mother whose child died before the mandatory or supplementary maternity leave has expired to take maternity leave in the length specified by this Act (Article 71),

34. for not allowing one of the parents of a child suffering from serious developmental problems to take a leave or to work one half of full-time working hours (Article 66, paragraphs 1, 2 and 3),

35. for ordering a parent of a child suffering from serious developmental problems, who is exercising the right to work reduced hours, to work overtime or for assigning him or her to another place of work without his or her consent (Article 73, paragraph 7),

36. for failing to make it possible for the worker to continue performing the job he or she had previously performed or for failing to offer him or her to conclude an employment contract for the performance of other appropriate job (Article 73, paragraph 8),

37. for failing to allow an adoptive parent to take an adoption leave (Article 74, paragraphs 2 and 3),

38. for failing to admit to work a worker who has ceased to exercise the right to maternity leave, adoption leave or the right to suspension of his or her employment contract up to the third year of the life of his or her child or for failing to offer the worker to conclude an employment contract for the performance of other appropriate job (Article 76, paragraphs 2 and 3),

39. for dismissing a pregnant woman or a person exercising the right to take maternity leave, the right of a parent or an adoptive parent to work reduced working hours, the right to take adoption leave and the right to take care of the child with serious developmental problems during pregnancy or the period of exercise of any of these rights (Article 77, paragraph 1),

40. for dismissing a worker suffering from a temporary inability to work caused by an injury at work or an occupational disease (Article 80, paragraph 1),

41. for failing to give the worker, when making payment of a salary, salary compensation or severance pay, a payroll account from which it is evident how it was calculated (Article 90a, paragraph 1),

42. for failing to give the worker a payroll account of the salary, salary compensation or severance pay arrears (Article 91, paragraph 2),

43. for failing to give reasons for dismissal or for failing to submit a notice of dismissal to the worker (Article 118, paragraphs 2 and 3),

44. for failing to return to a worker, after the termination of employment, all of his or her documents and a copy of the notice of cancellation from the mandatory pension and health insurance scheme or for failing to issue to the worker a certificate setting out the type of job he or she performed and the length of his or her employment, or for including in this certificate, in addition to information on job and length of employment, any other information which would make the conclusion of a new employment contract more difficult for the worker (Article 129),

45. for failing to inform the worker in writing about the transfer of his or her employment contract to a new employer (Article 136, paragraph 5),

46. for obstructing or attempting to obstruct a labour inspector in his or her supervisory activities (Article 240, paragraph 1),

47. for assigning a worker without having concluded a worker assignment agreement, for concluding a worker assignment agreement which does not contain the information required under this Act or for concluding such an agreement in situations when it can not be concluded (Article 232),

48. for assigning a worker to a user without an employment contract or assignment note, or if the assignment note does not contain the information required under this Act (Article 236, paragraphs 1 and 2),

49. for refusing to return the employment book to a worker when required to do so (Article 243, paragraphs 3 and 4),

Paragraph 3 of Article 248 of the Labour Act prescribes that if any of these violations is committed in respect of a minor worker, the fine is doubled.

ARTICLE 7 PARA. 2

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake: to provide that a higher minimum age of admission to employment shall be fixed with respect to prescribed occupations regarded as dangerous or unhealthy;"

Question A

Please indicate for which types of work exists a higher minimum age than the minimum age for admission to employment, and the age for these types of work.

Article 16 of the Labour Act defines types of work for which a minor may not be employed. These types of work may threaten his/her health, morals or development. The types of work for which a minor may be employed, as well as the types of work that can threaten his/her health were prescribed by the minister responsible for labour, with the prior consent of the minister responsible for health, and based on the Article 23 paragraphs 2, 3 and 4 of the Labour Act, by the Ordinance on Jobs which Minors May Do Only upon Examination of Their Health Capacities to Perform these Jobs.

Article 2 of this Ordinance stipulates that, due to reasons of health protection, a minor may not be employed at types of work, which - according to occupational safety and health regulations – are defined as types of work with special work conditions, i.e. that are defined as particularly hard and harmful for health by the regulations on pension insurance, and to which an accelerated retirement plan applies.

Article 3 of the Ordinance stipulates that a minor may not be employed to work in casinos, gambling halls, disco clubs, night bars and night clubs, as well as other jobs that may threaten the morals of a minor.

Consequently, if a labour inspector determines that a minor is employed in work that may threaten his/her health, morals or development, upon the request of the minor, his or her parents or guardian, the workers' council or trade union, the employer shall offer the minor worker an employment contract to perform another appropriate job. If there is no such job, the employer may terminate the minor's employment contract, in which case the minor is entitled to all the rights resulting from the termination of the employment contract.

In the aforementioned case, if the employer does not offer to conclude an employment contract with the minor worker for another appropriate job, he/she would be committing one of the gravest violations of the Labour Act (Article 248 paragraph 1, item 7 and paragraph 2).

Also, according to the provisions of the Ordinance on jobs with special conditions of work (*Official Gazette*, no. 5/84), workers under 18 years of age must not work at the following jobs:

1. handling and operating mechanically-propelled machinery and equipment in relation to which it is impossible to apply protection from mechanical hazards;
2. operating and handling automotive mechanically-propelled machinery;
3. handling equipment in plants for extracting and processing crude oil and gas;
4. handling boiler plants, compressor stations and other energy plants, stations and other energy plants, stations and compressed gas containers;
5. operating mechanically-propelled hoisting machines;
6. jobs performed by signallers;
7. handling equipment in plants for storing and processing flammable and explosive fluids and gases;
8. diving jobs;

9. handling equipment for air supply in mines, caissons and while performing diving jobs;
10. assembling, maintaining and inspecting electrical wiring, equipment and plants with voltage above 250 V, and with voltage of 220 V with special requirements;
11. putting up scaffolding and placing board forms and rails while performing construction work;
12. manufacture of explosives and handling explosives;
13. filling and detonating mines;
14. fire-fighting jobs;
15. protection of persons and property with the use of firearms;
16. jobs which require heavy physical strain;
17. jobs performed at high altitudes;
18. jobs performed in an unfavourable microclimate;
19. jobs performed in noise;
20. jobs at which the worker is exposed to vibrations and shocks;
21. jobs at which the worker is exposed to increased atmospheric pressure;
22. jobs at which the worker is exposed to ionised radiation;
23. jobs at which the worker is exposed to non-ionised radiation;
24. jobs at which the worker is exposed to non-fibrogenic dust;
25. jobs at which the worker is exposed to fibrogenic dust;
26. jobs at which the worker is exposed to organic dust;
27. jobs at which the worker is exposed to dust and smoke of lead and its inorganic compounds;
28. jobs at which the worker is exposed to tetraethyl lead;
29. jobs at which the worker is exposed to vapours of mercury and dust of mercury compounds;
30. jobs at which the worker is exposed to chromium and its compounds;
31. jobs at which the worker is exposed to nickel and its compounds;
32. jobs at which the worker is exposed to dust and smoke of manganese and its compounds;
33. jobs at which the worker is exposed to dust and smoke of cadmium;
34. jobs at which the worker is exposed to dust and smoke of vanadium, selenium and platinum;
35. jobs at which the worker is exposed to dust of hard metals;
36. jobs at which the worker is exposed to uranium and its compounds;
37. jobs at which the worker is exposed to dust and smoke of beryllium;
38. jobs at which the worker is exposed to vapours and smoke of arsenic and its compounds;
39. jobs at which the worker is exposed to dust and smoke of phosphorus and its compounds;
40. jobs at which the worker is exposed to acids or alkalis;
41. jobs at which the worker is exposed to irritating gases;
42. jobs at which the worker is exposed to fluorine and its compounds;
43. jobs at which the worker is exposed to carbon monoxide;

44. jobs at which the worker is exposed to hydrogen cyanide;
45. jobs at which the worker is exposed to carbon disulfide;
46. jobs at which the worker is exposed to glycols;
47. jobs at which the worker is exposed to vapours of oil and oil derivatives;
48. jobs at which the worker is exposed to halogenous derivatives of hydrocarbons;
49. jobs at which the worker is exposed to vinyl chloride monomer;
50. jobs at which the worker is exposed to benzene and other homologues;
51. jobs at which the worker is exposed to nitro and amino derivatives of benzene;
52. jobs at which the worker is exposed to chemical and other substances in the production and processing of artificial resins and plastic materials;
53. jobs at which the worker is exposed to organophosphorous and carbamate pesticides;
54. jobs at which the worker is exposed to other pesticides;
55. jobs at which the worker is exposed to dust of artificial fertilisers;
56. jobs at which the worker is exposed to biological agents.

The possibility for regular secondary school pupils to be employed in temporary work that can have all or most features of employment, but without concluding an employment contract or commencing employment, is stipulated by the provisions of Articles 18-23 of the Ordinance on Performing Activities Relating to Employment without the Mediation of the Croatian Employment Bureau.

The main features of such temporary work by regular secondary school pupils that can be performed on the basis of a contract on the temporary employment of a regular student, with all the prescribed components, are the following:

- only those secondary schools that have an adequate permit from the minister responsible for labour can act as intermediaries in finding temporary jobs for regular pupils, as well as social welfare homes that also provide secondary schooling, who can act as intermediaries for their beneficiaries who attend school and for those who have completed schooling;
- a social welfare home that also provides secondary schooling can act as an intermediary for temporary work for their beneficiaries who attend school in the home, as well as for those who have no working ability, and they are accommodated in a social welfare home for persons with physical or mental disability, and social welfare homes that accommodate beneficiaries that have no working ability can act as intermediaries in including such beneficiaries in performing certain temporary work without employment, in the framework of their psycho-social rehabilitation;
- social welfare homes can act as intermediaries in including their beneficiaries who have working ability in performing temporary work without commencing employment, during their stay or accommodation in the social welfare home;
- regular pupils can only perform temporary jobs during their winter, spring and summer vacation, the duration of which is prescribed every year by the minister responsible for education;
- secondary schools who, besides the above mentioned permit by the ministry

responsible for labour also have the written consent of the minor student's legal representative (parent or guardian), may also act as intermediaries in finding work for such pupils, and for pupils under 15 years of age, they also have to have the written consent of the competent labour inspector;

- in order to protect health, development and morals, secondary schools cannot act as intermediaries for temporary work for minor regular pupils (nor can other intermediaries act as intermediaries in employing minors) in the following jobs:
 - a) jobs that, according to occupational safety and health regulations, are defined as jobs with special working conditions;
 - b) jobs that, according to pension insurance regulations, are defined as particularly hard and harmful for their health, and to which an accelerated retirement scheme applies,
 - c) in casinos, gambling halls, disco clubs, night bars and night clubs, as well as at other jobs that may potentially threaten minors' morals;
 - d) whereas at other jobs, minors (including minor pupils) can only work under the condition that they have a certificate of their health capacities,
- the mediation fee of secondary schools may not exceed 10% of the pupil's earnings, and it can only be charged to the employer and used for improving the pupils' standards, and a pension insurance contribution is charged on the total earnings, in the amount of 5%, for the case of the pupil's disability or physical injury;
- a temporary employment contract for regular pupils is concluded by the pupil, and co-signed by his/her legal representative and the temporary employer, with the mediation of the authorized secondary school, which is obliged (in order to facilitate the supervision) to submit a copy of every such contract to the locally competent labour inspector within three days of the conclusion of this contract;
- the secondary school (and other intermediaries) is obliged to act as an intermediary for temporary employment of regular pupils in a manner that does not cause disturbances on the labour market and that does not affect workers' interests.

It is necessary to differentiate between temporary work contracts of regular secondary school pupils and an apprenticeship contract that is concluded between the employer-tradesman, if he/she owns a prescribed permit (license) as defined under Article 47 of the Trades and Crafts Act, and the apprentice, that is his/her parent or guardian, for the purpose of performing a practical work apprenticeship, which is one of the conditions for completing a vocational secondary school course.

The Croatian Employment Bureau has data on registered unemployment and employment of persons between 15 and 24 years of age. At the end of November 2004, unemployment records showed 67,321 unemployed persons under 24 years of age. Of the total number of unemployed persons, young persons accounted for 21.5 percent. The share of young women in the total number of unemployed women amounted to 20.9 percent, and the share of young men in the total number of unemployed men amounted to 22.5. Almost 57 percent of the total number of unemployed young persons were women. As far as the educational structure is concerned, more than 83 percent of the unemployed young persons had

completed their secondary education. Among unemployed youth, the share of young women with a completed four-year secondary or grammar school education was higher than the share of men with the same education. A little more than 10 percent of the unemployed youth only had completed eight grades of primary school education, and nearly 3 percent had not even completed eight grades of primary school.

Unemployed persons under 24 years of age, on 30th Nov 2004				
Education level		Men	Women	Total
(0) No school and uncompleted primary school education		844	970	1814
(1) Completed eight grades of primary school education		3132	3860	6992
(2) Secondary school	(2.1) Secondary school up to three years for qualified and highly qualified workers	16357	15643	32000
	(2.2) Secondary school of 4 and more years	7197	13445	20642
	(2.3) Grammar school	881	2559	3440
(2) Secondary school total		24435	31647	56082
(3) Two-year college and technical college		282	991	1273
(4) Four-year college, academy, master's degree, doctorate		336	824	1160
Total		29029	38292	67321

Source: Croatian Employment Bureau

The share of long-term unemployed (more than one year) in the total number of young unemployed persons amounted to 31 percent, and this share was higher for young women than for young men.

As far as the employment of young persons is concerned, in the first 11 months of 2004, 45056 persons who were registered with the Employment Bureau between the ages of 15 and 24 found employment. Of the total number of newly employed young persons, 51 percent were women. The structure of employed persons according to education level is not much different to the structure of the unemployed.

Employed persons under 24 years of age, from 1st Jan to 30th Nov 2004				
Education level		Men	Women	Total
(0) No school and uncompleted primary school education			82	248
(1) Completed eight grades of primary school education			1416	3435
(2) Secondary school	(2.1) Secondary school up to three years for qualified and highly qualified workers	13480	10059	23539
	(2.2) Secondary school of 4 and more years	5329	8324	13653
	(2.3) Grammar school	418	1057	1475
(2) Secondary school total		19227	19440	38667
(3) Two-year college and technical college			1047	1348
(4) Four-year college, academy, master's degree, doctorate			1012	1367
Total		22068	22997	45065

Source: Croatian Employment Bureau

Question B

Please indicate whether any derogations are provided for concerning these types of work.

As far as other jobs are concerned, Article 4 of the Ordinance on Jobs in which Minors May not be Employed and on Jobs which Minors May Do Only upon Examination of Their Health Capacities to Perform these Jobs stipulates that a minor may do these jobs only upon previous examination of their health capacities to perform these jobs. This health examination of minors shall be performed at the latest every 6 months of the minor's employment, and earlier if the selected medical doctor of primary medical care deems it necessary.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

The labour and occupational safety inspectors are responsible for supervising the implementation of regulations concerning employment of minors. They supervise the implementation of acts and other regulations that regulate the relationship between employers and employees (employment and occupational safety), and particularly the implementation of regulations that refer to:

- the obligation of employers to register their employees with the competent pension and health insurance authorities within the prescribed deadlines,
- working hours, salaries, employment and jobs done by minors, women, pregnant women, women with newborn babies, disabled persons, foreigners etc.,
- working conditions, protection of employees, safety and protection of employees' health,
- particularly protection of the health of minors, women and disabled persons.

Labour and occupational safety inspection service is one of the inspection services within the State Inspectorate, which is an independent state administrative body established by the Act on the Organisation of Ministries and State Administration in 1997, whereas the State Inspectorate Act, passed by the House of Representatives of the Croatian Parliament on 30 June 1999, regulates inspection work, the organisation and the manner of work of the State Inspectorate as a central state administration body.

Consequently, labour inspection has legally defined authorities concerning the employment of minors for work that could threaten their health or development.

In accordance with Article 17 of the Labour Act, a labour inspector can require from the employer that the minor worker be examined by an authorised physician who should indicate, in his or her expert opinion, whether the job performed by the minor threatens his or her health or development. The costs of this medical examination and expert opinion are to

be covered by the employer. If, on the basis of the expert opinion, the labour inspector deems it necessary to prohibit a minor from performing a specific job, he/she will do so.

If the labour inspector prohibits the minor performing a specific job, based on the examination and expert opinion of an authorized physician, the employer shall offer to conclude a labour contract with the minor worker for the performance of another appropriate job. If he/she does not comply with this obligation, he/she will be held responsible for one of the gravest violations, prescribed by the Article 248 paragraph 1 item 9 and 10 and paragraph 2 of the Labour Act. If the employer has no other appropriate job to offer the minor, he/she may terminate the minor's employment in the manner and under the conditions prescribed by the Labour Act.

In 2003, the labour inspectors of the State Inspectorate, for instance, during their inspection work, discovered 11 cases of minors between the ages of 16 and 18 (9 male and 2 female persons) employed by their employers without the previous approval of their legal representatives, i.e. whose employers concluded employment contracts with those minors without the aforementioned approval. These minors were performing the work of a waiter, a salesman and a baker, and in all cases requests were filed to start misdemeanour proceedings against these employers. In several cases, illegal overtime and night work of minors was discovered, as well as the work of minors in rescheduled full-time working hours. In these cases, the inspectors issued a ruling that prohibited these employers engaging minors in such work, and filed requests to start misdemeanour proceedings against these employers.

Also in 2003, the inspections conducted on the basis of the Occupational Safety and Health Act found seven minor persons (all male) between the ages of 16 and 18, who were illegally performing jobs with special working conditions. Due to this violation, the employers were ordered to remove the minors from these jobs immediately, and requests were filed to start misdemeanour proceedings against these employers.

During 2004, the Inspection Service for labour and occupational safety and health at the State Inspectorate did not receive any requests from legal representatives to approve work of minors younger than 15 years of age, regarding their participation in film making, the preparation and giving of artistic, theatrical or other similar performances... (Article 21 paragraph 2 Labour Act). However, although there were no requests filed by legal representatives of minors during 2004, regarding the approval of the labour inspector for employment relationships, based on which minor persons under 15 years of age may work as prescribed by Article 21 paragraph 2, during 2004 inspections found 11 persons under 15 years of age working in violation of this provision, and one minor under 15 years of age was working in violation of the provision of paragraph 1 of the same Article.

Based on these facts, requests were filed to start misdemeanour proceedings against these employers. Also, during 2004, labour inspectors for employment relationships discovered, during their inspections, fourteen minors between 16 and 18 years of age that their employer had employed without the written approval of their legal representative, i.e. he/she concluded

labour contracts with them without the mentioned approval, so that consequently, the inspectors filed requests to start misdemeanour proceedings against these employers.

Furthermore, during 2004, labour inspectors investigated possible illegal overtime and night work by minors, and discovered that 12 minors worked longer than full-time working hours (overtime work), and that 29 minors worked night shifts.

Based on these facts, labour inspectors for employment relationships, during their inspections in 2004 did not determine any violation of the Articles 23, 43 and 47 of the Labour Act, which are sanctioned as a misdemeanour.

In 2004, labour inspectors from the State Inspectorate responsible for employment relations found 67 violations sanctioned as misdemeanours by the Labour Act (in relation to 52 minors), and in particular in the following activities: catering industry, industry, trade, construction industry, trades and crafts and the media. It was established that minors worked as waiters, sales persons, bakers, tile-layers, assistant workers in the catering industry, trade and construction industry, whereas in the media (HRT – the Croatian Radio Television) children participated in film making and giving of artistic performances, as actors and hosts of programmes for children. These minors were aged from 15 to 17, with the exception of one girl who performed the job of a sales person in a shop (14 years and 9 months old) and 11 minors found working at the HRT, who were younger than 15. Of the total of 52 minors, there were 25 girls and 27 boys.

So, it was established that 2 boys and 1 girl sustained minor injuries, whilst 3 boys sustained serious injuries. All of them were between 16 and 18 years old. The injuries occurred at the employers operating in the trade sector (1 serious injury) during the work with meat mincers; in the processing industry (2 minor injuries) during the work with pastry preparation machines; in the construction industry (2 serious and 1 minor injuries) during the work on scaffolds in various fitting jobs.

**Data on activities, jobs and sex of minors found to be working contrary
to the law in the course of 2004**

SECTOR OF ECONOMIC ACTIVITY	SEX		TOTAL	%	
	F	M		F	M
Catering industry	12	12	24	50	50
Trade	8	2	10	80	20
Industry	0	4	4	0	100
Construction industry	0	2	2	0	100
Trades and crafts	0	1	1	0	100
Media	5	6	11	45.45	54.55
TOTAL:	25	27	52		

JOB	SEX		TOTAL	%	
	F	M		F	M
Waiter	11	9	20	55	45
Sales person	8		8	100	0
Baker		2	2	0	100
Assistant worker in the catering industry	1	3	4	25	75
Assistant worker in the industry		2	2	0	100
Assistant worker in trade		2	2	0	100
Assistant worker in the construction industry		2	2	0	100
Film making, TV hosts, actors	5	6	11	45.45	54.55
Tile-layer		1	1	0	100
TOTAL:	25	27	52		

During 2004, labour inspectors for occupational safety and health conducted inspections relating to six serious injuries to minors that happened during their practical training with employers. Based on the facts determined, the labour inspectors for occupational safety and health issued rulings that prohibited the employers conducting practical training for pupils without immediate supervision of the employees who were trained to work safely. Besides these administrative measures, requests were filed to start misdemeanour proceedings against these employers, and criminal charges were pressed against them.

ARTICLE 7 PARA. 3

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake: to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;"

Question A

Please indicate the age at which education ceases to be compulsory under your country's present legislation.

Article 3 of the Primary Education Act (*Official Gazette*, No. 59/90, 26/93, 27/93, 7/96, 59/01 and 114/01) stipulates that primary education shall last at least eight years, and that it shall be compulsory for all children, as a rule, between six and fifteen years of age.

Furthermore, Article 49 of this Act stipulated that for pupils who turn 15, the obligation to attend primary school ceases at the end of that school year. In accordance with Article 41 of the Act, the school year begins on 1st September, and ends on 31st August of the following year.

Question B

Please indicate the statutory maximum duration of any work performed by children still subject to compulsory education before or after school hours and during weekends and school holidays.

Please indicate the nature of the work performed by these children.

Article 12 of the Secondary Education Act (*Official Gazette*, No. 19/92, 26/93, 50/95, 59/01 and 114/01) stipulates that secondary schools, depending on the type of their syllabus, are the following: grammar schools, vocational schools and performing arts schools. Further, Article 14 paragraph 4 of the same Act stipulates that vocational schools are divided into technical, industrial, and trade schools and others that do not belong to any of the aforementioned types (e.g. medical, administrative, commercial schools etc.), which is determined on the basis of their syllabus.

In vocational schools, especially those with three-year education programmes, an important part of the education is practical training. Practical training is prescribed by the syllabus for every occupation. The syllabuses for the unique educational models (*Official Gazette*, No. 136/03 and 112/04) are passed by the minister responsible for trades and crafts, upon prior consultation with the Croatian Chamber of Trades and Crafts and with the consent of the Minister of Science, Education and Sports, in accordance with Article 44 paragraph 5 of the Trades Act (*Official Gazette*, No. 49/03-amended version).

Based on Article 46 of the Trades Act, the minister responsible for trades, after obtaining an opinion from the Croatian Chamber of Trades and Crafts, and the consent of the Minister of Science, Education and Sports, issued an Ordinance on Apprenticeship Programmes and Vocational Training for Associated Trades and on the Rights, Obligations, Monitoring, Evaluation and Assessment of Apprentices (*Official Gazette*, No. 69/04).

The aforementioned Ordinance prescribes that the annual and weekly number of teaching periods for theoretical and practical teaching conducted at schools shall be prescribed by the syllabus and the annual plan and programme of school work, and that it shall be coordinated with the working hours of tradesmen, stipulating that the pupils cannot attend both school and practical training on the same day.

For occupations in unique educational models, the total number of teaching periods for practical training amounts to 900 periods a year, which on average means 22.5 hours per week over 40 weeks a year. For other occupations in three-year education programmes, the total number of periods for practical training is different, depending on the complexity of the occupation, and it can vary from 7 to 21 hours a week, over 35 weeks a year.

Article 51 of the Trades Act stipulates that a tradesman who accepts an apprentice for apprenticeship shall conclude a written apprenticeship contract with him/her, that is with his/her

parents or legal guardian. Such contracts are regulated by the provisions of the Trades Act, the Labour Act, collective agreements or the provisions on minimum requirements for apprenticeship contracts, which are issued by the minister responsible for trades, after previously obtaining an opinion from the Croatian Chamber of Trades and Crafts.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

The provisions of the Primary Education Act (*Official Gazette*, No. 59/90, 27/93, 7/96, 59/01, 114/01 and 69/03-amended version), which in Article 2 primarily defines the purpose of primary education, which is to enable pupils to acquire the knowledge, terms, skills, attitudes and habits necessary for work or further schooling, stipulate that primary education shall last at least eight years, and that it is compulsory for all children, as a rule between six and fifteen years of age (Article 3 of the Act). In accordance with Article 43 of this Act, parents or legal guardians are obliged to enrol the child in primary school, take care that he/she attends classes regularly and performs other school duties. If a parent or a legal guardian violates the aforementioned Article, he/she shall be punished for a misdemeanour by a fine between HRK 60.00 and 300.00. Article 68 of the Act stipulates that primary schools are obliged to monitor social problems and phenomena in pupils and undertake measures aimed at resolving the causes and consequences of social problems and phenomena in pupils.

According to the Primary Education Act, for a pupil who turns 15, the obligation to attend primary school ceases at the end of that school year (Article 47).

The Act mentioned also provides the main guidelines for primary education for schooling of adults (Articles 81-83). It is conducted according to a special syllabus of the Ministry of Science, Education and Sports. Parallel to completing primary education, adults may also attend a programme of vocational training for less complex occupations. Primary education for adults is conducted in primary schools and other institutions of adult education.

Programmes aimed at acquiring elementary or secondary qualifications contain, among other things, a programme of practical teaching and practical training. A part of the practical teaching is conducted in the school facilities, and another part and practical training in the facilities of companies and trades where pupils perform work in accordance with the syllabus, the level of knowledge and skills already acquired, and in accordance with the activity of the company, i.e. trade.

The Secondary Education Act prescribes that the total number of teaching periods per year can amount to 1,120, that is 32 per week, except in programmes that mostly consist of exercises and practical teaching (Article 16). The largest total number of teaching periods per year is 1495 in the first and second grade, or 1344 in the third grade for those occupations

that are encompassed by the dual schooling system (programmes "C" of the unique educational model. Of this number, 900, or 800 periods refer to practical schooling (laboratory exercises, practical teaching). Of this number of periods, on average 70% are conducted in the facilities of the company or trade (60% in the first grade, 70% in the second, and 80% in the third grade), under real working conditions.

The daily number of teaching periods is determined by the school by means of a timetable, provided that theoretical teaching does not exceed 6 periods a day. A teaching period in schools lasts 45 minutes, and a practical teaching period outside of the school 60 minutes. The Secondary Education Act determines the beginning and the end of the school year, and the right of pupils to spring, summer and winter vacations. The beginning and the end of the school year for respective years is prescribed by the Minister of Science, Education and Sports (Article 17). The total duration of vacations for pupils that are educated in vocational schools is at least 45 days, which is regulated by the apprenticeship contract.

According to the Ordinance on Apprenticeship Programme and Vocational Training for Associated Trades (Article 7), pupils cannot have teaching at the school and practical training at the tradesman's on the same day.

Daily and weekly rests, and a 40 hour working week are guaranteed by the Trades Act (Article 51), which also regulates the conclusion of an apprenticeship contract between the tradesman and the apprentice (his/her parent). This provision of the Trades Act also regulates that the following regulations also apply to apprenticeship contracts: the provisions of the Labour Act, the collective agreement and the provisions on minimum requirements for apprenticeship, which are prescribed by the competent minister, upon previously obtaining an opinion of the Croatian Chamber of Trades and Crafts.

ARTICLE 7 PARA. 4

"With a view to ensuring the effective exercise of the right of children and youngpersons to protection, the Contracting Parties undertake: to provide that the working hours of persons under 16 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;"

Question A

Please indicate the extent of this limitation, whether it follows from legislative, administrative, or contractual provisions or from practice.

Question B

Please indicate if any workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures and, if so:

- a. please provide statistics showing what proportion of all workers is not covered;**
- b. please give the reasons for which certain workers are not covered;**
- c. please indicate what special measures have been taken on behalf of workers under sixteen years who do not benefit from any limitation of their hours of work.**

These questions have already been answered in Article 7 paragraph 2.C and paragraph 3.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

ARTICLE 7 PARA. 5

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake: to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;"

Question A

Please indicate the general rules applying to the wages of young workers and to the appropriate allowances of apprentices.

Although part of practical teaching in most programmes for occupations (in three and four-year schooling programmes) is partly conducted in the facilities of different companies and institutions, the Secondary Education Act does not mention the right and need to remunerate pupils for their work.

The Trades Act (Article 51) stipulates the conclusion of an apprenticeship contract between the tradesman and the apprentice (his/her parent). This provision of the Trades Act states that the following regulations also apply to the apprenticeship contracts: the provisions of the Labour Act, collective agreement or the provisions on minimum requirements for apprenticeship contracts, which are prescribed by the competent minister, after previously obtaining an opinion from the Croatian Chamber of Trades and Crafts.

Consequently, pupils who are educated according to the syllabus for vocational schools (programme "S" of the unique educational model) are legally entitled to remuneration for their work as pupils.

Also, the term volunteer work is an area where a young worker contractually waives his/her remuneration in exchange for, e.g., completing his/her internship as a prerequisite for taking the occupational examination and fulfilling the requirements for applying for jobs.

Another act that is currently being drafted in the Republic of Croatia is the Act on Volunteer Work, which will regulate volunteer work on the basis of a contract between the volunteer and the organiser of volunteer services (organized or formal volunteering), as well as the legal status of volunteers. The Act would not be applied to providing services to another person or for the benefit of another person on a voluntary basis and without remuneration, if this is done on isolated or sporadic occasions (informal volunteering). Informal volunteering is regulated by civil obligations regulations.

The work of interns who do not receive remuneration (volunteer work) would not be considered volunteering in the sense of this Act, as it is regulated by the legislation on employment relationships.

Under the Act, the volunteering contract that is concluded between a volunteer and an organizer of volunteer services stipulates that a volunteer agrees to provide volunteering services to another person, for the benefit of another person or for the common good, and that he/she does it on a voluntary basis and without remuneration. Relationships from the volunteering contract that are not regulated by this Act are regulated accordingly by the general provisions of the law of obligations.

A volunteering contract may be concluded with a minor only upon obtaining the written approval of his/her legal representative, and the regulations on employment relationships that define the type and the manner of performing work by minors would be applied to volunteer work by minors accordingly.

Allowances for apprentices – Prescribed by the Ordinance on Minimum Requirements for Apprenticeship Contracts (*Official Gazette* 62/02, 72/05), according to which apprentices, in the first year of their apprenticeship, receive 15% of the average net salary recorded in the Republic of Croatia in the previous year, 20% in the second, 25% in the third and 30% in the fourth year of their apprenticeship.

Question B

Please give available statistical information on the level of wages for young workers and on the appropriate allowances for apprentices.

According to the Ordinance on Minimum Requirements for Apprenticeship Contracts and the average net salary recorded in the economy of the Republic of Croatia in 2004 amounting to HRK 4,264.00, tradesmen or companies that have apprentices in practical training have to pay the apprentices an allowance amounting to HRK 639.6 a month for the first year of their

apprenticeship, HRK 852.80 for the second, HRK 1,066.00 for the third, and HRK 1,279.00 for the fourth year, for full working hours (40 hours a week).

Currently existing programmes for different occupations in trades and crafts last for three years.

ARTICLE 7 PARA. 6

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake: to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;"

Question A

Please indicate the relevant regulations or collective agreements providing that the hours spent by young persons in their vocational training during normal working hours with the consent of the employer shall be treated as forming part of the working day, and specify, as far as possible, the time allowed to young persons for this purpose.

The Croatian Employment Bureau undertakes comprehensive activities providing vocational guidance for young persons. At the level of the regional offices of the Bureau, more than a hundred different publications are published every year on the possibilities of enrolment and the programmes of secondary schools, and two and four-year colleges, with a circulation of nearly a hundred thousand copies. Additionally, information on different occupations is also provided orally, and these activities cover more than 50 thousand persons a year, most of whom are young persons.

Occupational counselling represents a higher level of preparing for further education or employment, and it consists of examining the relevant personal characteristics of individuals – e.g. their abilities, interests, motivation, health condition etc. Occupational counselling covers more than 17 thousand persons per year, of which almost 70% are pupils that need this kind of counselling. A significant share of pupils in counselling suffer from health problems or other difficulties, which makes it necessary for them to receive very professional occupational counselling, based on medical and psychological diagnostics.

Considering the fact that educational and occupational counselling is insufficiently developed in the education system itself, professionals of the Croatian Employment Bureau counsel primary and secondary school pupils, and especially pupils with chronic health problems and pupils with difficulties in psycho-physical development, to a great extent. In doing so, they use numerous and diverse information and counselling instruments, and recently, a need has been identified to harmonize these instruments and introduce new ones. Occupational information and counselling should be further improved by providing training for experts, by

standardizing and automating the system and by establishing closer connections to the mediation on the labour market.

The number of hours that pupils spend in practical training with tradesmen or in companies is prescribed by educational programmes for different occupations, and it is different for different occupations. However, as a rule, of the total number of 1,496 hours in the first year, 1,495 hours in the second, and 1,312 hours in the third year, practical training at work amounts to 560 hours in the first year of apprenticeship, 630 hours in the second, and 640 hours in the third (example: heating and air-conditioning engineers). Young people who are educated in vocational training do not conclude employment contracts with the tradesman or the company where their practical training is conducted, which means that they are not employed by them.

Apprentices who have their practical training in trades or in companies conclude apprenticeship contracts with the tradesman or the company.

Question B

Please indicate whether the time devoted to vocational training is paid and on what basis.

After completing a vocational secondary school, persons who want to work in more complex trades have to pass a master craftsman's exam. A prerequisite for taking the master craftsman's exam is completed secondary vocational school in the respective occupation and three-year working experience in the occupation, in which the master craftsman's exam is taken. Working experience is gained by employment, and the person who acquires working experience does so as a worker (an employee), and he/she receives a monthly salary for it, in accordance with the provisions of the Labour Act and the collective agreement.

Question C

Please indicate whether the measures described apply to all categories of young people at work. If this is not the case, please give an estimate of the proportion of young people not covered and, if possible, indicate the categories concerned.

Question D

Please indicate, where appropriate, why certain workers are not covered, and whether special measures have been taken on their behalf.

Question E

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

Article 4 of the State Inspectorate Act stipulates that the State Inspectorate shall supervise the implementation of acts and other regulations that regulate relationships between employers and employees (employment relationships and occupational safety and health), and especially the implementation of regulations referring to:

- the obligation of an employer to register employees with the competent pension and health insurance authorities within due deadlines,
- working hours, salaries, employment and work of minors, women, pregnant women, women with newborn babies, disabled persons, foreigners etc.,
- working conditions, employee protection, safety and protection of employee's health,
- especially health protection of minors, women and disabled persons.

The Ministry of Economy, Labour and Entrepreneurship is responsible for controlling the implementation of the Ordinance on Minimum Requirements for Apprenticeship Contracts.

ARTICLE 7 PARA. 7

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake: to provide that employed persons under 18 years of age shall be entitled to not less than three weeks' annual holiday with pay;"

Question A

Please indicate the minimum duration of annual holiday with pay for workers under eighteen years of age.

Article 47 of the Labour Act stipulates that a minor worker is entitled to an annual holiday of at least twenty-four working days for every calendar year.

Question B

Please indicate how this provision is implemented in your country.

Question C

Please indicate whether the measures described are applicable to all categories of workers under eighteen years of age. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.

This provision applies to all categories of workers.

Question D

Please indicate where appropriate why certain workers under eighteen years of age are not covered, and whether special measures have been taken on their behalf.

Question E

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

This question has already been answered under E Article 7 paragraph 6.

ARTICLE 7 PARA. 8

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake: to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;"

[The Appendix to the Charter stipulates that it is understood that a Contracting Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under 18 years of age shall not be employed in night work.]

Question A

Please indicate the hours to which the term "night work" applies in your country's regulations for the purpose of such prohibition.

Article 40 of the Occupational Health and Safety Act stipulates that an employer is obliged to secure occupational safety and health, especially to minors, and that minors may not perform work with special working conditions, may not work at night and do overtime work, except in exceptional cases prescribed by the Labour Act.

Article 62 of the Labour Act stipulates that for minors employed in industry, night work is considered work between 7 p.m. and 7 a.m. of the next day, and for minors employed in branches other than industry, work between 8 p.m. and 6 a.m. of the next day.

The minister responsible for labour issued an Ordinance on Activities that are Classified as Industry (*Official Gazette*, No. 8/96), which stipulates that the following activities are considered industry:

1. mining:
 1. 1. excavating raw materials used as a source of energy
 1. 2. excavating ores and rocks,
2. the manufacturing industry:
 2. 1. food, beverage and tobacco production,
 2. 2. production of textiles and textile products,
 2. 3. production of leather and leather products,
 2. 4. processing of wood and wood products,
 2. 5. production of pulp, paper and cardboard, and of paper and cardboard products,
 2. 6. publishing and print industry,
 2. 7. production of coke, oil derivatives and nuclear fuel,
 2. 8. production of chemicals, chemical products and artificial fibres,
 2. 9. production of gum products and plastic,
 2. 10. production of other non-metal, mineral products,
 2. 11. production of metal and metal products,
 2. 12. production of machines and equipment,
 2. 13. production of electric and optical equipment,
 2. 14. production of vehicles,
 2. 15. other processing industries,
3. electricity, gas and water supply, and
4. construction industry.

Question B

Please list the types of night work which persons under eighteen years of age are authorised to perform either generally or with special permission.

Night work of minors is prohibited, except in force majeure cases where such work is absolutely necessary.

Question C

Please describe the scope of these exceptions and, in particular, the maximum duration and the age under which such derogations cannot be made.

This prohibition can be temporarily abolished by a decision of the minister responsible for labour, in cases of grave danger or for the purpose of protection of national interests.

Question D

Please indicate the hours during which night work by young persons is prohibited in all circumstances.

This has been answered under A.

Question E

Please indicate whether the measures described are applicable to all categories of workers under eighteen. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.

Question F

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

According to the data of the Inspection Service for labour and occupational safety and health of the State Inspectorate for 2003, there were 138 violations of the Labour Act relating to minors, their overtime work, work in rescheduled full time working hours, minimum duration of their annual holiday and their night work.

In 2003, the labour inspectors of the State Inspectorate, for instance, during their inspection work, discovered 11 cases of minors between the ages of 16 and 18 (9 male and 2 female persons) employed by their employers without the previous approval of their legal representatives, i.e. whose employers concluded employment contracts with those minors without the aforementioned approval. These minors were performing the work of a waiter, a salesman and a baker, and in all cases requests were filed to start misdemeanour proceedings against these employers. In several cases, illegal overtime and night work of minors was discovered, as well as the work of minors in rescheduled full-time working hours. In these cases, the inspectors issued a ruling that prohibited these employers engaging minors in such work, and filed requests to start misdemeanour proceedings against these employers.

Also in 2003, the inspections conducted on the basis of the Occupational Safety and Health Act found seven minor persons (all male) between the ages of 16 and 18, who were illegally performing jobs with special working conditions. Due to this violation, the employers were ordered to remove the minors from these jobs immediately, and requests were filed to start misdemeanour proceedings against these employers.

ARTICLE 7 PARA. 9

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake: to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;"

Question A

Please indicate in which occupations regular medical examinations are stipulated for persons under eighteen years of age.

In addition to what has already been mentioned, the Ordinance on jobs in which minors may not be employed and on jobs which minors may do only upon examination of their health capacities to perform these jobs, the Trades Act stipulates that an apprentice may only be accepted for apprenticeship at the tradesman's under the condition that they completed at least eight grades of primary school and that they have necessary health capacities for the occupation for which they are trained.

Health capacities are proven by a doctor's certificate or a medical certificate issued by a specialist of occupational medicine, which is a necessary prerequisite for enrolment in vocational education in trades and for the occupation of a motor-vehicle driver.

Question B

Please indicate the conditions in which and how often these examinations are made.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations

Article 23 of the Labour Act stipulates that minors may not be employed in work that may threaten his/her health, morals or development, and it refers to the ordinance that defines types of work that threaten minors' health and the ordinance on jobs which minors may do only upon examination of their health capacities to perform these jobs. In case when the employer has employed a minor at a job which may threaten his health, morals or development, upon the request of the minor, his or her parents or guardian, the workers' council, trade union, or the labour inspector, the employer shall offer the minor worker an employment contract to perform another appropriate job or terminate his/her employment contract in the prescribed way.

Provisions of Article 24 of the Labour Act stipulate that if a labour inspector suspects that the work performed by a minor may threaten his/her health or development, the inspector can request from the employer that an authorized physician examines the minor worker and issues a finding or an opinion on work that the minor performs. Based on this finding, minor's employment at certain jobs can be prohibited if these jobs are deemed to threaten his/her health, morals or development.

If a labour inspector prohibits the minor performing a specific job, the employer shall offer to conclude a labour contract with the minor worker for the performance of another appropriate job, and if there are no such jobs, he/she may terminate the minor's employment contract in accordance with the Act.

Consequently, in accordance with the Ordinance on Jobs in which Minors May not be Employed and on Jobs which Minors May Do Only upon Examination of Their Health Capacities to Perform these Jobs (*Official Gazette*, No. 59/02), the minor may not be employed at following jobs, for reasons of protection of his/her health and development:

1. jobs that are defined as jobs with special working conditions according to occupational safety and health regulations,
2. jobs that are defined as particularly hard and harmful for health by the regulations on pension insurance, and to which an accelerated retirement plan applies.

For reasons of protection of morals, minors may not be employed in casinos, gambling halls, disco clubs, night bars and night clubs, as well as at other jobs that may potentially threaten minors' morals.

Except in the aforementioned types of work, minors can only perform other jobs under the condition that they have a certificate of their health capacities to do these jobs.

This health examination of minors shall be performed at the latest every 6 months of the minor's employment, and earlier if the selected medical doctor of primary medical care deems it necessary.

The Ordinance on Jobs which Minors May Do Only upon Examination of Their Health Capacities to Perform these Jobs (*Official Gazette*, No. 59/02) defines following jobs in which a minor can only be employed upon examination of his/her health capacities:

1. jobs that are defined as jobs with special working conditions according to occupational safety and health regulations,
2. jobs that workers may do only upon examination of their health capacities, as regulated by other acts, regulations and collective agreements,
3. jobs that are defined as particularly hard and harmful for health by the regulations on pension insurance, and to which an accelerated retirement plan applies.

ARTICLE 7 PARA. 10

"With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake: to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work."

Question A

Please describe the work which is considered, either directly or indirectly, as constituting a danger to the health or morals of young persons.

Besides the aforementioned Labour Act and its provisions that regulate protection of young persons, this is also regulated by the Family Act and the Criminal Code.

The Family Act contains the following provisions: protection of the rights and well-being of children, on the competence of the social welfare centre to undertake measures aimed at protecting the rights and well-being of children, on the duty of all citizens to inform the social welfare centre of any violation of children's rights, and especially of all forms of physical or psychological violence, on the surveillance of the social welfare centre over parental care of children in case of mistakes or negligence, on the measures that the social welfare centre undertakes in cases of neglect of a child's education and upbringing, on the abuse and grave negligence of children by their parents, and provisions on the removal of a child from parental care.

The Criminal Code defines, among other things, criminal offences that are expressly aimed at protecting the child's interests and other criminal offences that are qualified differently if they are committed against a child or a minor. According to this Act, a child is a person who is under 14 years of age, which means that a child is distinguished from a minor (between 14 and 18 years old).

The Law prescribes the following criminal offences that refer to this subject matter:

- Article 124 paragraphs 1, 2 and 3 of the Criminal Code – Unlawful deprivation of freedom
- Article 125 paragraphs 1 and 2 of the Criminal Code - Kidnapping
- Article 173 paragraphs 5 and 6 of the Criminal Code – Abuse of narcotic drugs
- Article 175 paragraph 2 of the Criminal Code – Trafficking in human beings and slavery
- Article 178 paragraphs 1, 2 and 3 of the Criminal Code – International prostitution
- Article 194 of the Criminal Code – Gratifying lust in front of a child or a minor
- Article 195 of the Criminal Code - Pimping
- Article 196 of the Criminal Code – Exploiting children or minors for pornography
- Article 197 paragraph 1 of the Criminal Code – Introducing pornography to children – this criminal offence expressly protects the interests of a child
- Article 213 paragraphs 1, 2 and 3 of the Criminal Code – Neglect and maltreatment of a child or a minor

- Article 215 of the Criminal Code – Obstruction and failure to perform measures to protect a child or a minor
- Article 300 paragraphs 1, 2 and 4 of the Criminal Code – Failure to report a criminal offence

Criminal Code of the Republic of Croatia differentiates between the term “child” (a person under 14 years of age, criminally not liable), and the term “minor” (persons between 14 and 18 years of age, criminally liable).

Provisions of the Criminal Law:

- Article 124 Unlawful deprivation of freedom – this criminal offence, if it is committed to the detriment of a child or a minor, is qualified differently and punished more severely, by a prison sentence lasting from three to ten years;
- Article 125 Kidnapping – this criminal offence, if it is committed to the detriment of a child or a minor, is qualified differently and punished more severely, by a prison sentence lasting from one to ten years;
- Article 175 paragraph 2 Trafficking in human beings and slavery – paragraph 2 of this Article refers to children and minors, so that by prescribing this form of criminal offence, the legislator expressly protects the interests of a child or a minor;
- Article 213 paragraph 2 Neglect and maltreatment of a child or a minor – this criminal offence consists of a grave violation of the duties of parents, adopters, guardians or other persons, or maltreatment of a child or a minor or forcing him/her to work in a way that is unsuitable for his/her age or to work excessively or beg or inducing him/her for personal gain to behave in a manner which is harmful to his development. If the aforementioned offences cause serious bodily injury to a child or a minor, or if his/her health is severely impaired, or if they cause a child or a minor to engage in begging, prostitution, or other forms of asocial behaviour or delinquency, then the punishment is more severe;
- Article 178 paragraphs 1, 2 International prostitution – this criminal offence consists of tempting, recruiting or instigating the other person to provide sexual services for profit in a country other than the one whose resident or citizen that person is, compelling another person by using physical force, or inducing that person using threats, or by deceit, to international prostitution. If these two main types of criminal offences (as defined in paragraph 1 and paragraph 2) are committed to the detriment of a child or a minor, they are qualified differently and punished more severely, by a prison sentence lasting from one to ten years;
- Article 194 Gratifying lust in front of a child or a minor – this criminal offence consists of actions designed to gratify one's own or any other person's lust in front of a child or a minor, or inducing the child to do such actions in front of any person; by prescribing this form of a criminal offence, the legislator expressly protects the interests of a child or a minor;
- Article 195 Pimping – this criminal offence has several forms, and it consists of the action of pimping, organising provision of sexual services for profit, compelling the other person by the use of physical force, by threatening to use force or by deceit to

provide sexual service, but in any case, if the criminal offence is committed with a child or a minor, it is punished more severely;

- Article 196 Exploiting children or minors for pornography – this criminal offence consists of recording a child or a minor for taking photos, audio-visual material or other things of pornographic content, or possessing, importing or selling and distributing or showing such material, or inducing a child or a minor to participate in a pornographic performance; by prescribing this form of a criminal offence, the legislator expressly protects the interests of a child or a minor;
- Article 197 paragraph 1 Introducing children to pornography – this criminal offence consists of selling, giving, displaying, or making accessible by public presentation or in any other way anything written or printed or any picture, drawing, audio and video production or any other things of pornographic content to a child, or showing a pornographic performance to a child; by prescribing this form of criminal offence, the legislator expressly protects the interests of a child or a minor;
- Article 173 paragraphs 5 and 6 Abuse of narcotic drugs – this criminal offence consists of inducing others to use a narcotic drug or giving a person a narcotic drug so that he or another person may use it, or making available premises for the purpose of using a narcotic drug or in some other way enabling another to use a narcotic drug. If this criminal offence is committed in relation to a child or a minor, it is qualified differently and punished more severely, by a prison sentence lasting from one to ten years.

Provisions of the Defence Act:

Articles 30 and 42 – this Article stipulates that the recruitment liability as a part of military obligation starts in the calendar year in which a citizen turns 18, and continues until he is assigned for a term of military or civil service, followed by military reserve status or cessation of the military obligation. Recruits assessed as able for military service are assigned for a term of military service, after coming of age, which is as a rule in the calendar year in which they turn 19.

Question B

Please describe the measures to protect young persons who are in fact exposed to physical or moral danger at their work.

Please describe, in particular, the measures taken (stopping of work, transfer, vocational guidance, etc.) when a physical disorder is noted in young persons in the course of their work.

Question C

Please give a summary of the measures taken in order to protect young people outside work.

The Council for Children's Affairs (*Official Gazette*, No. 132/98, 102/00, 44/01, 36/02 and 23/04) has been established in the Republic of Croatia, with the aim of continuously monitoring the implementation of the National Action Programme for Children in the Republic of Croatia, and coordinating the work of state and other bodies in implementing the planned measures and activities.

In performing its tasks, the Council especially:

1. monitors the implementation of the Convention on the Rights of the Child and of other international documents referring to protection of children, and it endorses children's rights;
2. discusses draft acts and other draft regulations concerning exercise of children's rights, proposes amendments of acts and other regulations to the Government and the responsible ministries, and proposes drafting of new regulations in the area of child protection;
3. monitors the implementation of existing legislation that refers to children and proposes to the Government measures to improve work of the bodies responsible for work concerning the protection of children and exercise of their rights;
4. proposes to the Government and to other authorized bodies the financing of individual programmes relevant for children, from the state budget and other sources;
5. monitors the implementation of national programmes for children in other countries;
6. coordinates and harmonizes the work of commissions and other competent bodies regarding efforts to achieve objectives planned in the National programme.

The Council has 19 members, and every member has a deputy. The Council consists of:

– 11 representatives of state administration, as follows:

- Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity,
- Ministry of Science, Education and Sports,
- Ministry of Health and Social Welfare,
- Ministry of Culture,
- Ministry of the Interior,
- Ministry of Foreign Affairs,
- Ministry of Economy, Labour and Entrepreneurship,
- Ministry of Sea, Tourism, Traffic and Development,
- Ministry of Environmental Protection, Spatial Planning and Construction,
- State Attorney's Office of the Republic of Croatia,
- Office for Human Rights;

– 4 representatives of scientific and professional institutions:

- Faculty of Law – Social Work Studies,
- Faculty for Educational Rehabilitation of the University of Zagreb,
- Faculty of Philosophy – Department for Psychology,
- Teacher's Academies;
- 3 representatives of associations engaged in the care of children,
- a representative from the Croatian Journalists' Association.

Appointment of members to this Council is currently in progress.

In 2004, the Government of the Republic of Croatia adopted a Programme of Activities for the Prevention of Violence among Children and Adolescents, the purpose of which is to raise the awareness of experts, parents, children and adolescents of the problem of violence among children and young people, and to establish systematic solutions for the prevention of violence among children and adolescents, as well as to mitigate and relieve the consequences of such violence.

Programme objectives are the following:

- prevention of new cases of violence among children and adolescents
- training of experts who work with children and adolescents
- raising awareness of parents, children and young people of the problem of violence among children and adolescents
- providing systematic assistance to children and adolescents who are victims of violence
- scientific monitoring of violence as a phenomenon among children and adolescents.

The Programme consists of short-term and long-term measures, and their implementation is monitored systematically and continuously. The Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity is responsible for monitoring and coordinating Programme measures. Programme implementation will be supported by resources from the competent state bodies within the framework of their regular activities.

Question D

Please indicate the measures taken to protect children and young persons against all forms of violence, exploitation or ill-treatment (including sexual abuse) to which they may be subjected, including within the family.

Please indicate the extent of the problem (if possible, with data) and the measures taken or planned in order to guarantee children and young persons the protection to which they are entitled, including not only preventive but also other measures.

Please also describe the preventive measures taken against smoking, drug and alcohol abuse, including multiple addiction, as well as against sexually transmitted diseases.

In accordance with the provisions of the Police Act, which has been in force since 2001, part of the regular activities of the police forces is implementation of preventive measures aimed at protecting children from maltreatment, sexual abuse and exploitation as a labour force.

In order to obtain special training for these activities, police officers attend a specialized course that includes acquiring the knowledge and skills necessary to understand and respect children's rights guaranteed by the Convention on the Rights of the Child. In the period between 2000 and 2004, seven (7) such specialized courses for the prevention of juvenile delinquency were organized. The course was attended by 185 police officers.

In addition, a special training programme for police officers on interdepartmental activities concerning family violence was organized in cooperation with non-governmental organizations, and the Society for Psychological Help.

The former Ministry of Labour and Social Welfare, now the Ministry of Health and Social Welfare was designated as a National Focal Point for the protection of children from sexual abuse. Data are requested from all competent state authorities, and reports are sent on a regular basis to ECPAT (End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes), the international association responsible for monitoring the implementation of the Stockholm Action Plan for the Prevention of Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes.

Also in May 2002, the Republic of Croatia ratified a Facultative Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.

The Act on Protection against Family Violence defines the term family violence, the circle of persons who are considered family members in the sense of this Act, the way of protecting family members is prescribed, as well as the types and the purpose of sanctions for misdemeanour offences.

Misdemeanour offences relating to family violence are defined by the Misdemeanours Act, unless this Act stipulates otherwise, and all procedures instigated on the basis of this Act are considered urgent.

In the sense of this Act, the family consists of: a husband and wife living in a marriage or a common-law marriage, relatives in a straight line by consanguinity without limitations, collaterals up to the fourth degree, in-laws up to the second degree, persons who live together in a family or a common-law marriage and their children, and persons who have children together, the adopter and the adoptee, the guardian and the ward.

Under this Act, family violence is:

- any use of physical force and coercion on the integrity of a person,
- any other action by a family member that can cause or result in the danger of causing physical and psychological pain,
- causing fear or the sense of being personally threatened or injuring dignity,
- physical assault regardless of the fact if it has caused a physical injury or not,
- verbal assaults, insults, swearing, calling somebody derogatory names and other forms of rough harassment,
- sexual harassment,
- spying and all other types of harassment,
- unlawful isolation or limitation of the freedom of movement or freedom of communicating with third persons,
- damaging or destroying property or the attempt to do so.

Another document that was adopted is the National Strategy for Protection from Domestic Violence 2005-2007, the main objectives of which are the following:

- prevention of domestic violence in all its forms;
- mitigation of the consequences of domestic violence already committed;
- work on the development of a multidisciplinary approach to victims of domestic violence;
- improving cooperation and coordinated actions of competent authorities;
- educating and raising the awareness of experts and the broader public of the problem of domestic family violence;
- securing the organisation and a sufficient number of experts in the competent state authorities of the Republic of Croatia to deal with problems of domestic violence;
- contributing to the implementation of gender equality policies.

Starting from the fact that family violence is a form of discrimination and bearing in mind that most common victims of this form of violence are women, but also that it is necessary to secure protection of all victims of family violence, regardless of their gender, the National Strategy for Protection from Domestic Violence 2005-2007 imposes on all competent authorities obligations to research, prevent and institute legal proceedings for all types of family violence.

In order to accomplish the objectives of the National Strategy mentioned, 27 short-term and long-term measures were planned, the implementation of which should include all the competent authorities of state administration, local and regional self-government, and non-governmental organisations dedicated to enforcing human rights, and especially protection of victims of family violence.

Here, it is also necessary to make reference to the Protocol of Proceedings in Case of Family Violence (hereinafter: "the Protocol") based both on the laws and subordinate legislation and the contents and obligations laid out in the National Strategy for Protection from Family Violence from 2005 to 2007, adopted by the Government of the Republic of Croatia on 9 December 2003 (hereinafter: "the National Strategy"). The Protocol provides for:

- the **obligations of the competent authorities and other actors** participating in the detection and suppression of violence, and providing assistance and protection to persons exposed to family violence;
- the **forms, manner and contents of co-operation between the competent authorities and other actors** participating in the detection and suppression of violence and providing assistance and protection to persons exposed to family violence;
- **other activities and obligations relating to the proceedings by the competent authorities and other actors** participating in the detection and suppression of violence, and providing assistance and protection to persons exposed to family violence
- **final provisions** prescribing the actions to be undertaken in accordance with the activities provided for by this Protocol.

The emphasis of state policy regarding the protection of children from maltreatment and grave neglect is on creating the prerequisites for preventive action, but there are also continuous efforts to improve the way and methodology of professional work in treating maltreated children. In this sense, the emphasis is on a multidisciplinary team approach, and experts who work with these children are encouraged to undertake continuous professional education.

If a child is exposed to violence, maltreatment or abuse (including sexual abuse) in the family, the child's interest is protected by removal of the child from his/her parents and entrusting him/her to another person, institution or legal entity that engages in social welfare for education and upbringing. The parents are then deprived of their right to parental care.

A great problem in the area of professional work with maltreated children at the moment is the insufficient opportunities to provide victims of family violence with psycho-therapeutic treatment, as there is a lack of experts specialized in psycho-therapeutic work with victims of sexual abuse and other forms of violence.

However, all children and adults who are victims of family violence can obtain counselling at the social welfare centres, which employ teams of experts (social workers, psychologists).

In Zagreb, a Polyclinic of the City of Zagreb was established for the protection of children, and its aim is to provide professional assistance and treatment to children who are victims of violence and other children who need such help. During 2003, the Polyclinic treated 1100 children and their families.

In addition to this, there are several associations involved in this field, for example “Mirta” from Split, “Tić” from Rijeka etc. Also, some medical institutions provide assistance to victims of violence, for instance the Dubrava Clinical Hospital Centre, the Children’s Hospital in Klaićeva Street in Zagreb – the Centre for Psycho-trauma, the Children’s Psychiatric Hospital in Kukuljevićeva Street in Zagreb.

Activities aimed at protecting victims of family violence so far have pointed out the need to establish shelters for victims of family violence. The amendments to the Social Welfare Act foresee the establishment of institutions to accommodate children and parents who are victims of domestic violence, but the state still has not established such an institution, so that social welfare centres cooperate with associations that provide this kind of service. Currently, there are eight NGOs that provide such services.

By the amendments to the Social Welfare Act, the procedure of registering associations that provide accommodation and assistance to victims of domestic violence has been simplified, and the costs of their accommodation are covered by the state.

Since 2001, the police have had a prescribed procedure in cases when it determines that a minor is buying or consuming alcohol. They file a misdemeanour charge against the person who sold an alcoholic drink to the minor. Apart from the police, economic inspectors also work on protecting children from consuming alcoholic drinks, based on the Catering Industry Act.

Also, in view of the necessity of implementing a modern, comprehensive programme of primary prevention, early treatment and recovery of addicts, the Government of the Republic of Croatia adopted a National Programme for the Prevention of Narcotic Drug Abuse for 2003.

Question E

Please supply all relevant information concerning the bodies responsible for supervising the application of these provisions (in particular the social service and judicial bodies) and how they function, and on the methods employed to carry out such supervision (enquiries, etc.)

Article 4 of the State Inspectorate Act prescribes that the State Inspectorate supervises the implementation of laws and other regulations in the area of labour and occupational safety and health, which regulate relationships between employers and employees (employment relationships and occupational safety), and especially the implementation of regulations referring to:

- the obligation of employers to register their employees with the competent pension and health insurance authorities within the prescribed deadlines,
- working hours, salaries, employment and jobs done by minors, women, pregnant women, women with newborn babies, disabled persons, foreigners etc.,
- working conditions, protection of employees, safety and protection of employees' health,
- particularly protection of the health of minors, women and disabled persons.

According to the provisions of the Act on Protection against Family Violence, the misdemeanour sanctions prescribed for reasons of protection against family violence are fines, prison sentence, and protective measures.

The Ordinance on the Manner of Implementation of Protective Measures Under Police Jurisdiction, as Prescribed by the Act on Protection against Family Violence (*Official Gazette*, No. 27/04) prescribes the manner of implementation of :

- protective measures issuing a restraining order for reasons of protecting a victim of family violence,
- protective measures issuing a harassment or stalking restraining order to protect a person exposed to violence,
- protective measures removing of a person from the apartment, house or some other housing facility.

The aforementioned protective measures are implemented by police officers, on the basis of the authority prescribed by the Police Act and the Misdemeanours Act.

ARTICLE 8: THE RIGHT OF EMPLOYED WOMEN TO PROTECTION

ARTICLE 8 PARA. 1

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake: to provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after childbirth up to a total of at least 12 weeks;"

Legislation of the Republic of Croatia

1. Constitution of the Republic of Croatia

Article 56 of the Constitution prescribes that the right of employed persons and their family members to social security and social insurance is regulated by the law and collective agreements, and that the rights to social security, childbirth, maternity, and child care are regulated by law.

Article 64 stipulates that young people, mothers and disabled persons shall be entitled to special protection at work.

2. International Agreements

The Republic of Croatia has ratified:

ILO Convention Nr. 3. concerning the Employment of Women before and after Childbirth, 1919 (*Official Gazette*-International Agreements Nr. 2/94, 3/00)

ILO Convention Nr. 45. concerning the Employment of Women on Underground Work in Mines of all Kinds, 1935 (*Official Gazette*-International Agreements Nr. 6/95, 1/02)

ILO Convention Nr. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951 (*Official Gazette*-International Agreements Nr. 6/96,3/00)

ILO Convention Nr. 111 concerning Discrimination in Respect of Employment and Occupation, 1958 (*Official Gazette*-International Agreements Nr. 2/94, 5/00)

ILO Convention Nr. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, 1981 (*Official Gazette*-International Agreements Nr. 6/95, 5/00)

Croatia is a party to the International Pact on Economic, Social and Cultural Rights.

3. Primary legislation

Labour Act (*Official Gazette* – amended version, No. 137/04)

Act on Maternity Leave of Self-Employed and Unemployed Mothers (*Official Gazette*, No. 24, 96, 109/97, 82/01, 30/04)

Occupational Safety and Health Act (*Official Gazette*, No. 59/96, 94/96 and 114/03)

Health Insurance Act (*Official Gazette*, No. 94/01, 88/02, 149/02, 117/03, 30/04 and 177/04).

4. Secondary Legislation

Ordinance on Work in Which a Woman May not be Employed (*Official Gazette*, No. 44/96)

Ordinance on the Conditions and Procedure for Obtaining Maternity Leave for Pregnant Women or Breastfeeding Mothers (*Official Gazette*, No. 103/96)

Ordinance on the Conditions and Procedure for Exercising the Right to a Break for Breastfeeding (*Official Gazette*, No. 103/96)

Ordinance on the Conditions and Procedure for Acquiring the Right to Work with Shortened Working Hours for Caring for a Baby Requiring more Intensive Care (*Official Gazette*, No. 64/98)

Ordinance on the Right of the Parents of a Child with Grave Developmental Difficulties to Leave or Part-Time Work in order to Take Care of the Child (*Official Gazette*, No. 92/03)

Ordinance on the Manner of Exercising the Right to Maternity Allowance of an Unemployed Mother Who is Entitled to Benefits Paid by the Croatian Employment Bureau, an Unemployed Mother Who is Entitled to Disability Pension Due to Occupational Disability and a Mother Who Receives a Pension (*Official Gazette*, No. 105/01)

Ordinance on Activities that are Classified as Industry (*Official Gazette*, No. 8/96)

Ordinance on the Rights, Conditions and Manner of Exercising Rights from Basic Health Insurance (*Official Gazette*, No. 93/03, 158/03, 198/03, 81/04 and 174/04).

Maternity allowance during the time that a mother who works in agriculture, an unemployed mother, a mother who is in regular education, a mother who receives a pension, or mother who receives a disability pension due to occupational disability amounts to HRK 1,600.00. (Article 18 paragraph 2 of the State Budget Execution Act of the Republic of Croatia for 2005, *Official Gazette*, No. 171/04).

Question A

Please indicate the length of maternity leave, showing, where appropriate, its division before and after confinement.

According to the Labour Act, an employed woman is entitled to maternity leave during pregnancy, child birth and child care, and she can use it 45 days prior to the expected confinement until the child is one year old. For twins, the third child and every child that is born after the third child, an employed woman can use maternity leave until the child is three years old.

An unemployed mother, a mother in regular education, a mother receiving pension or disability pension due to occupation-related incapacity to work is entitled, throughout the maternity leave or until the child is one year old, to receive salary compensation amounting to 1,600.00 kn.

According to the Labour Act, an employed woman is obliged to take maternity leave in the period from 28 days before the childbirth until the child is six months of age (mandatory maternity leave). As an exception, a woman may, at her own request, begin to work before her child is six months of age, but not before 42 days have lapsed from the childbirth.

A very small number of women who return to work after six months of maternity leave exercise their right to shortened working hours until the child is one year old. During the second half of 2003, this right was exercised by only 37 mothers of almost 28.8 thousand women who were on maternity leave during that year. Last year, on the other hand, only 53 women returned to work after six months maternity leave and exercised their right to work half a day during the first six months. Last year, more than 30.3 thousand mothers used their maternity leave in the duration of one year, with the maximum allowance of HRK 2,500 during the second six months of maternity leave. This number also includes women who are entitled to maternity leave until the child is three years old.

After the mandatory maternity leave expires, if the parents agree, the child's father may be the one to use the maternity leave. If the father exercises this right for at least three months, the maternity leave is prolonged for another two months.

If the mother dies, abandons the child or if she is unable to take care of the child due to illness or some other important reason, the child's father may exercise all the rights stipulated by the law for the purpose of the protection of motherhood and child upbringing.

Question B

Please indicate whether in some cases the total duration of leave before and after confinement is less than twelve weeks.

Since the mandatory maternity leave begins 28 days before confinement, and considering that a woman can, as an exception and upon her own request, start working before the child is six months old, but not earlier than 42 days after confinement, this means that it is possible that the total duration of the leave before and after confinement is less than 12 weeks. However, although this possibility exists, there are almost no cases of such an early return to work by women.

Question C

Please indicate whether the benefits during maternity leave are provided in the form of paid leave (if normal pay is reduced, please indicate the amount), under a social security system or from public funds, stating whether the payment of benefits is subject to conditions and if so, which.

According to Article 37 paragraph 1 of the Health Insurance Act (*Official Gazette*, No. 94/01, 88/02, 149/02, 117/03, 30/04 and 177/04) and Article 94 paragraph 1 of the Ordinance on the Rights, Conditions and Way of Exercising Rights from Basic Health Insurance (*Official Gazette*, No. 93/03, 158/03, 198/03, 81/04 and 174/04 – hereinafter: the Ordinance), the base for determining the benefit is the average salary paid to the insured person during the

last six months before the month when the event happened that is the basis for exercising the right to the benefit.

The average salary, as defined in Article 94 paragraph 1 of the Ordinance is the amount calculated by dividing the sum of paid salaries by the number of hours of work for which they were paid.

As an exception to paragraph 1 of that Article, if the insured person was not paid a single salary, or if only one salary was paid during the prescribed six month period, the base for calculating the benefit is the salary for the current month, i.e. the salary paid until the day of insured event.

According to Article 38 paragraph 1 subparagraph 3 of the Act and Article 109 of the Ordinance, the benefit during the mandatory maternity leave is 100% of the base used to calculate the benefit, provided that the benefit received for full working hours cannot be less than HRK 1,600.00 or more than HRK 4,250.00.

According to Article 25 paragraph 1 of the Act, the benefit paid during the mandatory maternity leave is paid by the Health Insurance Institute from the first day, from its own funds.

The amount of the benefit for maternity leave until the child is 6 months old varies from the minimum of HRK 1,600.00 to the maximum of HRK 4,250.00.

The maternity benefit for the period when the child is between the age of six months and one year old, the benefit for adopter's leave and the benefit paid during work with shortened working hours until the child is one year old varies from the minimum of HRK 1,600.00 to the maximum of HRK 2,500.00 for work with full working hours, depending on the amount of the benefit paid during the mandatory maternity leave that was determined for the insured person in accordance with Article 37 of the Health Insurance Act.

The maternity leave benefit paid for the period when the child is between one and three years of age, as prescribed in Article 58 paragraph 9 of the Labour Act, the benefit for adopter's leave, or shortened working hours for the period when the child is between one and three years of age, as defined in Article 59 paragraphs 1 and 3 of the Labour Act, the benefit for the leave defined in Article 57 of the Labour Act, for work with full-time working hours and the maternity leave benefit for mothers who work in agriculture, unemployed mothers, mothers in regular education, mothers who receive a pension, i.e. mothers who receive a disability pension due to occupational disability amounts to HRK 1,600.00.

In 2004, HRK 609,166,650.00 maternity benefits were paid for the mandatory maternity leave, and for maternity leave up to one, i.e. three years of the child's age, for the adopter's leave and the shortened working hours, the total amount of benefits paid amounted to HRK 418,698,607.67.

According to natural indicators, the number of cases – beneficiaries of maternity leave in 2004 is as follows:

	Number of cases
Mandatory maternity leave	32,807
Additional maternity leave	30,478
Maternity leave up to the 2 nd , or 3 rd year of the child's life	4,968
Maternity leave – unemployed mothers	9,066
Shortened working hours until the child is one year old	66
Adopter's leave	67

Question D

Please indicate, in circumstances where part or all of benefits payable during maternity leave are not covered by paid leave, the amount of social security benefits or benefits from public funds in monetary terms and, as appropriate, as a percentage of the wages previously paid to the worker.

Question E

Please indicate any sanctions that may be imposed on an employer failing to observe this provision, and state whether the employed woman has the option of voluntarily giving up all or part of her maternity leave.

Violating the provisions of the Labour Act that regulate maternity leave (Articles 66 to 79) by an employer is considered one of the gravest violations for which the employer as a legal entity is sanctioned by a fine between HRK 61,000.00 and 100,000.00.

For these misdemeanours, an employer as a legal entity may receive a mandatory fine at the place of violation of HRK 20,000.00, whereas the employer-physical person and the responsible person in the employer-legal entity may receive a mandatory fine of HRK 6,000.00.

As it was already mentioned, upon her own request, a woman may, as an exception, start working before the child is six months old, but not earlier than 42 days after confinement. In accordance with this, a woman does not have the option of voluntarily relinquishing all or part of her maternity leave.

Question F

Please indicate the protection to which women employed on fixed-term contracts in your country are entitled, including nationals of the other Contracting Parties to the Charter.

As fixed-term contracts expire on the expiration date, the rights resulting from an employment relationship also cease (in this case maternity leave), but in this case a mother is entitled to the maternity leave as an unemployed mother.

Namely, the Act on Maternity Leave of Self-Employed and Unemployed Mothers also regulates the right to maternity leave of unemployed mothers, which they are entitled to, provided that they register in the register of unemployed persons within 30 days after their employment relationship was terminated.

An unemployed mother is entitled to maternity leave until the child is one year old, and an unemployed mother who is entitled to the unemployment benefit paid by the Croatian Employment Bureau is paid the difference between the unemployment benefit and the maternity benefit up to the amount prescribed by special regulations (answered under C). Maternity benefits for unemployed mothers are covered from the state budget of the Republic of Croatia.

ARTICLE 8 PARA. 2

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake: to consider it as unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave or to give her notice of dismissal at such a time that the notice would expire during such absence;"

Question A

Please indicate what arrangements exist to give effect to this provision.

An employer may not terminate an employment contract for a mother who is on maternity leave or fifteen days after the maternity leave expired, except in the case of a fixed-term contract where the employment relationship ends on the contract expiry date.

Question B

Please also indicate the sanctions provided for dismissals in breach of this provision.

A dismissal is null and void if, on the day of dismissal, the employer was aware of the fact that the employee was pregnant or if the worker notifies his or her employer, within a period of fifteen days following the receipt of the notice of dismissal, of this circumstance, enclosing an appropriate certificate signed by an authorised physician or another authorised body.

After the maternity leave expires, an employee has the right to return to the job she previously performed, and if the need for this job no longer exists, the employer shall offer to conclude a labour contract with her for the performance of other appropriate job.

This prohibition of dismissal by an employer is absolute in the sense that it exists as long as the circumstance exists on the basis of which an employee gained this status.

This absolute prohibition of dismissal exists for employed women who have an open-ended employment contract.

A fine in an amount ranging from HRK 61,000.00 to 100,000.00 shall be imposed on the employer-legal person:

- for terminating a pregnant woman's employment contract.

An employer-physical person and the responsible person in the employer-legal person shall be fined in an amount ranging from HRK 7,000.00 to 10,000.00.

For the aforementioned violation, an employer-legal person may receive a mandatory fine at the place of violation of HRK 20,000.00, whereas an employer-physical person and the responsible person in the employer-legal person may be imposed a mandatory fine of HRK 6,000.00.

Question C

Please indicate if reinstatement is ensured in cases of dismissal in breach of this provision and, in the exceptional cases where this is not possible, the amounts of compensation awarded.

Although an employer is always obliged to ensure reinstatement in cases when an employee was dismissed in violation of this provision, if it is made impossible for the employee to be reinstated, such reinstatement has to be ensured if the case is brought to court and won, and the benefit shall depend on the salary.

Question D

Please indicate the protection to which women employed on fixed-term contracts in your country are entitled, including nationals of the other Contracting Parties to the Charter.

As it has already been stated, women employed on the basis of a fixed-term contract are entitled to the same rights as women with open-ended employment contracts, for the duration of the contract. After the contract expires, so do the rights, which also refers to nationals of other Contracting Parties to the Charter.

ARTICLE 8 PARA. 3

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake: to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;"

Please indicate the rules which apply in this respect, stating whether time off for breastfeeding is considered as working hours and paid as such.

Based on the provisions of the Labour Act (Article 68), a woman who, after the end of maternity leave or work with shortened working hours, continues to breastfeed her child, has, for this purpose, the right to a break of one hour twice a day during full-time work. The woman may exercise this right until her child reaches one year of age.

It is important to mention that the period of the break is included in the working hours, and that the salary compensation for the break is calculated according to health insurance regulations.

ARTICLE 8 PARA. 4

"With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

- a. to regulate the employment of women workers on night work in industrial employment;*
- b. to prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous,*

unhealthy, or arduous nature."

Question A

Please give details of regulations on the employment of women on night work in industry, in particular as regards the content of regulations on night work of women who are pregnant, have just given birth or are breastfeeding their children, and stating in particular the hours to which the term "night work" applies.

The provisions of Article 59 of the Labour Act stipulate that work between the hours of 10 in the evening and 6 in the morning of the next day is considered night work, unless this Act or another law, another regulation, collective agreement or agreement between the employer and the workers' council specify otherwise for specific cases. If work is organised in shifts, a change in shifts must be guaranteed such that workers work during consecutive nights for at most one week.

The Labour Act prohibits night work by women in industry, unless this kind of work is approved by the minister responsible for labour, as an exception, in cases of grave danger, for the protection of national interests.

Approval for introducing night work for women is issued on the basis of a request and the following appendices that contain the following information:

1. the registered activity of the employer (as defined under the Ordinance on Activities that are Classified as Industry)
2. the reasons why it is necessary to introduce night work for women
3. the time of night work
4. the period for which the approval is sought
5. the number and a list of the women , the place of work and jobs at which the woman will work at night
6. a declaration that there are no women who cannot be exempt from night work
7. name of the association of which the employer is a member and the name of the trade union in which the employees are members, and their approval, i.e. declaration on non-membership in the aforementioned organisations
8. an opinion from the worker's council, the employers' association and trade union of industrial branches or activities or of a specific occupation, or if this opinion was denied, proof that it was requested
9. an administrative fee of HRK 70.00 or proof of payment of this amount to the State Budget, as a condition for delivering the approval.

All listed appendices have to be delivered in two identical copies.

At the same time, it has to be taken into account that the conditions for night work are satisfactory (especially when the opinion is negative).

This prohibition does not apply to employers who employ only members of their families. The prohibition of night work also does not apply to women who perform managerial and technical jobs, or to women employed in the health and social services who generally do not perform work of a manual nature.

In exceptional cases, a woman can be scheduled for night work without the prior approval of the minister responsible for labour if such work is indispensable due to *force majeure* or to prevent damage to raw materials. The labour inspector must be informed within a period of 24 hours on such night work, and if he/she determines that the work in question is not indispensable in that there is no *force majeure* or danger of damage to raw materials, he/she may prohibit night work.

Due to the need to make better use of resources for work, to increase employment or for similar important economic or social reasons, the minister responsible for labour may decide that night work be defined differently than was mentioned earlier, so that exemptions from prohibition of night work are made for women:

1. working in certain industrial branches or activities or in specific occupations, provided that the employers' associations and trade unions come to an agreement about this or give their consent to this,
2. employed by one or more employers who are not covered by the mentioned decision of the minister, under the condition:
 - that the employer and the workers' council come to an agreement about this, and
 - that an opinion is sought about this from the employers' association and trade unions of industrial branches or activities or of a specific occupation.

In the case of an employer who is not covered by this decision, or with whom no agreement has been made, the state administration office in the county responsible for labour affairs according to the place of the employer's seat, may give approval for exemptions from prohibition of night work for women, under the condition:

- that an opinion has been sought about this from the worker's council, as well as the employers' association and trade union of industrial branches or activities or of a specific occupation;
- that the state administration office in the county responsible for labour affairs satisfies itself as to the appropriateness of the occupational safety and health measures that have been undertaken, social services and equal opportunities for, and equal treatment of female workers, and
- that such approval is given for a specific limited period, which may not be longer than two years and that it may be renewed through the procedure and under the same conditions as those applied when it was originally given.

It is important to mention that, with the aim of ensuring maximum protection of pregnant women and mothers, and according to the provisions of the Labour Act, a pregnant woman, a mother with a child under two years of age and a single mother with a child under three years of age may not be exempted from prohibition of night work, unless she herself so requests.

Question B

Please give details of measures to prohibit the employment of women workers in underground mining.

Article 63 of the Labour Act stipulates that a woman may not perform very difficult physical labour, underground or underwater works and other work, which exceptionally endangers the woman's life and health, in view of her psychological and physical characteristics.

The prohibition of underground work does not relate to women who perform managerial jobs, jobs in health care and social welfare, students and trainees who during their schooling or occupational training must spend part of their time in the underground parts of mines and to women who occasionally must enter the underground parts of mines in order to carry out work which is not of a physical nature.

The Minister responsible for labour issued an Ordinance on Work which May not be Performed by a Woman (*Official Gazette*, No. 44/96), which defines work that may not be performed by a woman, in view of her psychological and physical characteristics, for reasons of protecting her life and health, as well as work that may not be performed by a woman during pregnancy or breastfeeding, as it threatens her life or health or the child's life or health.

A woman may not do work:

1. that requires hard physical strain (jobs that require manual lifting or carrying of burdens heavier than 15 kg),
2. under ground,
3. under water,
4. under increased atmospheric pressure (work done in caissons).

A pregnant woman or a breastfeeding woman may not do work that threatens her life or health, or her child's life or health, or more precisely, a pregnant woman may not do work:

1. as a fireman
2. performed at altitudes
3. in an unfavourable microclimate (jobs that are performed in working facilities, in which the microclimate is not within standard or physiological limits, due to technological reasons: a high temperature or high relative humidity, and jobs that are performed under the influence of cold in cold-storage plants)

4. in noise above 90 dB
5. where she would be exposed to vibrations and shaking
6. where she would be exposed to ionizing radiation
7. where she would be exposed to microwave radiation
8. where she would be exposed to lead and its inorganic and organic compounds
9. where she would be exposed to mercury vapours and dust of mercury compounds
10. where she would be exposed to manganese and manganese compound dust and smoke
11. where she would be exposed to uranium and its compounds
12. where she would be exposed to fluorine and its compounds
13. where she would be exposed to carbon disulphide
14. where she would be exposed to halophilic carbon derivatives
15. where she would be exposed to benzene and other homologues
16. where she would be exposed to nitro and amino benzene derivatives
17. where she would be exposed to chemical and other substances in the production and processing of artificial bitumen and plastic
18. where she would be exposed to pesticides on the basis of chlorinated hydrocarbons
19. where she would be exposed to the following biological agents:
 - viruses: hepatitis B, herpes, cytomegalovirus, varicella, rubella, HIV
 - bacteria: listeria, toxoplasma

A woman who is breastfeeding may not work:

1. where she would be exposed to pesticides on the basis of chlorinated hydrocarbons
2. where she would be exposed halogen hydrocarbon derivatives
3. where she would be exposed lead and its inorganic and organic compounds.

According to the data of the State Inspectorate for 2003, it was determined that 425 women worked illegally at night, and during the first six months in 2004, 217 women that worked illegally at night were discovered during inspections.

Question C

Please indicate what other occupations of the kind referred to in sub-paragraph *b* of this paragraph are prohibited and the measures taken to give effect to such extension.

Answered under B.

Question D

Please give particulars of any authorised exceptions.

ARTICLE 9: THE RIGHT TO VOCATIONAL GUIDANCE

"With a view to ensuring the effective exercise of the right to vocational guidance, the Contracting Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including school children, and to adults."

Question A

Please give a description of the service - its functions, organisation and operation - specifying in particular:

Vocational guidance service is organized within the Croatian Employment Service, and its activities are regulated by the Act on Employment Mediation and Entitlements during Unemployment, as follows:

- Article 15 states that preparation for employment also includes vocational guidance;
- Article 16 defines the beneficiaries (*"Vocational guidance is aimed at providing assistance to children, young persons, unemployed, employed and other persons in choosing or changing their vocation and occupation"*), and the types of activities (*"Vocational guidance is done through providing information, counselling, and monitoring occupational development of persons defined under paragraph 1 of this Article"*)
- Article 57 item 3 stipulates that the (Employment) Service organizes and implements vocational guidance programmes.

a. whether access to services is free of charge;

All vocational guidance services are free of charge to the beneficiary.

b. whether vocational guidance work is carried out in the public or private sectors;

The vocational guidance service is organized within the Croatian Employment Service. The Croatian Employment Service is a public institution owned by the Republic of Croatia.

c. the measures taken to supply all persons with adequate information on the choice of employment;

Providing vocational information is one of the first stages of the preparation for employment. It encompasses the broadest range of beneficiaries, both according to their age and their employment status and education. Some of the beneficiaries are “covered” indirectly through a variety of media (most often printed materials), and some are covered by direct oral presentations.

d. the measures taken to ensure a close link between vocational guidance and training on the one hand and employment on the other¹;

In order to harmonise the supply and demand side of the labour market, as far as possible, vocational guidance always provides information on the current and expected employability in individual occupations and vocations. Such information is also provided to educational institutions so that they are able to adapt their choice of educational programmes and the number of admissions (quotas) for different programmes.

e. the measures in hand for improving the services;

It was estimated that by creating the prerequisites for self-information and self-assessment of beneficiaries in vocational guidance, there would be more available expert capacity, which would enable the experts to raise the quality of their work with persons for whom such professional assistance is indispensable (e.g. disabled persons or persons with some other problem that can significantly influence the possibilities of choosing an occupation or vocation and of working in that occupation). For these reasons, a Strategy of Vocational Guidance was adopted at the Croatian Employment Service, and currently there is a CARDS financed project of adapting the European IT programme CASCAiD, which enables self-information and self-assessment of beneficiaries in vocational guidance.

¹ If your country has accepted Article 10 para. 1, it is not necessary to describe these measures here.

f. the details of special measures to assist disabled persons.

Preparation for employment also encompasses occupational rehabilitation and providing incentives for employment of unemployed disabled persons and other persons with employability problems. At the end of 2002, the Croatian Parliament passed an Act on the Occupational Rehabilitation and Employment of Disabled Persons. Since this Act significantly broadened the role of the Croatian Employment Service in the occupational rehabilitation and employment of disabled persons, as of 1 September 2003, a Division for occupational rehabilitation and employment of disabled persons was established at the Central Service of the Croatian Employment Service. The main task of this Division is planning and implementing a new approach to the preparation and employment of the aforementioned groups of unemployed persons, who are not only significant in number (2.43%) but who have more difficult access to the open labour market, as a consequence of weaker education, lack of working experience and longer periods of unemployment. This position of unemployed disabled persons and other persons with employability problems requires a multidisciplinary approach, and regarding the employment of these groups, it is necessary to implement measures that would ensure their competitiveness very early, at the moment when their disability is acquired or determined for the first time, when it is necessary to dedicate special attention to discovering and developing their intellectual and working potentials. The first step in applying the new approach for raising the employability level of disabled persons is the preparation of the employees of the Croatian Employment Service – counsellors who should prepare these groups of unemployed persons and mediate in their employment process. Therefore, 24 employees of the Croatian Employment Service were additionally trained in 2004, within the “CARDS 2001” programme. Since March 2002, the Croatian Employment Service has been implementing Measures of an Active Employment Policy, i.e. the programme called “We too Have a Chance”, which includes co-financing measures for employment of disabled persons and other persons with employability problems.

Question B

Please indicate the measures taken in the field of vocational guidance to promote occupational and social advancement.

Besides the already mentioned provision of occupational information, the vocational guidance service also conducts procedures of occupational counselling. Occupational counselling represents a higher level of preparation for employment, and it consists of examining the relevant personal characteristics of individuals – e.g. their abilities, interests, motivation, health condition and other prerequisites for occupational development and advancement. The goal is to make it possible for the individual to make realistic choices, based on his/her personal wishes, needs and possibilities, which may lead to employment on the open labour market and professional advancement.

Question C

Please indicate the types of information available in the vocational guidance services and the means employed to disseminate this information.

Types of information used in vocational guidance primarily refer to descriptions of specific occupations, possibilities of education for these occupations, employment possibilities in the region, services provided by the Employment Service etc. This information is targeted at a very wide range of beneficiaries – from pupils who are only starting to think about their future occupation, to the unemployed or employed persons, who are for any reason considering a change or advancement in their occupation.

Means of providing information are the following: written material (published in the media or through brochures, leaflets, instructions etc.); oral presentations to groups or individuals or information available through the Internet (web site of the Croatian Employment Service). In 2004, the Central Service and the regional services of the Employment Service published about twenty different written information leaflets, brochures etc., with a total circulation of 97,000 copies. In addition to this, the Croatian Employment Service cooperated with the Ministry of Education and Sports in preparing and co-financing 15,000 copies of the “nation-wide” brochure on enrolment in secondary schools, and it purchased 1,500 copies of the brochure published by the University in Zagreb on enrolment in faculties, two-year and four-year colleges.

Since a couple of years ago, the web site of the Croatian Employment Service has been offering a “Guide through Occupations”, which describes about 260 occupations, accompanied by a questionnaire compiled to enable a person to estimate his/her occupational interests and direct him/her towards the most appropriate occupations.

In 2003, more than 54,350 beneficiaries were covered by direct (oral) presentations of occupational information. Of that number 38,320 persons were informed in groups – with more than 1,800 presentations taking place. The remaining 16,033 persons were informed on an individual basis.

Question D

Please indicate:

a. the total amount of public expenditure devoted to vocational guidance services during the reference period;

The costs of the Croatian Employment Service for vocational guidance amounted to HRK 2,653,000 in 2003, and HRK 2,730,000 were planned for 2004. These costs do not include the salaries of the Employment Service employees, but only the costs of medical examinations (performed in medical institutions), procurement of psycho-diagnostic instruments and printing or procurement of information material.

b. the number of specialised staff of the vocational guidance services and their qualifications (teachers, psychologists, administrators, etc.);

The vocational guidance service of the Croatian Employment Service employs 44 psychologists, 20 pedagogues and other experts on occupational information, and several persons doing administrative work and psychotechnicians.

c. the number of persons benefiting from vocational guidance broken down by age, sex and educational background;

Activities of the Vocational Guidance Division in 2003

Direct provision of occupational information				
Beneficiaries	Total no. of persons	Group presentations		Individual information
		no. of groups	no. of persons	no. of persons
Unemployed and persons seeking employment	28,386	1,146	21,102	7,284
Primary and secondary school pupils	25,967	659	17,218	8,749
Total	54,353	1,805	38,320	16,033

Individual Occupational Counselling	
Beneficiaries	no. of persons
Unemployed and persons seeking employment	5,518
Primary and secondary school pupils	12,061
Total	17,579

Occupational selection of unemployed persons and persons seeking employment		
Goal	no. of persons	no. of selections
For immediate employment	3,116	181
For training etc.	1,970	109
Total	5,086	290

Educational assistance		
Beneficiaries	no. of persons	no. of trainings
Employment Service counsellors	319	137
Unemployed and persons seeking employment	10,029	1,429
Employers	1,102	602
Total	11,450	2,168

d. the geographical and institutional distribution of vocational guidance services.

The vocational guidance service is organized within the Croatian Employment Service. The Service consists of a Central Service and 22 regional services. The distribution of regional services, with a few exceptions, mostly coincides with county centres. Every regional service has a Vocational Guidance Division.

Question E

Please indicate whether equality of access to vocational guidance is ensured for all those interested, including nationals of the other Contracting Parties to the Charter lawfully resident or working regularly in your territory, and disabled persons.

This is defined in Article 16 already quoted from the Act on Employment Mediation and Entitlements during Unemployment ("Vocational guidance is aimed at providing assistance to children, young persons, unemployed, employed and other persons in choosing or changing their vocation and occupation"), and the fact that vocational guidance in Croatia has been institutionalised and professionalized for more than 70 years, and it has been harmonized with international conventions on occupational guidance.

ARTICLE 11: THE RIGHT TO PROTECTION OF HEALTH

Legislation of the Republic of Croatia

1. Constitution of the Republic of Croatia

Article 56 of the Constitution stipulates that everybody is guaranteed the right to health care in accordance with law.

2. International Agreements

The Republic of Croatia ratified:

ILO Convention No. 102 concerning Minimum Standards of Social Security, 1952 (*Official Gazette*-international agreements 2/94, 1/02)

The Republic of Croatia is a party to the International Pact on Economic, Social and Cultural Rights

3. Primary Legislation

Health Protection Act (*Official Gazette*, No. 121/03)

Act on the Protection of the Population from Communicable Diseases (*Official Gazette*, No. 60/92)

4. Secondary Legislation

Ordinance on the Modes of Reporting Communicable Diseases (*Official Gazette*, No. 23/94)

Ordinance on the Modes of Implementing Immunisation, Seroprophylaxis, Chemoprophylaxis against Communicable Diseases, and on Persons Subject to this Obligation (*Official Gazette*, no. 164/04)

Health Protection Plan of the Republic of Croatia (*Official Gazette*, No. 49/04)

*General aspects*¹

Question A

Please indicate the forms of ill-health which at present raise the greatest public health problems in your country by reason of their frequency, gravity and any sequels.

Please indicate what illnesses were the main causes of death.

The greatest public health problem in the Republic of Croatia is mass chronic diseases. When it comes to morbidity and mortality, predominant diseases are cardio-vascular diseases, followed by malignant diseases (with lung cancer in men and breast cancer in women being ranked first and colorectal cancer second), respiratory system diseases and injuries and poisonings.

¹ States having accepted one or more paragraphs of Article 11 are invited to respond to the questions under this heading.

The most frequent diseases of general/family medicine are the following:

1. Respiratory system diseases (acute respiratory infections)
2. Heart and blood vessel diseases
3. Muscular and skeleton diseases
4. Urinary and genital diseases

The most frequent groups of diseases treated in hospitals are diseases of the circulatory system, tumours, diseases of the digestive system, respiratory system, and urinary and genital diseases.

The leading causes of death are circulatory diseases, malignant tumours, injuries and poisonings, digestive and respiratory system diseases.

According to the World Health Organisation, the statistics on causes of death is in many countries the most reliable source of health information for assessment of the health situation. Mortality indicators are also used in the evaluation of achievement of strategic health goals in national health policies, as well as in the WHO Health Goals for the 21st Century.

The quality of mortality indicators depends on a series of requirements that must be complied with for the mortality statistics to be a reliable source of health information. To determine the basic cause of death, it is particularly important to properly fill out a death certificate. These forms are filled out by coroners, who cannot enter the correct cause of death without cooperation with the physician who treated the person concerned before death and medical documentation. Death diagnoses are coded in accordance with the International Classification of Diseases, the data are processed and categorised by some characteristics, other than death diagnoses, which are also very important: age, sex, place of death, place of residence. As well as for the assessment of the health situation of the population, some mortality indicators are also used for the assessment of the performance of health services (eg. the share of death from appendicitis and hernia, the share of post-mortem examinations, the share of post-mortem examinations carried out in hospitals), and some for the assessment of the quality of the overall mortality statistics, such as the share of unknown and insufficiently defined causes of death.

Deaths in Croatia in 2004

According to 2004 figures from the Central Bureau of Statistics relating to deceased persons, a total of 49,756 people died who had permanent or temporary residence in the territory of the Republic of Croatia. Men accounted for 51% and women for 49% of that total. In 2004, the mortality rate per 1,000 of the population was reduced from 11.8 to 11.2, as the total number of deaths fell by 2,819.

According to data from the Croatian Institute for Public Health, the leading cause of death is the group of circulatory diseases from which 24,959 people died – 562.5/100,000 of the population. When it comes to tumours, the second leading cause of death, in 2004 there were 12,408 deaths or 279.6/100,000 of the population. Three fourths of all the causes of death in Croatia belong to these two groups of diseases, and the remaining deaths were due to respiratory system diseases (2,895 or 65.2/100,000), injuries and poisonings (2,870 persons or 64.7/100,000), digestive diseases (2,370 or 53.4/100,000), and other, less common causes.

In 2004, the main characteristic of mortality in Croatia was that the third leading cause of death was the group of respiratory system diseases, whereas injuries and poisonings ranked fourth. The increase in the share and rate of deaths from respiratory diseases started in 2003, when they switched rank with digestive diseases (from the fifth cause they became the fourth cause). The share of unknown and insufficiently defined causes of death is 1.52%, which is the result of good cooperation with county commissioners for health statistics and coroners all over Croatia.

When it comes to causes of death in men, there have been no changes in the rank order of the leading groups of diseases in comparison with 2003, which means that circulatory diseases are ranked first, followed by tumours, injuries and poisonings are in the third position, and then there are respiratory system diseases and digestive diseases (Table 1).

Table 1 THE STRUCTURE OF CAUSES OF DEATH IN 2004 – MEN

Tumours	29.15%
Injuries, poisonings and some other consequences of external causes	7.55%
Respiratory system diseases	6.59%
Digestive system diseases	5.77%
Other	7.76%
Circulatory system diseases	43.19%

Source: Documentation of the Central Bureau of Statistics, 2005 (DEM-2/04)

Data processing: Croatian Institute for Public Health, 2005-11-02

The leading causes of death in women were the circulatory system diseases (57.4%), followed by tumours (21%), respiratory system diseases (5%), digestive system diseases (3.7%) and violent deaths (3.9%). The analysis of the rank of diseases which were the leading causes of death showed the same distribution as in 2003 (Table 2).

Table 2 THE STRUCTURE OF CAUSES OF DEATH IN 2004 – WOMEN

Digestive system diseases	3.72%
Respiratory system diseases	5.02%
Tumours	20.58%
Injuries, poisonings and some other consequences of external causes	3.93%
Other diseases	9.37%
Circulatory system diseases	57.38%

Source: Documentation of the Central Bureau of Statistics, 2005 (DEM-2/04)

Data processing: Croatian Institute for Public Health, 2005-11-02

Question B

Please describe the measures aimed at ensuring universal access to health care.

Please also indicate on what conditions the various health services are made available to the whole of your country, describing the geographical distribution of these services.

The Health Protection Act (*Official Gazette*, No. 121/03), as well as the earlier Health Protection Act, regulates principles, measures and the manner of implementing and organizing health protection, those responsible for health care in society, the rights and obligations of persons using health care and the contents, the manner of performance and supervision of medical activities.

The organisation of the health care should be based on the following principles:

- the comprehensiveness of the health care, by including the whole population in the implementation of the relevant health care measures;
- the continuity of the health care, by overall organisation of the provision of health services to individuals of all ages;
- the accessibility of the health care, by providing a network of health institutions, companies offering health care services and health workers which guarantees equal conditions of health care to the whole population, in particular in the primary health care;

- the integral approach in the primary health care and specialised approach, by organising and developing specialised clinical and public health achievements and knowledge and their application in practice.

Accessibility to health care is ensured by a network of medical institutions and medical workers on the territory of the Republic of Croatia, which enables more or less equal conditions of health care for the whole population, and especially at the level of primary health care.

The Basic Network of Medical Services (*Official Gazette*, No. 188/2004) determines the necessary number of medical institutions, companies and private-sector medical workers for the whole territory of the Republic of Croatia, and for local self-government units.

The Basic Network of Medical Services is adopted by the Government of the Republic of Croatia, on the basis of Article 38 of the Health Protection Act (*Official Gazette*, No. 121/2003 and 48/2005). This is done at the proposal of the Minister of Health and Social Welfare, upon previously obtaining an opinion from the Croatian Health Insurance Institute, the Croatian Institute for Public Health and the competent chambers and representative bodies of regional self-government.

On the basis of the standards defined by the Health Protection Plan of the Republic of Croatia, the basic network of medical services is determined for primary, secondary and tertiary levels of health protection, as well as for the level of medical institutes.

Standards for defining the basic network are the total population of the Republic of Croatia, the total number of insured persons obtained from the Croatian Health Insurance Institute, demographic features of the population, the health condition and social structure of the population, the number of inhabitants in the catchment areas, characteristics of specific areas, availability of medical resources, the influence of the environment on the health of the population and economic capacities.

The basic network for the territory of the Republic of Croatia determines the necessary number of medical institutions, private-sector medical workers, that is the largest possible number of primary health care teams, nurses, the number of specialized health care teams and specialized diagnostics according to different areas, the necessary number of physical therapists, the necessary number of beds in individual areas and types of hospitals, and the necessary number of beds in in-patient clinics of community health centres for individual local and regional self-government units.

Question C¹

Please indicate how public health services are organised in your country and state, if possible:

According to the provisions of the Health Protection Act and the Health Insurance Act, a network of county institutes for public health has been established, with the Croatian Institute for Public Health as the umbrella institution responsible for their coordination.

Public health services in Croatia are provided by the Croatian Institute for Public Health and public health institutes in counties and the City of Zagreb, with respective hygienic and epidemiologic branch offices for the area of one or more municipalities. The Croatian Institute for Public Health co-ordinates and supervises the work of the network of local public health services.

The Croatian Institute for Public Health is a health institution in charge of performing public health services, including: the epidemiology of quarantine and other communicable diseases, microbiology, the epidemiology of chronic mass diseases, immunization, sanitation, social medicine and medical statistics, popular health education, advancement of health and disease prevention, health ecology, school medicine, prevention of addictions and toxicology. County institutes for public health (20) with their hygiene-epidemiological branches are part of the public health services in the regional and local self-government units, and in addition to basic hygienic and epidemiological services and the activities related to social medicine and health statistics, they also perform microbiological and health ecology services, as well as school medicine services which were included in the public health system in 1998. An important role in the implementation of public health policies is played by the sanitary inspection, as an administrative instrument.

a. the number of private or public preventative and screening clinics (if possible distinguishing between general or specialised, particularly in the fields of tuberculosis, sexually transmitted diseases, AIDS, mental health, mother and child welfare, etc.) and the annual attendance of them making special mention of services for schoolchildren;

The Croatian Institute for Public Health is a health institution responsible for performing public health services. It, amongst other things, carries out the following preventive tasks:

- plans, proposes and implements measures for the protection and promotion of the health of the population,
- protects and improves the health of the population by educational and other activities, as well as those related to health promotion,
- plans, proposes, co-ordinates and monitors specific health protection of children and youth, in particular in primary and secondary schools, and higher education establishments,

¹ If the statistical information requested under this provision is available from publications of Eurostat, WHO or OECD you are invited to refer to the relevant publication.

- monitors and analyses the situation in terms of epidemiology, proposes, organises and implements preventive and anti-epidemic measures,
- plans, supervises and evaluates the implementation of the obligatory immunisation programme,
- provides health education to the population about addiction diseases,
- collects information and records in the field of addiction diseases (including tobacco, alcohol and psychoactive drugs).

Public health institutes in units of regional self-government (20 county institutes and the Institute for Public Health of the City of Zagreb) perform, amongst other things, the following tasks:

- implement specific health protection of children and youth, in particular in primary and secondary schools, and faculties in their respective areas,
- collect, control and analyse statistical reports in the field of health, including those on addiction diseases, at the level of units of regional self-government, for the Croatian Public Health Institute,
- continually implements the measures of hygienic and epidemiological protection and carries out epidemiological analyses of the situation in their respective areas, and, if necessary, undertakes anti-epidemic measures and supervises the implementation of the obligatory immunisation programme.

Communicable diseases are diagnosed by health institutions owned by the state: the "Dr Fran Mihaljević" Clinic for Infectious Diseases, clinical hospital centres and state health institutes, as well as health institutions owned by the counties – isolation wards of general/county hospitals and institutes for public health in the counties/City of Zagreb.

In the Republic of Croatia, there are 75 hospitals and sanatoriums, among them 2 clinical (teaching) hospital centres, 12 clinical hospitals and clinics, 23 general hospitals and 26 specialized hospitals.

In accordance with Article 154 of the Health Protection Act, private practice may not be performed in the following services:

Institutions for treating tuberculosis:

- | | |
|---|-----------|
| 1. "Jordanovac" Pulmonary Disease Hospital | Zagreb |
| 2. Pulmonary disease and tuberculosis hospital | Klenovnik |
| 3. Specialized pulmonary disease hospital | Zagreb |
| 4. Specialized hospital for respiratory system diseases of children and youth | Zagreb |
| 5. Pulmonary disease and tuberculosis hospital | Klenovnik |
| 6. Polyclinic for respiratory system diseases | Zagreb |
| 7. Medical wards of general county hospitals | counties |

Institutions for treating sexually transmitted diseases

Protection from sexually transmitted diseases and their treatment in the Republic of Croatia is implemented at all levels of health protection.

According to 2003 figures from the Croatian Institute for Public Health, the situation as regards the group of genital and sexually transmitted diseases is relatively favourable, as they have low and sporadic incidence: syphilis (18), gonorrhoea (16), AIDS (10).

Institutions for the treatment of AIDS

1. The "Dr. Fran Mihaljević" Clinic for Infectious Diseases, Zagreb

- This clinic is also the Reference Centre of the Ministry of Health and Social Welfare for AIDS. It needs to be mentioned that care and treatment of HIV positive patients is conducted at all levels of health care.

Programme of HIV/AIDS infection prevention

Monitoring and reporting this disease is regulated by the Act on the Protection of the Population from Communicable Diseases (*Official Gazette*, No. 60/92), and the Ordinance on the Modes of Reporting Communicable Diseases (*Official Gazette*, No. 23/94). The *AIDS Register* of the Croatian Institute for Public Health was established in 1986, and mandatory testing of voluntary blood donors was introduced in 1987. The Commission for the Prevention of Acquired Immuno Deficiency Syndrome of the Ministry of Health was established in 1990, and since 2003, the role of this Commission was taken over by the Commission for the Prevention of HIV/AIDS of the Government of the Republic of Croatia. The National Programme was adopted in 1993, it represents an integral part of the Programme of Measures (see under C b) and it is currently being revised. According to the data collected by October 2004, there were 470 HIV positive persons registered in Croatia, 218 of whom had developed AIDS. The recorded ways of transmitting the disease were: from mother to child in 9 cases (1.9%), in persons suffering from haemophilia in 14 cases (3.0%), homo/bisexual partners in 180 cases (38.3%), intravenous addicts in 48 cases (10.4%), partners of HIV positive persons in 66 cases (14.0 %), recipients of blood products in 2 cases (0.4%) and others/unknown 20 cases (4.7%).

On 1 December 2003 the Ministry of Health and Social Welfare started the implementation of the project "Scaling up the HIV/AIDS Response in Croatia". The funding for the project was provided through the Grant Agreement concluded with the Global Fund to Fight AIDS, Tuberculosis and Malaria. The total amount requested and approved for this three-year project was 4,945,192.00 USD, and the Agreement mentioned covers the first two years of financing with the amount of 3,363,974.00 USD.

The project is targeted at preventive activities and covers five areas of action: education of secondary school students, opening of new centres for voluntary counselling and testing, outreach programmes for high-risk groups, psycho-social support for HIV positive persons and introducing a new model for monitoring the HIV/AIDS infection. The objectives of the

project include the activities aimed at significantly increasing the level of knowledge of secondary school students about the modes of transmission of HIV/AIDS and the protection against them, increasing the number of tests and counselling opportunities primarily for high-risk groups, reducing risk behaviour, increasing the quality of psycho-social support and introducing more efficient methods for data monitoring. Twelve institutions participate in the project and these are, in particular, 3 health institutions, 7 non-governmental organisations, one international organisation and one professional society, with a total of 16 programmes.

Institutions for mental health

The Psychosis Register of Croatia was established in 1961 at the Croatian Institute for Public Health. In 2003, the group of mental illnesses and disorders was ranked seventh on the list of the causes of hospitalisation in Croatia, with the share of 7.0%. However, when it comes to the number of hospital days, it is at the top of the list, with the share of 23.2% of the total number of hospital days. This actually means that one in four hospital days in Croatia is used for treating mental disorders. Schizophrenia is out in front (35.1%) in the total number of hospital days used for treating mental illnesses and disorders. Age standardised rate of hospital incidence of schizophrenia has not shown any significant changes for years, and on average equals 0.26/1,000 of the population above 15 years of age.

Psychiatric treatment in the Republic of Croatia is provided at the level of polyclinics and hospitals in the following health institutions:

Psychiatric health institutions

1. "Vrapče" Psychiatric hospital	Zagreb
2. Ugljan Psychiatric hospital	Ugljan
3. Jankomir Psychiatric hospital	Zagreb
4. Rab Specialized psychiatric hospital	Rab
5. "Dr. I. Barbot" Specialized neuropsychiatric hospital	Popovača
6. Specialized psychiatric hospital for children and youth	Zagreb
7. Psychiatric wards in county general hospitals	counties
8. Polyclinic for the prevention of behavioural disorders in children and young persons	Zagreb

After the court with jurisdiction issues an order to institute the proceedings for mandatory placement of a mentally incompetent person who has committed an act with elements of a criminal offence in a psychiatric institution, the forensic documentation is forwarded to the members of the *Commission for the selection of health institution for mandatory placement or transfer of persons with mental disorders, who have been declared mentally incompetent in criminal or misdemeanour proceedings*, for his or her mandatory placement in a psychiatric institution within the meaning of Article 45a, Paragraph 3 of the *Act on the Protection of Persons with Mental Disorders* (Official Gazette, nos. 111/97, 128/99, 79/02).

Health protection of women

In the area of health protection of women, according to the data of the Croatian Institute for Public Health for the year 2003, a total of 211 teams worked under contracts with the Croatian Institute for Health Insurance (CIHI) on a full time basis, and 45 teams on a part-time basis. In comparisons with the years 2001 and 2002, the number of full-time teams working under contract grew by 9 and 3, respectively. At the same time, the number of teams in private clinics not operating under contracts with the CIHI fell from 66 to 62 for full-time teams and from 11 to 5 for part-time teams.

A special area of attention in the health care of women is the care of pregnant women and women after childbirth. According to primary health care data on the health care of women from 1995 to 1999, every pregnant woman was examined 6 times on average by her selected gynaecologist. In 2000 and 2001 the average number of examinations was 7.2 and in 2002 it fell to 6.3 per pregnant woman, whereas in 2003 the average number of examinations during pregnancy increased to 7.4.

The total number of preventive examinations of women in the primary health care is constantly increasing. Whereas in 1990, the rate of preventive examinations amounted to 163.6/1,000 women of child-bearing age, in 2001, this rate increased to 290.9/1,000. This was a 13.8% increase in comparison with the year 2000 when the rate was 255.7/1,000. Further increase of preventive examinations to 417,789 was recorded in 2003 with the rate of 386.8/1,000 of women of child-bearing age.

Since 1995, monitoring of smear tests has been introduced, and since then, the number of smear tests performed, as well as the number of pathological findings has been increasing. In 1995, 248,172 smear tests were performed on women in primary health care (the rate of 211.9/1,000 women of child-bearing age), and in 2003, 418,748 smear tests were performed (rate of 387.7/1,000 women of child-bearing age). While the number of positive smear tests in 2000 amounted to 7.7% of the total number, in 2003 there was an increase to 9.7% pathological findings.

The most frequent diseases and conditions for which women came to the gynaecologist were menopausal and perimenopausal disorders (13.8%), examinations relating to preventing unwanted pregnancy (11.5%), inflammatory diseases of the pelvic organs (10.6%), menstrual disorders (10.4%), candidiasis (10.1%) and regular examinations during pregnancy (7.0%).

In 2003, 719,844 persons were treated in hospitals (in 2002 this number was 696,519), including stays in hospital for confinement, abortion and hospital rehabilitation. According to the preliminary data of the Croatian Institute for Public Health, in 2004 there were 581,451 patients who received medical treatment in hospitals, including stays in hospital for confinement, abortion and hospital rehabilitation. In the course of 2003, 719,844 persons were treated in hospitals, of whom women slightly outnumbered men (1.06:1).

In total numbers, the number of women treated in hospitals is somewhat higher than the number of men (1.06:1).

The leading groups of diseases in the hospital treatment of women in 2004 were tumours (most frequently malignant breast tumours) - 14%, circulatory system diseases (most frequently cerebral infarction, and in 2003 essential hypertension) - 12%, urinary and genital diseases (most frequently excessive, frequent or irregular menstruation) - 10%, diseases of the digestive system (most frequently cholelithiasis) - 8% and diseases of the respiratory system (most frequent diagnosis was chronic tonsil and adenoid disease) - 7%, whereas other diseases and conditions accounted for 49%.

Health protection of infants and small children

Health protection of infants and small children is organized as part of the health care of infants and small children and as part of general/family medicine.

In the course of 2004, as part of the primary health care 528,999 preventive examinations of children under seven years of age were carried out, of which there were 238,837 preventive examinations of infants or 5.9 visits per infant and 290,162 preventive examinations of children aged 1 to 6, or 1 visit per small child. Of all the visits by infants, 92% were preventive examinations (regular checkups or pre-vaccination examinations) and 8% were for counselling. In the group of infants who underwent regular checkups, undernutrition was recorded in 1.9% cases and overnutrition in 2.3%. Signs of rickets were found in 0.6% of children (in comparison with 0.4% in 2003).

Of all the preventive visits by small children, 88% were made for preventive examinations and 12% for counselling. In the group of small children who underwent regular checkups, undernutrition was recorded in 1.6% cases (1.5% in 2003), overnutrition in 2.1% (2.2% in 2003) and carious teeth in 11.1% (11.4% in 2003).

The services for health care of infants and small children on average performed 5.4 preventive examinations per infant, whereas in the area of general medicine there were 3.93 such examinations. When it comes to the average number of preventive visits per small child, there were no significant differences between these two types of services (1.2 in the services for health care of children and 1.16 in general/family medicine services). At the national level, the standards of preventive examinations were maintained for infants, but not for small children, as the number of preventive examinations in both types of services fell short of the standard established by the Programme of Health Care Measures.

The total number of teams working in this area in 2003 amounted to 2,663, and the number of preventive examinations increased by 4.8% when compared to the previous year (425,322 versus 405,666 in 2002). On average, 5.0 preventive examinations were conducted per infant, and there were 4% more preventive examinations of infants and 5.6% more preventive examinations of small children than in 2002.

According to the morbidity report for 2003, the number of recorded diseases and conditions up to 7 years of age was 1,046,354. The most frequent diseases were respiratory system diseases (52%), then communicable and parasite diseases (8.6%), ear diseases (6.0%), skin diseases and diseases of subcutaneous tissue (5.1%), and eye and adnexal diseases (3.2%).

On average, one team for the health care of infants and small children takes care of 1,203 insured persons, of which 858 are children between 0-6 years of age.

In 2004, hospital treatment was received by 31,839 children in the 0-5 age group, most frequently for diseases belonging to the following groups: respiratory system diseases – 27% (the most common diagnosis was chronic disease of tonsils and adenoids), specific conditions in the perinatal period – 15% (most commonly for neonatal jaundice), infectious and parasitic diseases – 10% (most commonly for diarrhoea and gastroenteritis), congenital anomalies – 6% (most commonly for obstructive defect of the renal pelvis and congenital anomalies of urethra) and other – 35%.

Preventive and specific health care of school children and young people

Preventive and specific health care of school children and young persons is conducted by school medicine doctors, as a part of the work of the institute for public health. In the school year 2003/2004 there were 153 physicians working in these services and, in particular, 118 school medicine specialists, 18 registrars and 17 general medicine physicians. According to the data of the Croatian Institute for Public Health, under the the medical check-up programme for the school year 2003/2004, 51,226 checkups were performed prior to enrolment in first grade and 41,994 checkups in the fifth grade (88% of pupils were covered, and in the previous year 84%). The share of pupils who were examined medically and received counselling as part of vocational guidance in the eight grade of primary school was also 88%, i.e. 44,130 checkups were performed (similar to the previous year).

The number of children who had their medical check up in the first grade of secondary schools amounted to 33,588 or 62% of that generation. Screening of visual disorders and colour disorders covered all children in the third grade of primary school, and 60% of children in the sixth grade were covered by the screening of developmental and structural disorders of the locomotory system.

In the school year 2003/2004, according to the Mandatory Vaccination Programme, 535,629 vaccinations were performed in primary, and 48,604 in secondary schools (in the preceding year there 526,560 vaccinations were performed in primary and 51,349 in secondary schools. As a result, the coverage prescribed by laws was achieved (90%, and for morbilli – 95%).

According to figures from the Croatian Institute for Public Health, in 2004 treatment was provided to 43,288 patients in the 6-19 age group. The most common diseases were respiratory system diseases – 22% (chronic disease of tonsils and adenoids), injuries and poisonings – 14% (superficial head injuries), symptoms and signs – 9% (abdomen and pelvis pain), digestive system diseases – 8% (acute appendicitis), followed by infectious and parasitic diseases – 6% (diarrhoea and gastroenteritis) and other – 41%.

b. the regular health examinations arranged for the population in general or for a part thereof, and their intervals;

The Health Care Measures Plan and Programme, which is adopted in Croatia every two years, encompasses measures of primary, secondary and tertiary prevention.

The Health Care Plan of the Republic of Croatia

The Health Care Plan of the Republic of Croatia is adopted by the Government of the Republic of Croatia, at the proposal of the minister responsible for health, in accordance with Article 6 of the Health Protection Act (*Official Gazette*, No. 121/2003 and 48/2005).

With the aim of implementing health care in the unified system of health services of the Republic of Croatia, the Health Care Plan of the Republic of Croatia defines the following:

- the tasks and objectives of health protection,
- the priority areas of development,
- the medical needs of the population that are of special interest to the Republic of Croatia,
- specific needs and possibilities of implementing health care in specific areas,
- those responsible for different tasks and Plan implementation deadlines,
- the basis for the development of health services according to different levels, including training and further education of personnel and the basis for the development of the health care system,
- the standards for defining the basic network of health services in the Republic of Croatia.

The implementation of this Plan is ensured by medical institutions, companies that provide medical services and medical workers, who implement the measures defined in the Health Care Plan and Programme, in the manner and under the conditions prescribed by law, and with the aim of:

- protecting and improving the health of the general population;
- increasing life expectancy and reducing mortality;
- increasing the number of years without morbidity and/or disability;
- ensuring the highest possible level of physical and psychological health, and working on the improvement of the quality of life by preserving health and functional abilities.

The organization of health care has to ensure the following principles:

- the comprehensiveness of health care, by including the entire population in the implementation of adequate health care measures;
- the continuity of health care by organizing health care for citizens of all ages;
- the accessibility of health care, by the distribution of medical institutions, companies that provide medical services and medical workers, which should enable all citizens equal conditions of health care, especially in primary health care;
- an integral approach in primary health care and a specialized approach by ensuring and developing specialized clinical achievements in public health and developing know-how and applying it in practice.

Primary prevention encompasses vaccination programmes, antenatal care with a prescribed number of antenatal controls, preventive health care for infants and children of pre-school age, regular medical check ups at school age, examinations with the aim of preventing malignant diseases.

The Health Care Measures Plan and Programme

The Health Care Measures Plan and Programme is adopted by the minister responsible for health on the basis of Article 17 paragraph 1 of the Health Protection Act *Official Gazette*, No. 121/2003 and 48/2005), at the proposal of the Croatian Health Insurance Institute and the Croatian Institute for Public Health.

The Health Care Measures Plan and Programme defines a set of measures and procedures to be applied for individuals, groups, and the wider community with the aim of protecting health, and it defines activities in accordance with the defined resources and objectives, the entities that are obliged to implement these activities and the manner of their implementation.

Health care measures are a set of activities, i.e. preventive, therapeutic and rehabilitative medical procedures at different levels of health protection, aimed at achieving a specific goal.

The strategic goals of the Health Care Measures Plan and Programme are the following:

- raising the level of health of the general population by implementing the health promotion programme, and reducing the prevalence of health risk factors;
- reducing morbidity, mortality and disability caused by diseases, injuries and conditions that can be influenced by preventive measures and efficient health care;
- dedicating special attention to the health of groups under increased risk and to measures of improving their health.

In accordance with the analysis of the health of general population, the main implementation goals of the Health Care Measures Plan and Programme are the following:

- improving the health of the general population,
- increasing life expectancy and reducing mortality,

- increasing the number of years without morbidity and/or disability,
- ensuring the maximum possible level of physical and psychological health by efforts to increase the quality of life through preserving health and functional capacities.

Health care of infants and small children is offered through two branches of the primary health care system: the work of child health care and general/family medicine, according to the insurees' (parents') free choice of doctor.

Basic preventive health care of infants and small children consists of individual regular checkups and examinations, examinations before vaccinations and counselling for parents in relation to the care and nutrition of the child. The standard number of preventive examinations planned by the Program of Measures is 5 examinations per infant and 2 examinations of small children, with vaccination as prescribed by the Program of Obligatory Vaccinations.

According to figures from the Croatian Institute for Public Health there was an average of 5.4 preventive checkups in infant and small child health care per infant in 2004, and in general/family medicine 3.93 preventive checkups per infant. Of the total preventive checkup examinations of infants 186,754 (92%) were preventive (regular and/or examinations before vaccination) and 16,767 (8%) for counselling, and in general medicine there were 199,842 (88%) preventive examinations and 26,405 (12%) for counselling.

The data gathered on diseases and conditions cannot be used for determining the proportion of specific important diseases (or groups of diseases), but only as an insight into trends in the frequency of the use of the health care services in the work of primary health care due to specific diseases and conditions.

In 2004 the order of the proportion of confirmed diseases and conditions recorded in the work of general/family medicine and the work of infant and small child health care did not show any significant changes. In the work of general/family medicine the most frequent diseases are:

1. Diseases of the respiratory system, with respiratory infections prevailing
2. Diseases of the heart and blood vessels, of which more than 50% recorded hypertension
3. Diseases of the muscular and skeletal structure and connective tissue
4. Diseases of the urinary tract and genitals
5. Diseases of the skin and subcutaneous tissues

In 2004 in the work of primary health care in the Republic of Croatia, a total of only 99,367 regular, periodic and follow-up examinations of adults were recorded, 1% fewer than in 2003. Despite a significant increase in relation to 1995, in relation to 1990 there are 72% fewer of this kind of examination. This low figure for preventive examinations, as well as the figure for house calls, shows that the work of primary health care, due to lack of stimulation (shortage of funding for preventive work) has become a passive form of health care which determines and treats diseases, and does not influence positive changes in the health of the population as is

prescribed and declared by law. By an initiative of the Ministry of Health and Social Welfare, the first contracts were signed in 2004 by the Croatian Institute for Health Insurance and family medicine teams for the implementation of preventive examinations (regular examinations for those over 45 years of age) and these are a good start for improving preventive measures for the adult population.

c. the number of general hospitals and public or private establishments for specialised treatment (especially for tuberculosis, psychiatry – including day hospital –, cancer, after-care, functional and occupational rehabilitation).

Give the respective proportions of public and private establishments. Please indicate the number of beds available (or of places in case of day hospitals or rehabilitation clinics accepting out-patients);

According to figures from the Croatian Health Statistical Yearbook for 2003 in the Republic of Croatia there were 75 hospitals and convalescent homes of which there were 2 clinical hospital centres (teaching hospitals), 12 clinical hospitals and clinics, 23 general hospitals and 26 specialised hospitals whose beds are registered and three more private hospitals which are not registered, one convalescent home with registered hospital beds and another 6 where they are not registered. Moreover, in smaller locations there were a further 9 general cottage hospitals and 6 maternity wards outside hospitals.

According to the structure of beds, in 2003 there were 3.67 beds for acute treatment per 1,000 of the population (1.73 in general hospitals and 1.94 in clinics). For treatment of chronic diseases there were 1.95 beds available per 1,000 of the population.

Tuberculosis

According to figures from the Croatian Institute for Public Health, tuberculosis showed the same frequency in 2003 as in the previous year (1470:1494). Resistant tuberculosis was confirmed in 68 patients. The low trend of resistant tuberculosis thereby continued, which places Croatia amongst the countries with a low prevalence of both resistant and multi-resistant tuberculosis.

The first immunisation of new-borns against tuberculosis is carried out in the maternity wards and according to regular reports from the maternity wards, the immunisation is performed successfully, covering 94.8% of babies.

Treatment of malignant diseases

Oncological diseases are treated at 6 oncological centres: The Tumour Clinic, Zagreb Clinical Hospital Centre (Rebro Oncology Clinic and Petrova Women's and Maternity Clinic), Rijeka Clinical Hospital Centre, *Sestre Milosrdnice* (Sisters of Mercy) Clinical Hospital, Split Clinical Hospital and Osijek Clinical Hospital.

In 2004 the leading group of diseases treated in hospitals were tumours, diseases of the circulatory system, diseases of the digestive system, diseases of the respiratory system and injuries and poisoning. More women were treated than men (1.04:1) and in the total morbidity there were more typically female diseases. In terms of women admitted to hospital in 2004 14% was due to tumours (41,772 including the most common form – malignant breast tumours). For men treated in hospitals in Croatia, the most common diseases were of the circulatory system (15% - 42,319, of which the most common was angina pectoris), then tumours (13% - 37,637, the most common being tumours of the bronchi and lungs).

Rehabilitation

Hospitals for rheumatic diseases and rehabilitation

1. Thalassotherapija Crikvenica
2. Daruvarske Toplice (Daruvar Spa)
3. "Naftalan" Ivanić Grad
4. Krapinske toplice (Krapina Spa)
5. Lipik
6. "Biokovka" Makarska
7. Thalassotherapija Opatija
8. Stubičke Toplice (Stubica Spa)
9. Varažinske Toplice (Varaždin Spa)
10. "Kalos" Vela Luka
11. Topusko

See under C. a

d. the number per 1 000 persons of doctors, dentists, midwives and nurses, indicating, if possible, the situation in urban and rural areas;

At the end of 2003, 55,312 medical workers were employed in the health system of the Republic (48,262 permanently employed and 7,050 with fixed-term contracts). There were 11,627 medical doctors, 3,021 dentists, 2,348 pharmacists and 22,372 medical nurses, of which 1,476 were midwives. The average number of medical nurses per one permanently employed medical doctor in 2003 was 2.1.

Of the permanently employed medical doctors, 7,345 (67.9%) were specialists, and the proportion of women in the total number was 56.9%. Almost 55% of doctors were employed in hospitals, 10.4% in community health centres, 19.3% in leased doctor's offices, 6.8% in private doctor's offices, and 4.3% in state health institutes.

Personnel standards in the health services at the primary level and the standard number of insured persons per medical team are as follows:

- 1700 insured persons per general/family medicine team

- 1000 insured persons per medical team for the care of pre-school children
- 6000 insured persons per medical team for the care of women
- 2200 insured persons per dental care team
- 40,000 insured persons per team for hygienic-epidemiological protection
- 5,000 insured persons per team for preventative and educational measures of health protection
- 40,000 insured persons per team for laboratory diagnostics
- 5,100 insured persons per team of domiciliary care
- 3,500 insured persons per health care team.

In 2004 in the work of primary health care in the narrowest sense, consisting of the health care of infants and small children and general/family medicine, a total of 2,632 teams were at work in the Republic of Croatia, with 2,678 medical doctors. Of these, there were 1,262 specialists (717 general/family medicine, 260 paediatricians, 143 occupational medicine, 117 school doctors and 25 specialists in other branches). Of the other health workers, 80 had two-year post-secondary education and 2,582 secondary school education. In relation to 2003 the number of teams did not change significantly in 2004, there were 1% fewer specialist doctors and 1.5% fewer paediatricians.

In the work of dental health care, there were a total of 1,917 contracted teams at work full time in 2004 (an increase of 5.5% in relation to 2003) and 27 working part time (a reduction of 3.6 percent in relation to 2003). In 2004 there was a total of 4,739,112 visits to contracted teams (8.2% more than in 2003), 749,991 regular checkups were performed (an increase of 3.5% in relation to 2003), 2,298,261 fillings were given (an increase of 14.2% in relation to 2003), and 717,232 teeth were extracted (increase of 8.4% in relation to 2003). Dental prosthetic work was done in 243,288 cases (an increase of 6.9%) and 557,130 cases of soft tissue treatment were performed (a reduction of 5.5% in relation to 2003). The most common diagnoses recorded in this field are dental caries, diseases of the pulp and periapical tissue, other disorders of the teeth and the supporting structure and dental and facial irregularities.

Home care and rehabilitation of patients under the guidance of medical doctors is performed by registered and authorised institutions for home health care. According to the report by the Croatian Institution for Public Health for 2004, 97 senior nurses and 871 nurses with secondary school education work in home health care. The average number of visits per team is 2,110 a year (an increase of 3% in relation to 2003) and the average number of visits per branch was 2,068 a year (an increase of 9% in relation to 2003).

District nursing care is performed by one nurse trained in this field per 5,100 of the population. The Croatian Institute for Health Insurance insures an obligatory minimum – the right to 2 visits by a district nurse (in pregnancy, after the birth of a child and during the first year of its life and risk groups). The total number of district nurse visits in 2004 was 1,354,692, which is 4.6% less than in 2003.

e. the number of pharmacies per 1000 persons and if possible their geographical distribution;

According to the figures from the Croatian Health Statistical Yearbook, a total of 2,510 pharmacists were employed in state and private health institutions and private practice, in other words there was one pharmacist per 1,769 of the population.

Furthermore, the distance between pharmacies is prescribed by secondary legislation, according to which a pharmacy, or a branch of a pharmacy can be established at the following distances from the next nearest pharmacy:

- in cities with more than 500,000 inhabitants at least 200 m
- in cities with 100,000 to 500,000 inhabitants at least 300 m
- in cities, municipalities and other inhabited places with up to 100,000 inhabitants at least 500 m.

f. Please indicate the percentage of GDP allocated to health expenditure.

The percentage of GDP allocated to health expenditure amounts to 7.3%.

ARTICLE 11 PARA. 1

"With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia: to remove as far as possible the causes of ill-health."

Question A

Please indicate infant and perinatal mortality rates for the reference period concerned.

Infant mortality in 2004

Monitoring infant mortality, as one of the most sensitive indicators of the health of the youngest children in the population, is an essential part of the goals of the WHO/EURO "Health for All" programme and also many international organisations (UN, WHO, UNICEF) include it in their basic indicators of the health of the population.

However, the causes of infant mortality in Croatia are no different from the sample of infant deaths in developed countries. The most frequent are the result of specific pathological conditions related to pregnancy or birth (with the condition in the perinatal period having a

share of 55.5%) and congenital anomalies (30.6%), which indicates that all the other causes have a share of 13.9% in the total infant mortality rate. Of the remaining causes, the most significant is Sudden Infant Death Syndrome (infant death for no known reason) with a share of 3.3%, and accidents (3.3%), followed by diseases of the respiratory system in 2.0% cases (most often pneumonia) and congenital metabolic diseases in 1.6%.

In 2003, 251 infants died, which represents a ratio of 6.3/1,000 live born infants (in 2002 this number was 282, i.e. 7/1,000). The most frequent causes of death in infants were specific pathological conditions connected to pregnancy or confinement (with the proportion of conditions from the perinatal period amounting to 62.1%) and congenital anomalies (27.9%), followed by injuries, poisonings and some other consequences of external causes.

62.5% infants died in the age between 0-6 days (157 infants), of which 31.5% died in the first 24 hours of their lives (78), and 31.5% between 1-6 days (79). Another 15.5% died in the late neonatal period, whereas 21.9% (55) died between 2 months and 1 year of age.

Of 245 infants who died in 2004, 63% died of a few (eight) leading causes of death. Of the leading causes the following are prominent: diseases arising as a result of immaturity, respiratory distress, intracranial haemorrhage, primary atelectasis of the lungs, neonatal aspiration syndrome and pulmonary asphyxia. These are most often consequences related to an infection in the mother (chorioamnionitis, genitourinary infection) and other pathological conditions in pregnancy resulting in premature birth and mortality. Of the other leading group of causes of infant mortality, congenital malformations, we can single out congenital heart defects, congenital diaphragmatic hernia and Down's syndrome.

The largest number of infant deaths occur in the first days of life (56.4%) as a result of immaturity and the lack of readiness of the child's body for life in the outside world due to premature birth. A total of 58/245 neonates died (23.7%) in the first day of life, 80/245 (32.7%) at between one and six days, 46/245 (18.8%) in the remaining neonatal period and 61 (24.9%) in the post-natal period.

Since mortality is highest in the first days of life and it is precisely early neonatal death that is significantly higher in Croatia than in economically more developed countries, but also in countries which joined the European Union in 2004 (Figure 4), this leads us to the conclusion that certain organisational and technological improvements in neonatal intensive care and treatment could contribute to a reduction. Preventive work is of course also very important in the antenatal period, where good antenatal care, with a reduction in the number of pathological pregnancies, also results in a fall in the number of babies born with low birth weight, who need special neonatal care.

Table 1 Infant mortality in Croatia by groups of diseases in 2004

ICD-X DISEASE GROUP		NUMBER	SHARE	RANK
I.	Infectious and parasitic diseases	2	0.82	8/9
II.	Neoplasms	3	1.22	7
III.	Diseases of the blood and blood forming organs and immunity disorders	1	0.41	9
IV.	Endocrine, nutritional and metabolic diseases	4	1.63	6
VI.	Diseases of the nervous system	1	0.41	10
IX.	Diseases of the circulatory system	2	0.82	8/9
X.	Diseases of the respiratory system	5	2.04	5
XVI.	Certain conditions originating in the perinatal period	136	55.51	1
XVII.	Congenital anomalies, deformities and chromosomal abnormalities	75	30.61	2
XVIII.	Symptoms, signs and abnormal clinical and laboratory findings	8	3.27	3/4
XIX.	Injury and poisoning, and some other consequences of external causes	8	3.27	3/4
TOTAL		245	100.00	

Source: Death Certificates, DEM-2 Vital Statistics Forms, Central Bureau of Statistics, 2005

Data processing: Croatian Institute for Public Health, 2005

Perinatal mortality

Perinatal mortality in 2004, calculated according to the WHO methodology for international comparison, was 5.79/1,000 births >grams birth weight. The total perinatal mortality which includes those born and who died with birth weigh below 1000 grams was 8.7/1,000 births.

Perinatal mortality in the Republic of Croatia is mostly the result of deaths of children in low birth weight groups, especially those with extremely low birth weight (500-999 grams) and very low birth weight (1,000-1,499 grams).

The main reasons for perinatal death are the result of premature birth due to complications in pregnancy in the mother and congenital anomalies.

Perinatal mortality in 2003, according to the WHO methodology for international comparisons, amounted to 6.3/1,000 infants born >1,000 gram birth weight.

Please indicate the life expectancy at birth in your country.

According to the data "Health for all" from the data base of health indicators of the World Health Organisation, life expectancy in Croatia for both sexes in 2001 was 74.65 years, 78.17 years for women, and 71.03 years for men. The increase in life expectancy in comparison to 2000 was 1.65 years for both sexes, with 1.9 years for men, and 1.5 years for women, which is in accordance with the data from the 2001 census, which enabled precise calculation of this indicator.

In 2003, life expectancy at birth (for both sexes) was 74.73 years, or 78.23 for women and 71.17 for men.

Question B

Please describe any special measures taken to protect the health of:

- a. pregnant women, mothers and babies;**
- b. children and adolescents¹**
- c. the elderly;**
- d. Disadvantaged persons or groups (for example the homeless, families with many children, drug addicts and the unemployed, etc.).**

Special measures undertaken in the health care of addicts

The **system of monitoring the problem of addiction** as a specific medical and social phenomenon was set up in the Croatian Institute for Public Health in the early 1980s. From the overall figures on morbidity and mortality on a national level, the figures on persons treated for abuse of psychoactive drugs have been kept separately, so a register has been gradually built up of persons treated due to abuse of psychoactive drugs, kept by the Service for the Prevention of Addiction within the Croatian Institute for Public Health. The treatment system is based on the National Strategy for Suppression of the Abuse of Narcotic Drugs in a network of out-patient and hospital treatment. About 6,000 people register for treatment in the system every year. In 2004 a total of 5,768 people were treated (129.7/100,000 of the population) of whom 4,149 were addicted to heroin. There were 1,619 people seeking treatment for the first time, and 732 new heroin addicts. In comparison with previous years the total number of people treated was slightly higher, but there were fewer new people entering the system. The number of new heroin addicts has been steady at around 800-1,000 for several years, and in 2004 it was lower than in previous years. In the Register for Monitoring Drug Addicts, there were 20,162 registered by the end of 2004.

¹ If your country has accepted paragraphs 9 and 10 of Article 7, it is not necessary to repeat here the information given thereon.

In view of the chronic recurring course of the disease, the basis for treating addiction in the Republic of Croatia is out-patient treatment.

According to the Health Care Act (*Official Gazette*, 121/2003) and the Act on Amendments and Supplements to the Act on Suppression of Abuse of Narcotic Drugs (*Official Gazette*, 163/2003) the **system for prevention of addiction and out-patient treatment** became part of the system of the Croatian Institute for Public Health. In this way the Centres for Prevention of Addiction became an integral part of the county institutes for public health. These Centres in their organisation and work unite the activities of health care, social welfare and education with the aim of conducting constant supervision, education, psychotherapy, family therapy, HIV and hepatitis prevention and helping resolve other problems in the lives of addicts and their families, as well as offering help to occasional users of drugs and their families.

Treatment of addicts takes place primarily within the country's health care system, but some rehabilitation measures may also take place outside the health care system (non-governmental organisations, social institutions and within the prison system). The way treatment is given is based on the approach of treatment identical to other chronic non-infectious diseases. Prescription of drugs, daily checkups and recording the results of treatment are performed on the level of primary health care, and the complete treatment is a result of the cooperation of polyclinic specialists and hospital services as needed. Treatment is planned and conducted according to the needs of the individual and is adapted to the condition of the disease.

In treatment the Croatian Model agreed by the profession is used, which is known and recognised as such in international professional circles. The Model assumes the constant cooperation of specialised out-patient centres for prevention and out-patient treatment of addicts and by doctors in primary health care, or teams of family medicine in offering treatment to addicts. This makes possible the wide availability of treatment through the primary health care system, with at the same time the provision of expert leadership by specialists, integrated and comprehensive care of addicts, de-stigmatisation and normalisation of treatment, decentralisation and preventing isolation of addicts and low programme costs.

For these activities in the prevention of addiction and treatment of addicts, in the system of health care **financing** is provided in accordance with the Act on the Suppression of Abuse of Narcotics Drugs from the state budget, the budgets of regional and local administrations, the Croatian Institute for Health Insurance and other sources (income from games of chance). All addicts undergoing treatment in the health care system have the right to basic health insurance and all the rights arising from it.

Please supply information on all measures taken to protect the reproductive health of all persons, in particular adolescents.

Health care measures that aim at ensuring general access to health care are prescribed by the Health Protection Act, and they are the following:

- protection from environmental factors harmful for health, including measures of preserving, promoting, monitoring and improving health and hygienic conditions of living and working;
- providing health education, popular health education and promoting of health with the aim of improving mental and physical abilities of persons;
- discovering and eliminating causes of illness, preventing diseases, injuries and their consequences;
- special health care measures for the population older than 65 years of age;
- ensuring holistic (preventive, curative and rehabilitative) health care of children and young persons through regular medical check ups, vaccinations and medical treatment at primary level of public health institutions ;
- ensuring holistic (preventive, curative and rehabilitative) health care of women regarding family planning, pregnancy, confinement and motherhood, and
- specific health care of workers that encompasses preventive examinations in order to determine working abilities, monitoring health condition of workers, cooperation in exchanging information, vocational training, training in occupational medicine, work hygiene and work organisation.

Health care of persons over 65 years of age

According to the number of doctors and insurees in the work of general/family medicine, one team cares for a total of 1,615 insurees on average. The number of older insurees varies greatly and over the past few years the number of examinations of persons older than 65 has increased, whereas the number of visits (to other health workers) is falling in total in the work of general medicine.

According to figures from the Croatian Institute for Public Health, in 2004 only 27,879 preventive (in 2003 27,906) and 7,694 regular checkup examinations (in 2003 8,971) were performed, which in relation to the almost 700,000 persons aged 65 and over, according to the census of 2001, is an insignificant share of 4% for preventive and 1.3% for regular checkups, that is 5.3% for regular, periodic and follow-up examinations.

The number of home examinations in the branch of general medicine of persons over 65 years of age in 2003 remained at a low level (35% less than in 1990). A particular problem in the health care of persons older than 65 years is the reduced number of home visits by other health care workers, which is 91% fewer than in 1990.

In 2003 in the work of general/family medicine, the five most common diseases of the total number of diseases and conditions confirmed were hypertension (11.2%), acute infections of the upper respiratory system (7.2%), diseases of the muscular-skeletal system (5.4%), bladder infections (cystitis) (3.1%) and other coronary diseases and diabetes (at 3.0% each).

The Ministry of Health and Social Welfare initiated the introduction of preventive examinations for persons older than 45 years and more than 15,000 regular examinations of persons older than 45 were performed (in 2005 it is predicted that regular examinations will be performed on persons older than 50 years), which also covers those over 65 years of age.

ARTICLE 11 PARA. 2

"With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia: to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;"

Question A

Please indicate what advisory and screening services exist:

a. for schools;

Preventive and specific health care of school children is implemented by family doctors/general practitioners, as well as school medicine doctors, as a service of the institute for public health.

In the programme on health care of pupils, special attention is dedicated to health education and counselling. Counselling centres for children and young persons, where children, parents and teachers can ask for help in resolving the most frequent problems of growing up and of children's health, are organized as a separate service, and the number of visits is constantly increasing. In primary schools, the number of visits increased from 59,647 visits in 1998 to 126,421 in the school year 2003/2004, and in secondary schools from 18,196 visits in 1998 to 36,549 in the last school year.

In the school year 2003/2004, 365,039 primary school pupils and 87,265 secondary school pupils were covered by some form of health education. In addition to that, 78,832 parents and teachers in primary schools, and 14,705 in secondary schools, attended lectures, discussions or workshops on health issues.

b. for other groups.

Advisory and screening services are provided in health institutions at primary, secondary and tertiary levels.

Occupational medicine services are organized in all counties.

Question B

Please describe any measures taken to further health education, including information campaigns.

The basic aim of health policies is not only to extend life expectancy, but also improve the quality of life. Apart from the further improvement and development of the health services, this includes efforts to promote healthy life styles, reduction or elimination of preventable health risks, and improvement of the quality of life of the chronically ill and disabled.

The Department for the Promotion of Health within the Epidemiology Service of the Croatian Institute for Public Health has been an independent service since 1999. The idea of promotion of health assumes the improvement of health and the creation of potential for good health before health problems or threats to health occur. Health promotion is defined as a process, which enables people to improve their health and equips them to control their own health. The tasks of the service are:

- To propose, promote and participate in organizing and implementation of programmes to promote health;
- Through health education and training and the public media to publicise the necessary recommendations and promote a healthy way of life (non-smoking, correct eating habits, regular physical exercise, responsible sexual behaviour, strengthening the ability of individuals to overcome crises etc.);
- To draw up appropriate expert proposals and/or educational and promotional materials;
- To provide expert assistance and support for programmes to change health threatening habits;
- To promote the creation of the conditions for a healthy way of life to become more simple and more attractive than other options;
- To pay particular attention to promotion of the creation of a social environment which supports the adoption of a healthy way of life, including the appropriate legislative aspects;
- In the field of promotion of health, to improve cooperation with other sectors (education, the food industry, agriculture etc.);
- Monitoring and evaluation of individual programmes.

Numerous projects are being implemented by different associations, which are either financed from the state budget or from international sources. Training of medical workers and partners in the implementation of health promotion programmes, which started earlier within individual projects, is currently in progress.

ARTICLE 11 PARA. 3

"With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia: to prevent as far as possible epidemic, endemic and other diseases."

Question A

Please indicate what measures other than those mentioned above are taken to prevent epidemic, endemic and other diseases (compulsory or optional vaccination, disinfection, epidemics policy).

In accordance with the Act on the Protection of the Public from Infectious Diseases (*Official Gazette*, 60/92 and 26/93) the prevention and suppression of infectious diseases is of interest to the Republic of Croatia. General and special measures are undertaken for the prevention and suppression of infectious diseases. If an endemic disease or a disease on an epidemic scale occurs, anti-epidemic measures are implemented by the hygiene-epidemiology branches of the Institutes for Public Health of the counties or the City of Zagreb, and in the case of an epidemic affecting two or more counties, anti-epidemic measures are implemented upon the proposal of the Reference Centre for Epidemiology of Infectious Diseases of the Croatian Institute for Public Health.

Pursuant to Article 42 of the Act on the Protection of the Public from Infectious Diseases and the Regulations on the implementation of immunisation, seroprophylaxis and chemoprophylaxis of infectious diseases and of the persons obliged to undertake these measures (*Official Gazette*, 164/04) immunisation is obligatory against tuberculosis, diphtheria, whooping cough, poliomyelitis, measles, mumps, rubella, hepatitis B and diseases caused by *Haemophilus influenzae* type B (the obligatory immunisation programme in Croatia).

The lowest level of coverage by immunisation necessary for all immunisations is 90%, with the exception of measles, where it is 95%. Analysis of the results by the Croatian Institute for Public Health for 2003 shows that the level of 90% was achieved and exceeded in most of the planned immunisations, and the necessary level of immunisation against measles (morbili) (95%) was not attained by only by a small margin (94.5%).

The diseases against which immunisation is performed have either completely disappeared (diphtheria, poliomyelitis) or incidence has been drastically reduced by over 90% and in some cases by more than 99% (measles, rubella, mumps, whooping cough, tetanus, tuberculosis).

For specific groups of the population and individuals exposed to greater risk, according to the Programme of Obligatory Immunisation, Seroprophylaxis and Chemoprophylaxis, immunisation is obligatory against tuberculosis, hepatitis A and B, yellow fever, cholera, typhoid, malaria, streptococcus diseases and meningococcus diseases.

Every year before the arrival of influenza a campaign is conducted of immunisation against the flu, primarily aimed at older persons and persons with more vulnerable health.

Every year more than 500,000 persons are vaccinated with about 900,000 individual doses of vaccine. Revaccination or additional vaccination is conducted according to the Programme, occasionally, throughout life. It should be particularly emphasised that poliomyelitis has completely disappeared, which was officially confirmed in 2001 by the official Eradication Certificate of the World Health Organisation for the entire European region and thus for Croatia. This is the crown of the hard work done in preventing poliomyelitis through systematic immunisation, which has been conducted in this country since 1961 and a magnificent success by our preventive medicine in the protection of the health of the population.

Question B

Please indicate what general measures are taken in the public health field, such as:

- a. - prevention of air pollution,**
 - prevention of water pollution,**
 - prevention of soil pollution;**
- b. protection against radioactive contamination;**
- c. protection against noise pollution;**
- d. food hygiene inspection;**
- e. minimum housing standards;**
- f. measures taken to combat smoking, alcohol and drug abuse, including multiple addiction, as well as against sexually transmitted diseases.**

a) air pollution – monitoring air quality is conducted at the state and local levels. Currently, air quality is monitored at 123 stations.

b) water – the most frequent cause of chemical pollution are the physical properties of water, the presence of nitric salts, iron, manganese.

However, at the level of Croatia as a whole, we can be satisfied with the quality of drinking water from the public water supply, especially in terms of the technical and technological state of our public water supply facilities. The number of samples which are chemically and microbiologically non-compliant is less than 10%.

c) Primary and secondary legislation prescribes the highest permitted levels of noise in areas where people work and live, as well as the bodies authorized to measure noise and the supervision over these bodies.

d) The system for monitoring the quality of food products and commodities is based on the obligation of laboratories authorized for examining their compliance with the prescribed health standards to deliver reports to the Institute for Public Health on the number and type of samples examined and the results of the analyses every three months.

f) In addition to medical institutions, there are also county centres for the prevention and treatment of all kinds of addictions. These centres also provide educational and counselling programmes.

ARTICLE 13: THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE

ARTICLE 13 PARA. 1

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake: to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition."

Legislation of the Republic of Croatia

1. Constitution of the Republic of Croatia

By the Constitution of the Republic of Croatia, in the chapter entitled Economic, Social and Cultural Rights, it is stipulated that the right of employees and of members of their families to social security and social insurance shall be regulated by the law and collective agreements (Article 56). The State shall ensure the right to assistance for weak, helpless and other persons unable to meet their basic needs owing to unemployment or incapacity to work. The State shall devote special care to the protection of disabled persons and their integration into social life. (Article 57)

2. International Agreements

The Republic of Croatia has ratified the following conventions of the International Labour Organisation:

Convention No. 102 concerning Minimum Standards of Social Security, 1952 (*Official Gazette* – International Agreements no. 2/94, 1/02)

International Pact on Economic, Social and Cultural Rights, New York, 16 December 1966 (*Official Gazette* – International Agreements 12/93)

3. Primary Legislation

Social Welfare Act (*Official Gazette* No.: 73/97, 27/01, 59/01, 82/01 and 103/03)

State Budget Execution Act of the Republic of Croatia for 2005 (*Official Gazette* No. 171/04)

4. Secondary legislation

Decision on the Basis for Exercising the Social Security Rights (*Official Gazette* No. 21/01)

Question A

Please describe the general organisation of the current public social and medical assistance schemes.

The right to assistance is exercised through the social welfare system, which is defined by the Social Welfare Act (*Official Gazette* No. 73/97, 27/01, 59/01, 82/01 and 103/03) as the basic act that regulates the manner of performing and financing social welfare activities, as well as its beneficiaries, rights, the procedure for exercising these rights and other important issues of social welfare. The social welfare system offers a wide range of rights, which can be divided into benefits, services and other forms of institutional and non-institutional care.

Benefits are obtained through social welfare centres that are organized territorially, so that they cover specific areas of municipalities and cities within different counties. Funds for the payment of benefits are provided from the state budget.

Benefits are also provided by local and regional self government units, which allocate funds in their budgets to specific benefits prescribed by the Social Welfare Act (assistance for covering housing costs, and assistance for heating fuel) and provide funds in their budgets for the benefits prescribed by the Social Welfare Act to a greater extent, or for other benefits, under the conditions and in the manner prescribed by other regulations.

Question B

Please provide detailed information on the different types of social and medical assistance, specifying for each one:

- its form (benefits in cash and/or in kind);**
- the categories of persons covered and the number of persons who were in receipt of assistance during the reference period;**
- the conditions for the granting of assistance, the criteria used to assess need, the procedure for determining whether a person is without adequate resources, and the body which decides when assistance is to be granted;**
- as far as possible, information demonstrating the adequacy of the assistance with respect to the cost of living.**

1. Support allowance

- This benefit is paid in cash, and it can be approved completely or partially as a benefit in kind. The amount of the benefit is defined as a percentage of the base, which is determined by the Government of the Republic of Croatia according to the provisions of the Social Welfare Act. The base that the Government determined in March 2001 amounts to HRK 400.00. The amount of the support allowance is calculated by applying a scale of legally prescribed percentages (depending on the personal characteristics or the beneficiary) to the determined base. In Croatia, the scale of percentage rates for beneficiaries ranges from beneficiaries who are single (able to work) to four-member families/households (for instance two adults able to work and two children) from 100% to 340%. Since the amount of the support allowance is determined according to the number of family members, their age, ability to work and other characteristics, the amount of the benefit is not a single amount, but it enables socially at risk families (for instance those families with a large number of family members incapable of work) to receive a larger benefit amount.

- it is meant for single persons or families whose income is below the prescribed limit necessary for support, and who have no possibility to earn sufficient funds by their own work, income from retirement or in some other way. Beneficiaries of the support allowance are mostly unemployed persons, elderly persons with no income from retirement, and children as family members. In 2003, there were 121,515 persons who exercised their right to this benefit in Croatia. *On 31 November 2004, there were 52,386 single persons or families in Croatia who were beneficiaries of the support allowance.*

- support allowance can be obtained by a single person or a family whose income is below the income necessary for support, prescribed by the Social Welfare Act. In addition to this, it is examined whether the person is completely unable to work, or if he/she is registered at the unemployment service as a person able to work, if he/she can earn an income necessary for support by selling or leasing or renting his/her property that does not serve him/her to satisfy his/her basic needs, if he/she can be supported by a person legally or contractually obliged to support him/her. In order to determine the conditions, an assessment procedure is conducted in accordance with the General Administrative Procedure Act, with the aim of collecting relevant evidence for exercising this right (obtaining certificates from competent authorities) and examining the beneficiary's family situation. In accordance with the

provisions of the Social Welfare Act, this procedure is considered urgent. The relevant Social Welfare Centre according to the beneficiary's residence is responsible for conducting the procedure and issuing a ruling, as well as for paying the benefit in accordance with the ruling. The benefit is paid every month, and the right is exercised from the day the request was filed.

- The benefit for a single person incapable of work amounts to 150% of the base, or HRK 600.00. The official poverty indicator for 2003 defines the relative poverty threshold, which amounts to HRK 1,600.00 for a single person.

2. One-time allowance:

- A large number of requests relate to the purchase of medicines that are not on the list of the Croatian Health Insurance Institute, or to medical procedures that cannot be covered by the health insurance, to the construction or renovation of housing premises, purchase of construction material etc. A one-time allowance can also be approved for the purchase of mandatory textbooks for primary and secondary schools, for those persons who are already beneficiaries of the support allowance or who live in socially at risk families or foster families.

- This is a cash benefit;

- It can be approved to a single person or a family who, due to their current circumstances, according to the estimate of the social welfare centre, are not able to satisfy their basic needs fully or partially.

- A one-time allowance is used by single persons or families who are: able to work, but unemployed, employed persons with a low income and families with children of school age etc.

- In 2003, the total amount of 94,320 HRK in one-off benefits was approved. Since the one-time allowance can be approved to a family or a single person several times in a year, the number of beneficiaries is smaller.

- The Social Welfare Centre may independently approve a benefit for satisfying a certain need up to three times the base for social benefits, whereas for larger amounts it is necessary to obtain the consent of the ministry responsible for social welfare. In 2004, the number of benefits approved with the previous consent of the Ministry was 627.

3. Assistance for covering housing costs:

- The purpose of this benefit is to cover costs defined in the rental contract for a flat, either relating to the rent itself or to the maintenance of the flat (utility fees, electricity, gas, heating, water, waste water disposal etc.). The funds for this benefit are provided by local and regional self-government units.

- A benefit in cash, as relates to assistance for heating fuel, either in cash, in the amount determined by the regional self-government, or in kind – 3 m³ of timber.

- This benefit can be approved to a single person or a family whose income does not exceed the threshold for obtaining the support allowance, provided that this single person or a family use a flat that is not above the standard prescribed by secondary legislation. The benefit is paid every month, and its amount may not exceed half the amount necessary for the support of a single person or a family, as defined by the provisions of the Article 16 of the Social Welfare Act. The procedure for obtaining this benefit, and the payment of the benefit in accordance with the issued ruling can only be conducted by the competent local self-

government unit, which can transfer this authority to the competent social welfare centre. The procedure is conducted in accordance with the General Administrative Procedure Act and according to social work methodology.

- In 2003, the total number of beneficiaries of assistance for covering housing costs was 25,922 (singles or families) and the number of beneficiaries of assistance for heating fuel was 45,930.

4. Assistance and care supplement:

- This is a cash benefit, the purpose of which is to cover the cost of services necessary for performing basic every-day activities or to satisfy specific needs, which a person cannot do without the help of others.

- A benefit in cash.

- The potential beneficiaries of this benefit are elderly and infirm persons without personal income, retired persons, younger persons without personal income or with lower income than prescribed, who due to their physical or mental disability or permanent changes in their health need the assistance of another person, and children. In 2003, there were 48,804 beneficiaries of the assistance and care supplement.

- The precondition for obtaining this benefit is a means test, and it can be granted in full or a reduced amount, depending on whether the assistance of another person is needed to the full or a reduced extent, and upon the condition that the assistance and care allowance cannot be obtained from another source. Persons who lack work ability, if they do not suffer from a severe physical or mental impairment or some severe psychological condition or other difficult and permanent changes of their health, blind, deaf, and blind-deaf persons who are capable of independent living and work, are entitled to a reduced assistance and care supplement, regardless of their income. Certain categories of persons, such as: persons with severe physical or mental impairment, persons with severe psychological conditions, persons who suffer from grave and permanent changes of their health, blind, deaf and blind-deaf persons who are incapable of independent living and work, are entitled to assistance and care supplement in the full amount, regardless of their income.

5. Personal disability benefit:

- It is intended for persons with a severe physical or mental impairment, or persons who suffer from grave and permanent changes of their health, if this impairment or disease occurred before they turned 18, in order to help them overcome difficulties while living with their families, relating to their increased specific needs.

- This is a cash benefit

- The beneficiaries are children and adults who suffer from a severe physical or mental impairment or a severe change in their health. In 2003, the total number of beneficiaries of this benefit amounted to 48,804.

- The personal disability benefit can be obtained by a person for whom it has been determined that he/she suffers from a severe physical or mental impairment, or a severe change of health, if he/she cannot obtain this benefit from another source, and if his/her personal income does not exceed 250% of the social benefit base (HRK 1,000.00). If the beneficiary has personal income, the personal disability benefit is calculated as the

difference between the average income for the three months prior to filing the request and 250% of the base. If the beneficiary obtains this benefit, this excludes the possibility of obtaining the assistance and care supplement. Also, if the parents of the person who is entitled to the personal disability benefit are entitled to other benefits (maternity leave, leave until the 7th year of the child's age, half time work), and if the child spends 4 or more than 4 hours every day in an institution, he/she is entitled to a benefit amounting to 125% of the base.

6. Other benefits:

6.1. Allowance for personal needs of beneficiaries living in social welfare homes (pocket money):

- This allowance should cover the additional needs of persons accommodated in a social welfare home or a foster family, according to their own choice.
- This is a cash benefit.
- The beneficiaries are children and young people, and adults who receive care outside their own families. In 2003, there were 12,210 beneficiaries of this allowance.
- This benefit can be obtained by persons living in social welfare institutions or foster families, according to the decision of the social welfare centre, and it amounts to 20% of the social benefit base.

6.2. Funeral allowance:

- A cash benefit, payment is made directly to the undertaker's.
- It can be approved for the funeral of a person who, at the time of death, was a beneficiary of a support allowance or accommodated in a foster family or a social welfare home, on the basis of the decision issued by the social welfare centre, provided that this person does not have anybody who is legally or contractually obliged to support him/her. In 2003, the total number of approved funeral allowance benefits was 1390.

6.3. Assistance in obtaining clothing and footwear:

- This benefit is in kind
- In 2003, the total number of approved benefits was 1194.
- It can be approved for a person who lives in difficult economic circumstances, and who cannot obtain clothing and footwear through donations or in any other way. The benefit is approved by the competent social welfare centre after it has conducted the appropriate procedure.

6.4. Assistance in ready meals:

- This benefit is in kind
- in 2003, there were 1058 beneficiaries
- This benefit is provided through a service that can be approved to an infirm or a socially at risk person who is unable to prepare meals by himself/herself or with the assistance of his/her family members. Assistance in ready meals is provided by delivery of meals, and the condition for obtaining this assistance is the amount of income of the person or the family who is the beneficiary. The assistance is approved by the competent social welfare centre,

after completing the corresponding procedure, and it is organized through an organization registered for this type of service (social welfare home, humanitarian and other non-governmental organizations, legal entities or natural persons etc.), and with which the social welfare centre concludes a contract on the provision of this service.

6.5. Covering the costs of accommodation in a pupils' hostel:

- This is a cash benefit, and the payment is made directly to the hostel
- This benefit has only been paid since mid 2003, in accordance with the amendments of the Social Welfare Act, and in 2003 there were 20 beneficiaries
- This ensures that accommodation costs of the pupils' hostel are covered for school children who live in socially at risk families, or whose family is a beneficiary of the support allowance, or whose family earns an income that does not exceed 150% of the social benefit base per family member, and 200% of the base for a single parent. For children with physical or mental impairment, the centre may approve this benefit, regardless of the amount of family income. The decision on this benefit is made by the social welfare centre after conducting the assessment procedure.

Question C

Please indicate the means by which the right to assistance is secured, indicating whether individuals may uphold their right before an independent body.

The right to assistance is secured to persons who fulfil conditions prescribed by the Social Welfare Act, and the right to assistance remains as long as the conditions required for every individual benefit exist. The Social Welfare Centre implements the decisions it makes on awarding benefits in accordance with the Social Welfare Act.

Persons (beneficiaries) have the right to appeal to the competent ministry responsible for social welfare issues (the Ministry of Health and Social Welfare), and appeals regarding the benefits received from local self-government units are resolved by the competent county administrative authority.

A person who is dissatisfied with the decision of the second instance may file an appeal with the administrative court.

Question D

Please give the amount of public funds (central government or local authorities) allocated to social and medical assistance as well as the percentage of GDP this represents, and, if possible, give an estimation of the amount of private funds devoted to assistance.

The amount of central state funds allocated to social benefits in the period 1 January 2003 – 31 June 2004 amounted to HRK 11,111,942,696.73, whereas the amount of central state funds allocated to medical assistance in the same period amounted to HRK 16,850,510,156.70.

The proportion of central state funds allocated to social benefits in 2003 amounts to 3.46% of the GDP, and for the first half of 2004, 2.16% of the GDP.

The share of central state funds allocated to medical assistance in 2003 amounts to 5.7% of the GDP, and for the first half of 2004, 2.86% of the GDP.

ARTICLE 13 PARA. 2

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake: to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights."

Please indicate briefly how this Article is implemented and what measures are used to ensure in particular, the absence of any direct or indirect diminution of political or social rights.

ARTICLE 13 PARA. 3

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake: to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want."

Please describe the main services covered by this provision, especially the manner in which they are organised and operate, including their geographic distribution.

Please give as far as possible information about:

- the staff responsible for providing advice and personal help, as well as an indication of their qualifications and duties;**
- measures aimed to ensure an adequate response to the needs of individuals and families.**

Social welfare institutions are social welfare centres, social welfare homes and centres for assistance and care.

1. Social welfare centres are public institutions established by the Republic of Croatia by a decision of the ministry responsible for social welfare issues, and they are established for the area of one or several municipalities or towns of the same county, or for the City of Zagreb. In the Republic of Croatia, there are 80 social welfare centres with 24 branches.

Centres are governed by an administrative council appointed by the ministry responsible for social welfare issues (the Ministry of Health and Social Welfare). The administrative council consists of three representatives of the founding bodies, one professional from the centre itself and one representative of the regional self-government authority. The Centre is managed by a director appointed by the administrative council. It also has a professional council, which consists of all the professional staff of the centre.

The centre, as a public institution, has authority in 135 different areas that can be divided into social welfare, legal protection of the family, and protection in issues of criminal justice, the authority for analytical, financial and other work.

Personnel responsible for counselling and personal assistance, their qualifications and duties: professional work at the centre is performed by a social worker, a lawyer, a psychologist and a special education teacher, who have all passed the state exam. All professional employees of the centre who directly engage in counselling and assistance must have a university degree. Professional employees in social welfare institutions have to perform their work in accordance with the rules of their profession and they have to respect the personalities of their beneficiaries, their dignity and the inviolability of their personal and family life.

2. Social welfare homes provide accommodation and day care services, food, clothing, maintenance of personal hygiene, health care, education and upbringing, training, implementing work activities, psycho-social rehabilitation etc.

A social welfare home may be established by the Republic of Croatia by a decision of the ministry responsible for social welfare issues. A home may also be established by a local and regional self-government unit, a religious community, a company, an association and other local and foreign legal entities and natural persons.

A social welfare home is governed by an administrative council, which is appointed by the founder, and home manager is the director, who is appointed by the administrative council on the basis of a public tender.

In the Republic of Croatia, there are 166 social welfare homes (67 state homes, 46 county homes for elderly and infirm persons and 53 homes established by other founders).

State homes are divided into:

- homes for disabled persons with all kinds and grades of disability (26 homes)
- homes for children and young persons without adequate parental care (14 homes)
- homes for children and young persons with behavioural disorders (11 homes)
- homes for mentally ill adults (18 homes)

Homes established by other founders may be divided into homes that perform social welfare activities relating to the care of children without adequate parental care, disabled persons, mentally ill adults, victims of family violence, and drug addicts and other substance addicts.

The personnel responsible for counselling and personal assistance, their qualifications and duties: professional work at the home is performed by a social worker, a psychologist, a special education teacher, a pedagogue, a medical nurse and a physiotherapist, an occupational therapist, an educator, either with university qualifications or a two-year college degree, who all have to pass a state exam. As far as the accommodation is concerned, the professional staff is obliged to ensure adequate social and medical care for the accommodated persons, adequate health care, education and upbringing, organisation of free time, organisation of work activities, psycho-social rehabilitation and satisfy other special needs.

3. Centres for assistance and care

88 centres for assistance and care provide services of organizing ready meals, doing housework, maintaining personal hygiene, and satisfying other needs.

A centre for assistance and care may be established by a local and regional self-government unit, a religious community, a company, an association and other local and foreign legal entities and natural persons.

A county office responsible for social welfare issues makes the decision on the establishment of such a centre when all the prescribed conditions are met, whereas the ministry responsible for social welfare is in charge for inspections and professional monitoring over the institution's work.

The work of the centre for assistance and care is performed by employees who meet the conditions prescribed by secondary legislation.

Measures aimed at ensuring a more adequate response to the needs of individuals and families:

The Social Welfare Act stipulates that the locally competent centres for social welfare are responsible for making decisions on approving social welfare benefits, that the procedure to obtain these benefits is to be considered urgent, and that it is conducted in accordance with the General Administrative Procedure Act and professional social work methodology. The Act also stipulates that in the procedure of applying for a certain benefit, the social welfare centre, that is its professional staff, cooperates with the person who has filed a request for assistance and with his/her family members.

The Social Welfare Act stipulates that social welfare institutions are obliged to internally supervise the work of their organisational units and staff, whereas the ministry responsible for social welfare is in charge of administrative and professional supervision over the work of the social welfare centre, and for inspections relating to the implementation of acts and other regulations in the field of social welfare.

ARTICLE 13 PARA. 4

"With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake: to apply the provisions referred to in paragraphs 1, 2 and 3 of this Article on an equal footing with their nationals to nationals of other Contracting Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11th December 1953."

[The Appendix to the Charter stipulates that Governments not parties to the European Convention on Social and Medical Assistance may ratify the Social Charter in respect of this paragraph provided that they grant to national of other Contracting parties a treatment which is in conformity with the provisions of the said Convention.]

Please indicate the guarantees which ensure conformity with this provision.

Please describe more specifically the provisions which ensure that any repatriation of nationals of other Contracting Parties who are legally within the

territory on the sole ground that they are in need of assistance is carried out according to the conditions laid down in Article 6 to 10 of the European Convention on Social and Medical Assistance 1953.

The implementation of these provision is guaranteed in the way stipulated by the provisions of Article 11 of the Social Welfare Act, which states that social welfare rights are granted to Croatian citizens and stateless persons who have permanent residence in the Republic of Croatia. Foreign nationals with permanent residence in the Republic of Croatia are granted social welfare rights stipulated by the Social Welfare Act and international agreements. The Social Welfare Act stipulates that all foreign citizens with permanent residence in the Republic of Croatia may exercise the right to temporary accommodation in social welfare institutions. So far, no international agreements have been signed, which would entitle citizens of other Contracting Parties to social welfare rights.

Article 11 paragraph 3 of the Social Welfare Act stipulates that those persons not covered by paragraphs 1 or 2 (foreign citizens with permanent residence, stateless persons and Croatian citizens) may temporarily exercise social welfare rights, if so required by their circumstances.

ARTICLE 14: THE RIGHT TO BENEFIT FROM SOCIAL WELFARE SERVICES

ARTICLE 14 PARA. 1

"With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Contracting Parties undertake: to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment."

Legislation of the Republic of Croatia

1. The Constitution of the Republic of Croatia

In the Chapter titled Economic, Social and Cultural Rights of the Constitution, it is stipulated that the right of employees and members of their families to social security and social insurance shall be regulated by law and collective agreements (Article 56). It is also stipulated that the State shall ensure the right to assistance for weak, helpless and other persons unable to meet their basic needs owing to unemployment or incapacity to work; and the State shall devote special care to the protection of disabled persons and their integration into social life (Article 57).

2. International Agreements

The Republic of Croatia ratified Convention No. 102 concerning Minimum Standards of Social Security, 1952 (*Official Gazette*-international agreements 2/94, 1/02), Convention No. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers (Workers with Family Responsibilities), 1981 (*Official Gazette – International Agreements*, No. 6/95) and it is a party to the International Pact on Economic, Social and Cultural Rights (*Official Gazette*-international agreements 12/93).

3. Primary Legislation

Social Welfare Act (*Official Gazette*, No. 73/97, 27/01, 59/01, 82/01 and 103/03)

Question A

Please describe the measures taken to apply this provision and list the principal social services of the type mentioned, describing their functions and the target groups they serve.

As under Article 13 paragraph 3 – the main service providers are social welfare centres that, as public institutions, besides their public authorities, also perform other professional work: encouraging, organizing and implementing activities with the aim of preventing and solving social, family and personal problems, encouraging and developing neighbourly assistance, voluntary work, charity and other work, counselling for marital and family problems, problems with the upbringing of children, adoption, participating in preventing alcohol and other substance addictions, and they may also accommodate and take care of children who have run away from their families or institutions, educate children with behavioural disorders etc.

Social Welfare Centres propose, encourage and harmonize social welfare activities at the local level, cooperate with humanitarian and non-governmental organizations, whose aim is to improve the quality of life, provide assistance in the reconstruction of housing facilities and public buildings, work with children and young people with special needs and work for the public welfare.

Social welfare homes and foster families provide services of accommodation outside of a child's own family. Beneficiaries of these services are children without parental care or children who are neglected or abused by their parents, children and young persons with behavioural disorders, physically or mentally impaired or mentally ill children, drug and other substance addicts, adults – elderly and infirm persons, and those in need of long-term medical care, physically or mentally impaired adults, and narcotic drug, alcohol and other substance addicts, as well as children and adults who are victims of family violence.

Question B

Please describe the organisation and administration, the financial resources and working methods of these services, their financial and other relations to the organs of social security and the qualifications of the staff employed by these services.

Question C

Please state what measures have been taken to promote these services during the reference period, whether the individuals are entitled by law to their use or whether those administering have a discretion in granting or withholding them. Please indicate also whether there is a right of appeal against decisions to grant or withhold services.

Since the social welfare system reform is currently in progress, the process of deinstitutionalization and improved cooperation with the civil sector has already started in Croatia. Taking into account the opinion of professionals and international trends concerning the organization of care outside of the child's own family, increased emphasis is being placed on accommodation in foster families. In the period between 1998 until today, there have been many efforts to promote foster families as a more acceptable form of accommodation and care than institutional care, primarily for specific types of beneficiaries, that is children, as a replacement for their own family. Social welfare centres and the Ministry play an important role in promoting these services. Regulations that have been adopted are aimed at ensuring the quality of care, and control mechanisms for the protection of persons accommodated in this way.

The Social Welfare Act from 1997 provided for a broader scope of activities that can be performed by private and non-governmental organizations in the social sector, which broadened the scope of social services for citizens.

The Humanitarian Aid Act regulated improved cooperation with the civil sector and introduced new forms of humanitarian aid. Humanitarian organizations that donate humanitarian aid with the aim of ensuring and improving the quality of life, providing assistance in the reconstruction of housing facilities and public buildings, gathering and working with children and young people with special needs, as well as those that work for the common good, are entitled to special legal status that includes customs, tax and other privileges, which is regulated by separate legislation.

Social welfare rights are exercised on the basis of the Social Welfare Act, which prescribes the conditions and the manner for exercising these rights, and the procedure for obtaining the benefits is conducted according to the provisions of the General Administrative Procedure Act and professional social work methodology. There is also a possibility of

appeal in the second instance of the administrative procedure. Control over administrative decisions is ensured by the possibility of appeal at the Administrative Court.

ARTICLE 14 PARA. 2

"With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Contracting Parties undertake: to encourage the participation of individuals and voluntary or other organisations in the establishment and maintenance of such services."

Please indicate the measures taken to provide for or to encourage the participation of individuals and charitable organisations and other appropriate organisations in the establishment and maintenance of such services¹

ARTICLE 16: THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

"With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means."

Legislation of the Republic of Croatia

1. Constitution of the Republic of Croatia

In the Chapter entitled Economic, Social and Cultural Rights of the Constitution, it is stipulated that the family shall enjoy the special protection of the State, and that marriage, legal relations in marriage, common-law marriage and families shall be regulated by law (Article 61). (Article 57).

2. International Agreements

The Republic of Croatia has ratified Convention No. 102 concerning Minimum Standards of Social Security, 1952 (*Official Gazette*-international agreements 2/94, 1/02) and International Pact on Economic, Social and Cultural Rights, New York, 16 December 1966 (*Official Gazette*-international agreements 12/93).

¹ If paragraph 1 of this Article has been accepted it is sufficient here to supplement the reply concerning that paragraph.

3. Primary Legislation

Family Act (*Official Gazette* No. 116/03; 17/04 and 136/04)

Income Tax Act (*Official Gazette* No. 127/00, 150/02, 163/03 and 30/04)

Act on Local and Regional Self-Government (*Official Gazette* No. 33/01)

Act on Pre-School Education (*Official Gazette* No. 10/97)

State-Supported Housing Construction Act (*Official Gazette* No. 109/01, 82/04)

State Budget Execution Act of the Republic of Croatia for 2005 (*Official Gazette* No. 171/04)

Question A

Please mention if the legislation in your country provides specifically for the legal protection of the family, bearing in particular on equality in law between spouses, on family relationships and on marital conflict, and also any special measures to facilitate solutions other than divorce to such conflicts.

Please describe the marital property regimes existing in your country.

Article 61 of the Constitution of the Republic of Croatia stipulates that the family shall enjoy the special protection of the State, and that marriage, legal relations in marriage, common-law marriage and families shall be regulated by law.

Specific legal protection of the family is regulated by the Family Act (*Official Gazette* No. 116/03; 17/04 and 136/04), which regulates issues of marriage, parents and children, adoption, guardianship, support, property relations and court procedure.

Article 2 of the Family Act stipulates that family relations are according to principles of equality between a woman and a man, mutual respect and the help of all family members, protection of the well-being and rights of the child and the responsibility of both parents for the child's upbringing.

Article 6 of the Family Act stipulates that a marriage is concluded by a statement of consent written by a man and a woman, before a civil or a religious authority.

Provisions of the Family Act that refer to the personal rights and duties of spouses make it possible for the spouses to keep their own respective surnames, to take the surname of the other as their common surname, or to take both surnames as their common surname, or that each take their spouse's surname along with their own and to decide which is to be placed

first and which second. Besides, it prescribes equality between spouses in a marriage, the duty of mutual fidelity, help, respect and maintenance of harmonious marital and family relationships, making consensual decisions on the place of residence, giving birth to children and their upbringing, and the division of work in the family community, and making independent decisions on the choice of work and profession.

Every spouse may instigate divorce proceedings, under the condition that a husband may not sue for a divorce during his wife's pregnancy, or until the child is one year old. If, however, the wife agrees to the divorce, it can be granted even in this time period.

If spouses cease to live together, and they have no intention of divorcing, contentious issues relating to parental care and child support may be resolved in a special procedure before the social welfare centre.

In all cases when spouses have minor children, either their own or adopted, or children for whom they take care as parents after their coming of age, and they want to end their marriage in divorce, they are obliged to undergo a mediation procedure. The mediation procedure is also mandatory for spouses without children whose divorce is not consensual.

The mediation procedure is conducted by a multidisciplinary team of social welfare experts (a social worker, a psychologist and a lawyer), with the aim of determining and resolving the causes for their disagreements, or in situations when the spouses do not want to be reconciled, with the aim of making a consensual decision on care of the children and their support. The procedure is conducted in the way that every expert assesses the reasons for disagreements and possibilities for maintaining the marriage community from his/her own professional perspective. They strive to assist the spouses through discussions with each spouse individually and both of them together to understand their current situation better, their own responsibility for this condition and the possibilities of personal change, as well as in gaining a better view of their future life and care of children together or separately. If necessary, professionals also talk to the children.

Currently, the mediation procedure is conducted only at social welfare centres. Within the mediation procedure, temporary decisions are made on the further care of children and their support.

The Family Act stipulates that spouses may have marital property and their own property. Marital property is the property that the spouses acquired by their work during their marriage, or gains acquired from that property. Spouses own marital property in equal shares, unless they have contractually agreed otherwise. The property that a spouse had at the moment of concluding the marriage remains his/her own property, as well as the property that he/she gains by inheritance, donation etc.

The property acquired in a common-law marriage is regulated by legal provisions relating to the property relations of the spouses.

Question B

Please describe the economic measures taken on behalf of the welfare of the family in your country:

- by the award of benefits in cash²⁴ (eg. family allowances) which ensure, permanently, financial compensation, at least in part for family expenses, indicating the manner and the levels in which such benefits are given (with relevant statistical data) as well as the number of persons concerned (percentage of the population);
- by the award of occasional benefits in cash or in kind other than social and medical assistance benefits, intended to give material assistance to families in certain specific circumstances (eg. marriage, setting up or tenancy of housing appropriate to the size of the family, etc.), giving wherever possible, statistical information on the above;
- by alleviating certain expenses (eg. tax relief for family and children, special transport rates for families). In so far as tax relief is concerned, please specify whether tax concessions vary according to the number of children, and if so, how and to what extent;
- by measures of aid to the newly married.

The Income Tax Act (*Official Gazette* No. 127/00, 150/02, 163/03 and 30/04), Article 29, stipulates personal tax exemptions. A tax payer may deduct a personal exemption of HRK 1,500 from the total amount of income earned each month (HRK 18,000.00 per year), 0.4 percent of the basic personal exemption for a dependent immediate family member, which amounts to HRK 600.00 a month (HRK 7,200.00 per year), and for dependent children the tax payer may deduct the following personal exemptions:

- 0.42 percent of the basic personal exemption for the first child, which amounts to HRK 630.00 per month (HRK 7,560.00 per year)
- 0.59 percent of the basic personal exemption for the second child, which amounts to HRK 885.00 per month (HRK 10,620.00 per year)
- 0.84 percent of the basic personal exemption for the third child, which amounts to HRK 1,260.00 per month (HRK 15,120.00 per year)
- 1.17 percent of the basic personal exemption for the fourth child, which amounts to HRK 1,755.00 per month (HRK 21,060.00 per year)
- 1.59 percent of the basic personal exemption for the fifth child, which amounts to HRK 2,385.00 per month (HRK 28,620.00 per year)
- 2.09 percent of the basic personal exemption for the sixth child, which amounts to HRK 3,135.00 per month (HRK 37,620.00 per year)
- 2.67 percent of the basic personal exemption for the seventh child, which amounts to HRK 4,005.00 per month (HRK 48,060.00 per year)
- 3.34 percent of the basic personal exemption for the eighth child, which amounts to HRK 5,010.00 per month (HRK 60,120.00 per year)

- 4.09 percent of the basic personal exemption for the ninth child, which amounts to HRK 6,135.00 per month (HRK 73,620.00 per year)
- 5.00 percent of the basic personal exemption for the tenth child, which amounts to HRK 7,500.00 per month (HRK 90,000.00 per year).

For the eleventh and each further child the coefficient for the basic personal exemption is increased by 1.0 percent in relation to the personal exemption coefficient for the preceding child.

Taxpayers who have permanent residence and live in regions of special state concern are entitled to increased basic personal exemptions as follows:

- HRK 3,750.00 per month in regions categorized in the first group,
- HRK 3,000.00 per month in regions categorized as the second group,
- HRK 2,250.00 per month in regions categorized as the third group.

If taxpayers with permanent residence and reside in areas of special state concern, and they have dependent immediate family members and children who also have permanent residence and reside in these areas, they are entitled to a personal exemption which is determined according to the increased basic personal exemptions, depending on the category of the area of special state concern.

PERSONAL EXEMPTION	PERSONAL EXEMPTION COEFFICIENT (Personal exemption coefficients are added)	OUTSIDE THE AREAS OF SPECIAL STATE CONCERN AND MOUNTAIN AREAS		1 ST GROUP OF AREAS OF SPECIAL STATE CONCERN		2 ND GROUP OF AREAS OF SPECIAL STATE CONCERN		3 RD GROUP OF AREAS OF SPECIAL STATE CONCERN AND MOUNTAIN AREAS	
		Monthly amounts (in HRK)	Annual amounts (in HRK)	Monthly amounts (in HRK)	Annual amounts (in HRK)	Monthly amounts (in HRK)	Annual amounts (in HRK)	Monthly amounts (in HRK)	Annual amounts (in HRK)
1	2	3	4	5	6	7	8	9	10
Basic personal exemption	1.00	1,500.00	18,000.00	3,750.00	45,000.00	3,000.00	36,000.00	2,250.00	27,000.00
Personal exemption of retired persons (up to the maximum of)		3,000.00	34,650.00	3,750.00	45,000.00	3,000.00	36,000.00	3,000.00	34,650.00
Dependent immediate family members	0.40	600.00	7,200.00	1,500.00	18,000.00	1,200.00	14,400.00	900.00	10,800.00
Tax payer and every dependent immediate family member and every child, if they are disabled persons	0.25	375.00	4,500.00	937.50	11,250.00	750.00	9,000.00	562.50	6,750.00
First child	0.42	630.00	7,560.00	1,575.00	18,900.00	1,260.00	15,120.00	945.00	11,340.00
Second child	0.59	885.00	10,620.00	2,212.50	26,550.00	1,770.00	21,240.00	1,327.50	15,930.00
Third child	0.84	1,260.00	15,120.00	3,150.00	37,800.00	2,520.00	30,240.00	1,890.00	22,680.00
Fourth child	1.17	1,755.00	21,060.00	4,387.50	52,650.00	3,510.00	42,120.00	2,632.50	31,590.00
Fifth child	1.59	2,385.00	28,620.00	5,962.50	71,550.00	4,770.00	57,240.00	3,577.50	42,930.00
Sixth child	2.09	3,135.00	37,620.00	7,837.50	94,050.00	6,270.00	75,240.00	4,702.50	56,430.00

Seventh child	2.67	4,005.00	48,060.00	10,012.50	120,150.00	8,010.00	96,120.00	6,007.50	72,090.00
Eight child	3.34	5,010.00	60,120.00	12,525.00	150,300.00	10,020.00	120,240.00	7,515.00	90,180.00
Ninth child	4.09	6,135.00	73,620.00	15,337.50	184,050.00	12,270.00	147,240.00	9,202.50	110,430.00
Tenth child	5.00	7,500.00	90,000.00	18,750.00	225,000.00	15,000.00	180,000.00	11,250.00	135,000.00
Eleventh child (and every further child)-personal exemption coefficient is increased by 1.0 percent in relation for the coefficient for the preceding child)	6.00	9,000.00	108,000.00	22,500.00	270,000.00	18,000.00	216,000.00	13,500.00	162,000.00

COMMENTS:

- Prescribed tax exemptions have been applied for mountain areas as of 1 July 2003.
- The personal exemptions for tax payers who have their permanent residence and reside in areas of special state concern and in mountain areas shall be recognized in the annual settlement of the income tax based on the filed annual tax return, while during the taxation period the personal exemptions for persons living outside of the areas of special state concern and mountain areas shall be applied (3rd and 4th column in the table).
- Personal exemptions for retired persons are recognized in the amount of the pension, ranging from HRK 1,500 to a maximum of HRK 3,000.00 for each month of the taxation period (until 31 March 2004, the maximum exemption amounted to HRK 2,550.00, and as of 1 April 2004, it has amounted HRK 3,000.00),
- Dependent immediate family members are: spouse, parents of the taxpayer and parents of the taxpayer's spouse, direct forebears and descendants, stepmothers and stepfathers supported by a major stepchild, children after completing regular education, and former spouses for whom the taxpayer pays alimony, and whose income (taxable income) and other revenues at the annual level do not exceed HRK 7,500.00 per year,
- The taxpayer is entitled to the personal exemption based on supporting dependent immediate family members and children in areas of special state concern and mountain areas only if these family members and children have their permanent residence and reside in areas of special state concern and mountain areas,
- Children in the sense of this regulation are deemed children supported by parents, step-fathers or step-mothers, as well as adopted children and children living with guardians. In the latter case, biological parents are not allowed to use this personal exemption.

THE PERSONAL EXEMPTION MAY BE INCREASED BY:

1. The amount paid for health insurance, if the tax payer is not insured in any other way, up to the amount of the prescribed obligatory employer's and employee's contributions for health insurance,
2. The amount of actual costs of health care services and the purchase of orthopaedic aids in the Republic of Croatia, up to an amount of HRK 12,000.00 annually, provided that such expenses are not covered by basic, supplemental or private health insurance and if they are not financed from received donations,

3. Investments made to purchase or construct an apartment or house for the needs of permanent residence, as well as investment maintenance of existing housing of the taxpayer or his/her spouse to improve housing conditions, but not exceeding HRK 12,000.00 per year, or
the payment of interest on an earmarked housing loan for the purchase or construction of a home or the investment maintenance of existing housing, up to HRK 12,000.00 HRK per year,
or
50% of paid freely contracted rents for needs of permanent residence in the housing of the lessor, but not exceeding HRK 12,000.00 per year (the right to this personal exemption may be exercised by taxpayers, provided that they are in need of housing),
4. Donations granted in kind or in money in giro accounts to associations and other persons for cultural, educational, scholarly, health-care, humanitarian, sports and religious purposes, in accordance with special legislation, up to a level of 2% of receipts for which the annual tax return was submitted in the previous year and the final income tax determined. By way of derogation, the personal exemption shall be increased for donations granted above the stipulated maximum, provided that such donations were granted in accordance with decisions of the relevant ministries dealing with the implementation and financing of special programs and actions, but not for the regular activity of the party receiving the donation.

Question C

Please indicate whether in your country there exists social and/or cultural services of particular interest to the family, such as advice to families (either to the whole family or to its members, eg. to mothers, pregnant women, children of various ages), home-help services, family holiday homes, etc.

Please indicate the childminding services available to families, in particular crèches, nurseries and after-school and holiday schemes for children.

Please give a general description of the organisation and facilities of these services. In your answer please distinguish between public and private services and between services available free or against payment. Please give relevant statistical data.

All the counties, cities and municipalities in the Republic of Croatia, in accordance with the Act on Local and Regional Self-Government (*Official Gazette* No. 33/01), participate in social, legal and economic protection of and assistance to families, with funds available in the budgets of municipalities, cities or counties. Support to families is mostly granted in the form of *occasional donations in money and in kind*. Socially at risk families and/or families with a large number of children are granted one-time benefits for covering the costs of housing, heating fuel, funeral costs, assistance for the reconstruction of houses, assistance granted to families for medical treatment, for the purchase of school text books, subsidies for monthly transport tickets for pupils and subsidies for pupils' meals in schools.

Specific donations in money, in the form of allowances for every child are granted by Virovitica-Podravina County, and the City of Zagreb pays a monthly child supplement and ensures winter and summer vacation free of charge for children from socially at risk families, from pre school age to children who have completed eight grades of primary school.

As relates to social and/or cultural services of particular interest for the family, the City of Dubrovnik, for instance, organizes the provision of services within the newly established Counselling Centre for Children, Young Persons, Marriage and Family, as well as in Counselling Centres for the Prevention of Addiction (of the Dubrovnik-Neretva County), the City of Poreč does so in the framework of the project "The Healthy City", and the City of Pula, the Town of Krapina and the Town of Pregrada, within the project "School for Parents" and "School for Young People).

Moreover, we should mention counselling centres in Split, Šibenik, Karlovac, Vinkovci and Sisak, which were established in 2004, and in Krapina and Koprivnica, established in 2005, as well as further development of family support services and programmes in the existing counselling centre in Rijeka.

As part of family counselling services, counselling centres have been established for the prevention of family violence and assistance to victims of family violence, with the professional and financial support of the ministry responsible for family affairs – the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity, and in cooperation with the relevant institutions and NGOs in the cities of Osijek, Slavonski Brod, Bjelovar, Karlovac, Rovinj. In addition, support has been provided to the existing counselling centres in Zagreb, Rijeka and Split.

Also in other counties and cities, services of particular interest to the family are mostly provided in counselling centres for families and/or young persons.

The Republic of Croatia provides numerous possibilities of organizing pre-school education to all legally competent persons, in accordance with its legislation.

Article 5 (b) of the Workers with Family Responsibilities Convention, No. 156 states that the state is obliged to take care of children of pre-school age, and it would be good if this Convention were applied in all the countries in the world. Croatia has ratified this Convention. Pre-school activities have been regulated as a sub-system of education in the Republic of Croatia since 1997 (Pre-School Education Act, *Official Gazette* No. 10/97). About 35% of children of pre-school age are covered by regular programmes (lasting between five and ten hours), which do not satisfy the needs of parents for accommodation of children in nurseries. About 25% of children are covered by shorter programmes, which is also not satisfactory. However, it is necessary to emphasize that all children (100%) in the Republic of Croatia are covered by pre-school education programmes in the year preceding their first school year (data for the school year 2003/04), by regular nursery programmes and pre-school programmes.

The aim of new secondary legislation is to increase the percentage of children covered by various pre-school programmes to 60 percent, which is also a long-term goal, since every child is entitled to some form of pre-school education during pre-school age, and society should be able to provide the conditions necessary for exercising this right.

In 2004, there were 503 pre-school institutions active in the Republic of Croatia, located in 1,203 different facilities (290 founded by local self-government units, 49 private nurseries established by religious communities or parishes - 46 catholic, one protestant, one belonging to the "Chavely Chapel" religious community and one Jewish nursery, 100 private nurseries established by legal entities or natural persons, and 28 organisational units of pre-school education programmes in primary schools, as well as 28 pre-school programmes, and 8 shorter programmes organized at libraries and associations – Medveščak Library, Association "Društvo naša djeca", Association "Djeca prva", library in Brodski Stupnik, Roma Association "Zlatna Kobra", Istrian Roma Association and Croatian Roma Association in Čakovec.

92,280 children of pre-school age are covered by regular ten-hour programmes, 16,270 by the pre-school programme, and 37,250 children by shorter programmes, which amounts to 145,800 children of pre-school age in the system of pre-school activities.

Pre-school education programmes that satisfy the public needs (Article 50 of the Act) are divided into pre-school programmes, programmes for children who are members of ethnic minorities, programmes for children with developmental difficulties and programmes for talented children, and they are implemented in 252 nurseries, 55 primary schools, and 16 other legal entities.

According to the data obtained from nurseries and other legal entities that implement pre-school education programmes, there are 1,834 children who are members of ethnic minorities in the pre-school system.

1,411 children with minor developmental problems are integrated in the programmes of nurseries, and they are assisted by educators, special education teachers, pedagogues, psychologists and therapists in 189 pre-school institutions. 639 children attend special programmes for children with developmental difficulties, in 78 educational groups in regular nurseries or special institutions – precisely in 26 institutions that employ about 178 professional workers (special education teachers, educators, therapists and nurses). These programmes have been raised to the level of the public needs, and they have been co-financed from the state budget since 1990. All children with developmental difficulties who are in nurseries, either in special groups or integrated in regular groups, are entitled to support from the state budget, according to the provisions of the Article 50 of the Act.

Programmes for talented children are gradually being organized in nurseries, and they encompass 481 children (30 educational groups). A large number of talented children enjoy

an individual approach. Nurseries implement programmes of work with talented children in Zagreb, Rijeka, Pula, Koprivnica, Varaždin and Split. These programmes are considered a public need, and it is planned that they should be co-financed from the state budget.

Pre-school programmes are also considered a public need of society, and they are attended by 16,270 children of pre-school age who do not attend other pre-school education programmes. Other children of pre-school age are included in regular pre-school education programmes in the year preceding their first school year (a total of 36,696 children aged six and seven). Pre-school programmes, and the whole subsystem of pre-school education are not mandatory, but they are recommended to all children and their parents, and therefore it is important that the society recognizes the importance of this segment in the education and upbringing of children. This year, all children aged six were covered by some of the pre-school education programmes (100%).

An analysis of the data for the Republic of Croatia shows that the need for accommodating children of pre-school age in nurseries is greater than the accommodation capacities, both for children of crèche age (from the first to the third complete year of the child's life) and nursery age (from the fourth year to the first school year). This is mostly a problem in larger cities, so that about 5,000 children of pre-school age remain on waiting lists.

Although the Act provides for the possibility of enrolling six month old babies in crèches, in practice, the earliest age for admission is 10 and 11 months, and even this is very minimal, and only possible when the material conditions and the premises are suitable, which is currently more of an exception (Rijeka, Osijek, Pula, Split). According to the available data, the number of children under 1 year of age in the system is 212.

Since the right to establish a pre-school institution was transferred to local and regional self-government units in 1993, numerous cities and municipalities do not even observe the existing standards (which were developed in 1983 according to the Social Care Act), so that the survival of pre-school activities is now at stake. There are problems, as in other fields, but not due to professional and pedagogical work, but due to the material shortages of parents and founders of nurseries, and due to their inability to co-finance the programmes.

Since the market price for the accommodation of children of pre-school age in pre-school institutions ranges from HRK 850 to HRK 1,700 per child, and even to HRK 4,200 for children with developmental difficulties, parents mostly co-finance the accommodation of their children to the extent of 30 or 40 percent of the market price.

Services intended for families, such as childminding and childminding programmes after school or during vacations, are co-financed by all counties, cities and municipalities, in nurseries and crèches on their territory. They also organize playgroups for children, some of them even in English language, and some for Roma children.

Some cities offer extended day programmes for children in primary schools, after regular classes. As far as childminding programmes during vacations are concerned, this consists of

organized summer and winter vacations for children, and services intended for children after classes including organized swimming courses, school in nature, info-clubs, workshops at weekends, creative workshops and English language courses.

Maternity leave benefits and child's allowance are also a part of the system of measures of family support at the state level.

Beneficiaries of the right to maternity leave according to its length, and the basis
for its approval in 2003

Description	No. of beneficiaries
Pregnancy and maternity leave	30 697
Maternity leave up to the 3 rd year of the child's life	353
Maternity leave up to the 3 rd year of the child's life (unemployed mothers)	3 305

Source: Statistical Yearbook of the Republic of Croatia 2004; Central Bureau of Statistics, Zagreb, December 2004.

A layette allowance is granted to each person covered by health insurance for a newborn baby. This type of benefit was introduced in 1994 and the funds for its payment are provided in the State Budget. A layette allowance is paid in cash non-recurrently and amounts to KN 1,360.00. As well as at the state level, assistance to families for newborn babies is increasingly provided also by local governments from their funds, most commonly amounting to about KN 1,000.00.

Child's allowance is governed by the Child's Allowance Act and the Enforcement of the State Budget Act for 2005. This allowance is a cash benefit granted to a parent or another person defined by the law, for support and upbringing of the child. It may be exercised by parents whose monthly income per family member for the previous year did not exceed the budgetary base established at KN 3,326.00 for 2003 and 2004. The minimum amount of the child's allowance for one child is KN 166.30, whereas the maximum amount is KN 374.18, depending on the social situation of the family or the child. A parent whose child has serious and grave health impairments is entitled to the child's allowance equal to 25% of the budgetary base, i.e. KN 831.50, regardless of income per family member.

The statistical indicators show that in 2003 and 2004 this type of benefit was granted in respect of about 51% of children younger than 18 years in the Republic of Croatia.

The number of beneficiaries of the child's allowance, the number of children for whom beneficiaries use the child's allowance and the average amount of the child's allowance per child, as of 31 December 2003

Beneficiaries of the child's allowance	No. of beneficiaries
Total no. of beneficiaries	259911
Employed persons	166374
Persons receiving pension	19142
others	74395
Total no. of children	490884
Children of unemployed persons	318840
Children of persons receiving a pension	32352
Other children	139692
Average amount of the child's allowance in HRK	265,37

Source: Statistical Yearbook of the Republic of Croatia 2004; Central Bureau of Statistics, Zagreb, December 2004.

Question D

Please indicate if the legislation in your country provides for family representation on advisory or administrative bodies with a view to defending family interests.

Question E

Please indicate what measures have been taken to promote the construction of family housing, and supply full statistics of the work accomplished. 24 If your country has accepted Article 12 para. 4 it is not necessary to describe here the measures taken to ensure equal treatment in respect of allocation of family benefits forming part of social security.

As relates to the measures of state-supported housing construction, a large number of cities, municipalities and counties got involved in the State-Supported Housing Construction Programme.

In the summer 2000, the Government of the Republic of Croatia adopted the State-Supported Housing Construction Programme. The Programme has been implemented since 11th December 2001, after the adoption of the State-Supported Housing Construction Act.

The aim of the Programme is to involve local self-government units, by means of state subsidies, in housing construction at a price not exceeding EUR 910 per square meter of net floor space. This should enable newly married couples to resolve their housing issue under favourable conditions, with a loan period of 30 years and an interest rate of about 4%, with the possibility of a one year grace period.

The State-Supported Housing Construction Act regulates systematically organized housing construction supported by state subsidies, with the aim of satisfying housing needs and improving the quality of housing for a broad range of citizens and with the aim of enhancing the construction industry. Public funds in the sense of this Act are financial and other funds provided by the Republic of Croatia and local self-government units for the purpose of state-supported housing construction.

State-supported housing construction consists of the construction of apartments, that is apartment buildings, organized in a way that enables efficient use of public and other funds to cover expenses, ensures the return of these funds, and allows for the sale of apartments with instalment payments at more favourable conditions than the market conditions as regards the interest rates and the payback periods.

In accordance with the provisions of this Act, public funds are used to support organized housing construction, which as a rule means construction of apartment buildings and terraced houses, intended for sale with the possibility of instalment payment, for:

- citizens
- citizens of the Republic of Croatia for resolving their housing needs,
- local self-government units and other legal entities with their headquarters in the Republic of Croatia, with the intention of leasing these apartments.

These apartments are also intended for sale to local self-government units and other entities for the purpose of providing apartments with protected rent for holders of the right of tenancy who are living in apartments owned by natural persons, and for persons defined in Article 52 paragraph 4 of the Apartment Lease Act (*Official Gazette* No. 91/96 and 48/98) who are living in the apartment of the superintendent.

The Republic of Croatia provides the funds for state-supported housing construction from the state budget and it transfers them to the investor.

Besides the financial means, the Republic of Croatia may provide construction lots or other resources for housing construction, especially for resolving the housing needs of active military personnel, police officers and other civil servants and employees, in which case the Government of the Republic of Croatia or a body or an entity authorized by the Government decides on the purchase and the use of these apartments, or on the right of pre-emption.

Financial funds of the Republic of Croatia cover housing construction costs up to 25% of the reference price for construction per square meter of floor surface.

The reference price for construction is determined once a year by the minister responsible for public works and construction, on the basis of the average prices for construction of a square meter of floor surface in the Republic of Croatia, on the basis of the data published in the Statistical Yearbook of the Central Bureau of Statistics. The reference price is expressed in EURO and it may not be different from the reference price referred to in other acts that use this price for different calculations.

Construction price includes all costs relating to the construction (planning, construction, supervision etc.), including VAT, but excluding costs that relate to the construction lot, land development and connection of the building to infrastructure.

Question F

Please indicate the measures taken in the field of family planning information.

When it comes to family planning, in 2004 the ministry responsible for family affairs, in cooperation with the Croatian Medical Association, launched the programme "It's Good to Know – Before, During and after the Childbirth". This education and information programme is intended for medical staff, members of non-governmental organisations and future parents. Under the same title, the ministry responsible for family affairs and the ministry responsible for health co-financed the publication of a handbook, which is distributed free of charge to all those who are interested in it. In addition, the ministry responsible for the family, in conjunction with non-governmental organisations, has been implementing public information and education programmes for young married couples on reproductive health, pregnancy, preparations for the childbirth and the newborn baby. These programmes are implemented in Split, Zadar, Bjelovar and Slavonski Brod.

Question G

If your country publishes official statistics concerning the composition of the family and its economic and social position, please provide a summary of the latest available statistics. In so far as the socio-economic position is concerned, describe the manner in which socio-economic categories are classified in your country.

Data source for Tables 1 to 3: Central Bureau of Statistics, Survey on Household Spending for 2003.

Explanation of methodology:

The Survey on Household Spending is conducted in accordance with methodology recommendations of the European Union and international standards and classifications. The Survey is conducted on a representative sample of households, and it only covers private, individual households in the Republic of Croatia, meaning that it excludes population

accommodated in homes, boarding schools, prisons and hospitals, as well as foreign tourist spending.

A household is a family or other community of people who are living together and who jointly spend their income for satisfying their basic needs (housing, food and others).

The socio-economic position of a household is determined by the type of work performed by the head of household. The head of household may be a manual worker in the private sector, non-manual worker in the private sector, manual worker in the public sector, non-manual worker of the public sector, agricultural worker, unemployed person, retired person, person unable to work and others (students, housewives).

The economic position of a household is determined by the number of employed household members, divided into: households, in which the head of the household and his/her spouse and at least another person or no other person are employed; households, in which either the head of the household or his/her spouse and at least another person or no other person are employed, and households, in which neither the head of the household nor his/her spouse nor at least another person or no other person are employed.

The head of the household is a person, in whose name the household is registered or whom the other household members declare to be the head of the household.

TABLE 1: DISTRIBUTION OF HOUSEHOLDS BY TYPES OF HOUSEHOLDS AND THE AVERAGE NUMBER OF MEMBERS

	Total	One-person households				Couples with no children		Couples with children			Other types of households		Other	
		Adult 65+	Person aged 30-64	Person under 30	Single parent with children	Person aged 65+	Person aged under 64	Couples with one child	Couples with two children	Couples with three or more children	One parent or couple with at least one older child	One parent or couple with at least one adult child	Households with several generations (all related)	Households whose members are not related
Distribution of households, %	100.0	15.3	7.2	1.3	0.6	11.1	9.2	4.2	6.4	2.0	8.5	15.6	17.7	0.9
Average number of members (based on the sample)	2.8	1.0	1.0	1.0	2.5	2.0	2.0	3.0	4.0	5.3	3.9	3.2	4.2	3.6

TABLE 2: DISTRIBUTION OF HOUSEHOLDS BY SOCIO-ECONOMIC STATUS, %

Total	Manual worker - private sector	Non-manual worker - private sector	Manual worker - public sector	Non-manual worker - public sector	Self-employed	Farmers	Unemployed	Pensioners	Incapable of work	Other
100.0	12.6	4.0	8.1	8.1	5.5	10.0	5.0	42.7	1.8	2.3

TABLE 3: DISTRIBUTION OF HOUSEHOLDS BY ECONOMIC SITUATION, %

Total	Both the head and the spouse work		Either the head or the spouse works		Neither the head nor the spouse works	
	- at least one other person works	- no one else works	- at least one other person works	- no one else works	- at least one other person works	- no one in the household works
100.0	6.6	21.7	8.4	22.0	8.1	33.2

ARTICLE 17: THE RIGHT OF MOTHERS AND CHILDREN TO SOCIAL AND ECONOMIC PROTECTION

"With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate and necessary measures to that end, including the establishment or maintenance of appropriate institutions or services."

Legislation of the Republic of Croatia

1. Constitution of the Republic of Croatia

In the Chapter entitled Economic, Social and Cultural Rights of the Constitution, it is stipulated that the family shall enjoy the special protection of the State, and that marriage, legal relations in marriage, common-law marriage and families shall be regulated by law (Article 61). (Article 57).

2. International Agreements

The Republic of Croatia has ratified the following Conventions of the International Labour Organisation:

Convention No. 102 concerning Minimum Standards of Social Security, 1952 (*Official Gazette*-international agreements 2/94, 1/02)

International Pact on Economic, Social and Cultural Rights, New York, 16 December 1966 (*Official Gazette*-international agreements 12/93).

3. Primary Legislation

Family Act (*Official Gazette* No. 116/03; 17/04 and 136/04)

Income Tax Act (*Official Gazette* No. 127/00, 150/02, 163/03 and 30/04)

Act on Local and Regional Self-Government (*Official Gazette* No. 33/01)

Act on Pre-School Education (*Official Gazette* No. 10/97)

Inheritance Act (*Official Gazette* No. 48/03)

Criminal Code (*Official Gazette* No. 110/97, 27/98, 50/00, 129/00, 51/01)

Juvenile Courts Act (*Official Gazette* No. 111/97, 27/98, 12/02)

4. Secondary legislation

Ordinance on the Type of Children and Adult Homes and their Activities, and on Conditions Regarding Premises, Equipment and Necessary Professional and other Workers of a Social Welfare Home (*Official Gazette* No. 101/99).

Question A

Please indicate the measures taken to give effect to this provision by giving a list of the field covered by the measures of social and economic protection adopted in your country in respect of:

a. mothers,

b. children,

and the institutions or services which contribute to this protection.

Please supply statistics showing the percentage of mothers and children who benefit from such protection.

Question B

Please describe the provision which exist in your country to guarantee to women not covered by any social security scheme the necessary financial assistance during a reasonable period before and after confinement as well as medical care or other adequate care during confinement¹

Question C

Please indicate what measures have been taken to protect single mothers.

¹ If this information has been supplied in reply to the questions relating to Article 16, a simple reference will suffice here.

Question D

Please indicate whether your legislation makes provision for:

a. procedure for the establishment of the paternity or maternity of children born out of wedlock. if appropriate, state the reasons why some categories of children cannot benefit from these procedures and describe any special measures taken on behalf of these categories;

The procedure for establishing the paternity or maternity of children born out of wedlock is prescribed by the Family Act.

The maternity is presumed by law, and the child's mother is a woman who gave him/her birth. If the maternity cannot be established in this manner, it is established by the recognition or a court decision.

The mother's husband is considered the child's father, if the child was born during marriage, or during the period of three hundred days after the marriage ceased. In other cases, the paternity is established by the recognition of the child by the parent or by court decision.

Maternity and paternity may be recognized in a protocol before a registrar, a social welfare centre or the court, and it may also be recognized in a will. A recognition of maternity or paternity is irrevocable. If the child, for whom maternity or paternity is recognized turned 14, and is able to understand the meaning of this recognition, his/her approval is necessary as well. For the procedure of registering paternity, it is necessary to obtain the mother's approval.

If there are no data on the child's father when the child is registered in the register of births, the registrar is obliged to inform the social welfare centre on this circumstance, and the centre shall attempt to obtain data on the child's father from the mother, for the benefit of the child.

If maternity or paternity may not be established by recognition, they can be established in a court procedure. A child under 25 years of age, or his/her legal representative have the right to file a claim for the establishment of maternity or paternity. The person who considers herself/himself mother or father of the child may file a claim before the child turns 18, and this deadline also applies to the social welfare centre. If a person who claims to be a parent of the child is not alive, the claim may be filed against his/her heirs, within a year of this person's death, or six months after the date of validity of the inheritance decision.

There are no categories of children, for whom the procedures of establishing the maternity or paternity would not apply.

b. liability for the maintenance of children born out of wedlock, and whether the rules applicable differ from those for legitimate children;

The liability for the maintenance of children lies on their parents, regardless of the fact if they are married or not. The issues of child support are regulated by the Family Act, and they equally refer to children born in and out of wedlock.

Parents are obliged to support their minor child, and if the child is in regular education, they are obliged to support him/her after coming of age. If a major child is not able to work due to a mental or physical impairment, the parents are obliged to support him/her as long as this impairment lasts.

If the parent does not support the child, his/her grandmother and grandfather on that parent's side are obliged to support him/her.

At the social welfare centre, a settlement may be concluded on the support of the child, or on the increase of the support allowance, and this settlement is an enforceable document.

In defining the amount necessary to support a child, it is necessary to take into account the child's age and his/her education needs.

A parent able to work may not be relieved of his/her obligation to support a minor child.

Costs caused by pregnancy and confinement of a child born out of wedlock are covered by both mother and father, in accordance with their economic circumstances. In case of a lawsuit, the court shall, at the request of one of the parents, establish each parent's share in covering these costs.

c. special arrangements for the guardianship and custody of children born out of wedlock;

Provisions on parental care are the same for children born in and out of wedlock.

Regardless of the fact if the parents live together or separately, they take care of the child together and on a basis of equality, except when the other parent died, has been declared dead, is deprived of parental care, is fully deprived of legal competence or if he/she is hindered in some other way.

If the parents live out of wedlock, it is the court that decides with which parent a child shall live and the manner of visiting the other parent. The court does so in a marriage dispute, or in a dispute for establishing maternity or paternity, and in other cases, this may be decided by a social welfare centre.

d. the legitimisation of children born out of wedlock;

Earlier family legislation contained a provision, which stipulated that children born out of wedlock, whose parents conclude a marriage after their birth, are considered marital children. The new family legislation does not contain such a provision, due to the fact that children born in and out of wedlock are equal in all their rights, and parents have the same rights and obligations relating to their children, regardless of the fact if they were born in or out of wedlock.

e. special rules for the inheritance right of children born out of wedlock.

According to the Inheritance Act (*Official Gazette* No. 48/03), all children for whom maternity or paternity has been established are legal heirs, regardless of the fact if they were born in or out of wedlock.

Question E

Please describe the measures in force in your country with regard to adoption. How close does the status of the adopted child come to that of a legitimate child?

Adoption is regulated by the Family Act, which defines the prerequisites for adoption, the adoption procedure and the rights and obligations resulting from an adoption.

An adoption may be concluded if it is in the interest of the child, and the adoption procedure is aimed at assessing the characteristics of the adopter with a view to ensuring the well-being of the child.

It is not possible to adopt a relative in straight line by consanguinity, a brother or a sister, a ward by his/her guardian prior to the social welfare centre relieving the guardian of his/her duties, or a child of minor parents before the child is one year old, except in exceptional cases, if there is no chance for the child to be raised in the family of his/her parents or closer relatives.

An adopter can be a person between 21 and 35 years of age, provided that he/she is at least 18 years older than the adoptee. If there are especially justified reasons, the adopter may even be older than 35, but the age difference between the adopter and the adoptee may not exceed 45 years.

An adopter may be a Croatian citizen, and exceptionally he/she can also be a foreigner, if this is considered to be of special benefit to the child.

The adoption requires approval of one or both parents, except in cases when the parents are deprived of parental care, completely deprived of legal capacity or minors and incapable of understanding the meaning of adoption.

If the child turned 12 and is capable of understanding the meaning of adoption, then it is necessary to obtain his/her approval for the adoption.

The adoption procedure is conducted ex officio by the competent social welfare centre according to the place of residence of the child. The social welfare centre maintains case files and a register of adoption cases. Adoption data are classified.

The Family Act stipulates that the adoption represents a relationship of kinship between the adopter and his/her relatives on the one hand, and the adoptee and his/her descendants on the other, which may not be terminated, with all the rights and obligations resulting from such a kinship, and mutual rights and obligations between the adoptee and his/her blood relatives cease.

The relationship between the adopted child and the adopter is equal to the relationship between the child and his/her biological parent.

Question F

Please describe:

a. the steps taken in your country to ensure adequate protection for orphans and children whose parents cannot act as their guardians;

If the child's parents died, disappeared, are unknown or if their residence has been unknown for at least a month, if they are deprived of legal capacity or parental care, minors (and have not acquired legal capacity), absent or hindered, and thus unable to care for their child, provided that they have not entrusted the child to the care of a person who meets the conditions of a guardian, the child shall be placed under custody of the social welfare centre. The child shall be appointed a guardian, who is responsible to care for the child as his/her parent.

For the purpose of childminding and upbringing, a child may be entrusted to a guardian, or to another person, a foster family or a social welfare home.

If a parent significantly neglects the education and upbringing of the child, or if there is a danger that the child's upbringing is harmful for the child, the parents shall be deprived of the right to live with the child and the child shall be entrusted to another person or a social welfare institution, on the basis of a decision of the social welfare centre. In such situations, the parent withholds the right to other elements of parental care.

b. how homeless children are cared for in your country:
— in special institutions? If so, please describe the living conditions in these institutions;
— in foster families?

According to the data by the Ministry of Health and Social Welfare, there are no registered homeless children in the Republic of Croatia.

Foster families and children's institutions accommodate children without parental care, children neglected or maltreated by their parents, children with behavioural disorders, children with physical or mental impairments, and children who are drug or other substance addicts.

The Ordinance on the Type of Children and Adult Homes and their Activities, and on Conditions Regarding Premises, Equipment and Necessary Professional and other Workers of a Social Welfare Home (*Official Gazette* No. 101/99) stipulates minimum standards that the institutions that accommodate children and adults have to meet.

It stipulates the conditions regarding premises, which is dependent on the number and the type of beneficiaries. The same refers to conditions regarding equipment, professional workers and other employees who care for the beneficiaries. Professional workers in children's homes are, as a rule, employees with two or four-year college degrees.

Question G

Please indicate the measures taken in legislation and in practice to protect children against physical and moral dangers, ill-treatment, unacceptable physical punishment, violence and sexual abuse. Please indicate whether psycho-social services exist for children victims of such treatment¹

The Republic of Croatia is one of nine European countries that outlawed physical punishment of children (according to the Council of Europe data from 2003). In the Republic of Croatia, physical punishment of children has been prohibited by the family legislation since 1999. According to Article 88 of the Family Act (*Official Gazette* No. 116/03, 17/04 and 136/04), parents and other family members are not allowed to subject the child to humiliating actions, mental or physical violence or abuse.

¹ If part of the response is given under Article 7 para. 10, a simple reference will suffice here.

Taking into account the provisions of the Convention on the Rights of the Child, the Family Act adopted in 1998 represented a significant turning point in comparison to the previous legislation. Instead of the rights and obligations of the parents, legal position of the child in the family was regulated by defining the rights of the child, and the obligations of the parents. The child is entitled to the following rights:

- right of the child to know who his/her parents are to the extent possible;
- the right to care for his/her life and health;
- the right to security and upbringing in a family, in accordance with his/her needs;
- the right to live with his/her parents, and if he/she is separated from one or both parents, then he/she has the right to meet and socialize with them;
- the right to select a school and a profession;
- the right to claim protection of his/her rights from competent authorities etc.

Although the Family Act from 1998 stipulated a high level of the protection of the rights of the child, the Family Act from 2003 made another step further, and improved the implementation side of the child's protection.

In regulating the relationship between parents and children, the following changes have been introduced:

a) The child is entitled to a separate guardian who shall protect his/her rights and interests in:

- the procedure of depriving the parents of their right to live with their child
- the procedure of entrusting the child with behavioural disorders to a social care institution
- the procedure of depriving one or both parents of their right to parental care,

b) The following measures of protecting the rights and the well-being of the child have been transferred to the jurisdiction of the courts (from 1 January 2006), so that the Croatian family legislation is now harmonized with the European Convention for the Protection of Human Rights and Fundamental Freedoms:

- depriving the parent of his right to live with his/her child and raise him/her
- entrusting the child with behavioural disorders to a social care institutions
- restraining order for a parent, or grandparent, which prohibits them to approach the child without authorization and harass him/her.

Even the Family Act from 1998 stipulated that the parents have the right and the obligation to supervise the child in his/her social contacts with other persons, in order to protect his/her well-being, and in accordance with the child's age and maturity. Parents have the right and the obligation to prohibit the child who is under 16 to go out at night without being escorted by them or another adult person who they trust. Going out at night means going out between 11 p.m. and 5 a.m.

This provision has educational purpose, and its aim is to make it easier to parents to raise their children regarding their social contacts with other persons in the event of their going out at night. The intention of the legislator was to assist the parents in raising their children

successfully and to enhance their responsibility for omissions in parental care. This provision does not mean that children under 16 should be “off the streets” with the purpose of limiting their freedom of movement, but it is intended to help the parents in their very demanding role. Naturally, this requires that all events intended for children of this age be adjusted to these times (especially concerts, sports events, disco clubs etc.). Special organizational units of the Ministry of the Interior, which cooperate with social welfare centres, provide significant assistance in the implementation of this provision. The procedure has been agreed at the level of the Ministry of Health and Social Welfare and the Ministry of the Interior. The main intention of this regulation is to help protect the child’s rights to a good and healthy development and upbringing. In this sense, in the event of discovering omissions in the care for the child, the authorities first establish contact with the child’s parents, in order to help them professionally, or they implement preventive measures for the protection of the child’s rights.

As it was already stated, this provision is being implemented in cooperation with the Ministry of the Interior, in a way that the police inform the social welfare centre on cases when they encounter children under 16 years of age outside of their homes between 23 p.m. and 5 a.m., if they are not escorted by their parents or another adult person who parents trust. The obligation of the social welfare centre is to examine the situation in the family of the child who was encountered outside of his/her home in violation of this legal provision, and to proceed accordingly, for instance by imposing a measure of legal protection of the family: pointing out the mistakes and omissions in the upbringing of the child, exercising supervision over parental care etc.

With the aim of assisting the parents, the Ministry of Health and Social Welfare conducts a series of activities. Currently, the pilot project entitled “School for Parents” is being implemented. Although the existence of a school for parents is stipulated by the existing Croatian legislation, this still has not been implemented in practice. The purpose of the school for parents is to assist the parents in developing parental skills, and helping parents to help the child successfully overcome the challenges and tasks he/she encounters during his/her development. This Programme is primarily intended for social welfare clients who live in circumstances that reduce their capacity as parents and who do not provide adequate security and support to their children, or who are unable to ensure a favourable psycho-social climate, but also for other parents who want to improve their parental skills.

With the aim of protecting, asserting and including socially at risk groups into society, and especially into local community, a series of programmes have been developed in the field of protecting children, young persons, families, disabled persons, drug and other substance addicts, victims of trafficking in human beings, ethnic minorities etc. Documents that support these programmes are the following: National Action Programme for Children, Priority Activities for the Well-Being of Children in the Republic of Croatia for the period 2003-2005, as a supplement to the existing programme for children, National Action Programme for Young Persons, National Strategy to Combat Drug Abuse, National Plan for Combating Trafficking in Human Beings, National Family Policy, National Strategy for the Unified

Policies towards Disabled Persons from 2003-2006, National Policy for the Promotion of Gender Equality, National Programme on Roma etc.

On 1 January 2001 the amendments of the Criminal Code of the Republic of Croatia came into force. A very important amendment regarding the protection of children and minors from sexual abuse is the incrimination of the possession of child pornography, and the obligation of destroying the material that resulted from this criminal act. Up until then, the possession of child pornography was not considered a criminal act, so that individuals could possess such materials without any consequences, and it was only against the law to tape, produce, distribute or show child pornography. By introducing criminalization of the possession of child pornography, Croatia adopted the recommendation of the World Congress against Commercial Sexual Exploitation of Children that was held in Stockholm in 1996.

In addition to this, in Article 188 entitled *Offence of rape* of the Criminal Code of the Republic of Croatia, the legislator introduced a separate paragraph where it defined the age of the child as a criterion, so that more severe sanctions were prescribed for perpetrators who commit the criminal act of rape to the detriment of a minor person, and there is also a separate paragraph prescribing the sanctions for perpetrators who commit the criminal act of rape under particularly difficult circumstances (in a particularly cruel or humiliating way, or rape committed by several perpetrators to the detriment of the same victim, or if the rape has caused serious bodily injury or serious damage to that person's health, or if it has caused the death of the person or if the raped minor female person has become pregnant).

The already mentioned amendments increased the range of sanctions for the criminal act described in Article 189 *Sexual Intercourse with a Disabled Person* from the range of "a prison sentence lasting from six months to five years" to "one to eight years".

Some amendments have been introduced regarding the criminal act described in Article 193 entitled *Obscene Acts*, and the introduced novelty is the incrimination of the attempt to commit obscene acts, which was formerly not the case. Furthermore, the legislator differentiates between victims with regard to their age, so that the sentence prescribed for perpetrators who committed the criminal act of obscene actions towards a child or a minor is more severe.

In Article 195 *Pimping*, as well as in previously mentioned examples, the legislator defined a more severe punishment for perpetrators who commit the criminal act of pimping and organization of pimping for profit to the detriment of children or minors.

The novelty that refers to Article 300 *Failure to Report a Criminal Offence* has caused most discussion. Namely, the new regulation stipulates punishments for medical doctors, dentists, midwives or other medical workers, psychologists, notaries public and employees of social welfare centres who fail to report the discovery of a severe criminal offence committed to the detriment of a child or a minor.

The protection of children who were victims of these criminal acts (for instance sexual abuse) from the possibility of their identification is very important in the protection of their rights and

interests. Revealing information that can be used to identify the victim during investigation and court procedure is an especially important aspect of secondary victimization of these victims. This may have particularly severe psychological consequences for children who participate in such proceedings, and it may influence the parents in making the decision whether to sue or not. Distribution of such information by the law enforcement authorities, courts or administrative bodies may harm young victims of sexual abuse. The Committee of Experts of the Council of Europe strongly emphasized that these procedures have to be conducted taking into account an appropriate protection of the victim's privacy. Many experts believe that children should not be required to testify during the trial, in order to avoid the risk of their identification or publicity.

In its National Action Programme, the Republic of Croatia planned preventive measures and measures for the protection of children from all types of sexual abuse. The number of reported criminal acts that qualify as commercial sexual exploitation of children (abusing children or minors for pornography, international prostitution, pimping and trafficking in human beings and slavery) is relatively small in the Republic of Croatia in relation to other countries (in 2001, there were 37 criminal acts of this type), and this is the reason why there is no separate action plan for this segment, but this has been incorporated into the general plan for the protection of children. However, regardless of this small number of reported cases an initiative has been launched to start developing an Action Plan for the Implementation of the Stockholm Declaration. The prevailing attitude in the Republic of Croatia is to focus the actions in this area on preventive actions, and on ensuring the best possible psycho-social rehabilitation of these children.

In the Republic of Croatia, there is no separate piece of legislation that would relate to combating children exploitation in sexual tourism, but there are other laws that regulate the protection of the child's interests.

Criminal legislation distinguishes between the term "child" (a person under 14 years of age, criminally not liable), and the term "minor" (persons between 14 and 18 years of age, criminally liable). In the Republic of Croatia, there is a strong initiative to use the definition of a child which is in accordance with the Convention on the Rights of the Child, in all pieces of legislation.

The Juvenile Courts Act contains special provisions of material and procedural law that refer to minors and younger adults (under 21 years of age), as well as provisions on sanctions applied towards these persons (Articles 1 and 2), as well as provisions on the protection of children and minors from the perspective of the criminal law.

This Act also contains separate provisions on criminal acts committed to the detriment of children and minors. Article 117 of the Juvenile Courts Act lists criminal acts that may be committed to the detriment of children and minors that are tried before a juvenile panel or a juvenile judge. These criminal acts can be divided into three groups: criminal acts against sexual freedom and sexual morals; criminal acts against marriage, family and young persons and criminal acts against values protected by international law (trafficking in children, child

prostitution and abuse of children for pornography). The Act expressly prescribes the obligation of the juvenile judge to be particularly considerate with a child or a minor who is a victim of such criminal act, in order to avoid possible negative consequences for his/her upbringing and development. Namely, examination during the criminal investigation and the criminal procedure, if they are not conducted professionally and with sufficient consideration, could additionally traumatize the child or the minor. By implementing the legally prescribed way of examination and procedure (Article 119 of the Juvenile Court Act), one strives to reduce possible harmful influence on the child or the minor to the greatest possible extent.

An initiative has been launched in the Republic of Croatia to incriminate a sexual intercourse between an adult and a junior minor (person between 14 and 16 years of age), committed with the minor's consent.

It has also been noticed that there are not enough appropriate treatments for victims and perpetrators (treatments for victims are mostly offered in bigger centres), that the number of trained professionals is insufficient, and that there are no programmes for post-penal treatment of perpetrators etc.

Question H

Please indicate how the legal representation of children is ensured, notably in case of conflict with or between the parents or the persons in charge of the child; are children entitled to be heard in person in court, and if so, from what age and on what issues.

The child's legal representatives are, as a rule, their parents, but for reasons of protecting the child's personal and property rights, the child may be appointed a separate guardian in the procedure of contesting maternity or paternity, in the procedure of depriving a parent of his/her right to live with the child, the procedure of entrusting the child with behavioural disorders to an institution and in the procedure of depriving a parent of his/her right to parental care. Also, when there is a conflict of interests between the child and his/her parents in property proceedings or disputes, or in concluding a legal transaction between the parents and the children, or in the case of a dispute or concluding a legal transaction between children of the same parents, every child shall be appointed a separate guardian.

In procedures where a decision is made on the child's specific right or interest, the child is entitled to be informed in an appropriate way on the important circumstances of the case, to be advised and to express his/her opinion, and to be informed on the possible consequences if his/her opinion is taken into account. The opinion of the child is taken into account in accordance with his/her age and maturity.

The Family Act does not stipulate the age when the child may be heard in court, and the child may be heard in the social welfare centre or in court, in procedures relating to status issues.

In criminal proceedings against the perpetrator who committed criminal acts to the detriment of children or minors, the Juvenile Courts Act stipulated the obligation to treat the child or a minor with special consideration, and the possibility to examine the child or a minor with the help of a pedagogue, a psychologist or another professional.

Question I

Please indicate if your legislation provides for special institutions or special courts (possibly child tribunals or special procedures) to deal with young offenders.

Please indicate what is the age of criminal responsibility at which sanctions can be applied; the penalties available and the conditions under which they are carried out, notably for penalties involving restrictions on liberty. Please also indicate the measures of protection, education and treatment and the care provided as a means of prevention or as an alternative to detention, as well as the measures to minimise the risk for vulnerable young people.

In criminal matters, minors are tried before juvenile courts, which are organized as juvenile divisions, and they consist of juvenile panels and juvenile judges.

The age of criminal responsibility in the Republic of Croatia is 14 years of age. Children under 14 are not criminally responsible, and in the case of an offence, it is only the social welfare centre that may implement measures towards them and their parents, in accordance with the Family Act and the Social Welfare Act.

According to the Juvenile Courts Act, which has been in force since 1 January 1998, a person between 14 and 18 years of age is considered a minor. With regard to the possibility of imposing sanctions, this group of minors is divided into two sub-groups: junior minors aged 14 - 16, and senior minors aged 16 - 18.

Educational and security measures may be imposed on junior minors, and senior minors may – besides educational and security measures – be sentenced to juvenile prison.

The Juvenile Courts Act is an integral act on the legal position of young offenders in material criminal law, criminal procedure and during the implementation of sanctions, and it contains provisions on the criminal-law protection of children and minors.

The position of young offenders in criminal law and criminal procedure is regulated in a way that avoids discrimination and ostracization of the accused and places an emphasis on pedagogical impulses that are supposed to result from the procedure itself, and it is based on the idea of ensuring assistance, education and social integration to the young delinquent.

Criminal-law protection of children and minors is, by its nature and purpose, an integral part of the activity of juvenile courts.

According to this Act, it is necessary that the judges and state attorneys who work with this category of perpetrators are specialized for this type of work, and it is necessary to include other professionals – social workers and special education teachers – in juvenile divisions of municipal and county courts and state attorney's offices. It is also necessary to have a special investigative judge for examining children and juveniles and for conducting the investigative procedure, in order to ensure the necessary awareness and improve quality of examining the young person.

The Juvenile Courts Act defines the following sanctions for juvenile offenders: educational measures, security measures and juvenile prison sentence.

Educational measures are the following: court reprimand, special obligations (apology to the damaged party, remedy or compensation of the damage, regular attendance of school, regular going to work, vocational training in accordance with the persons abilities and inclinations, accepting a job and keeping it, work in humanitarian organizations and in jobs significant for the community or the environment, refraining from visiting certain places or people, submitting oneself to a drug treatment, participating in the work of the counselling centre, participating in vocational training courses, not leaving the place of residence without prior approval of the social welfare centre, examining the knowledge of traffic signs at the driving school); referring the person to an educational centre (short-term, intensive treatment that is accomplished by staying at the centre for a certain period of time every day, lasting between 14 and 30 days, or uninterrupted stay at the centre lasting from 15 to 90 days); intensified care and supervision (lasting between 6 months and 2 years); intensified care and supervision accompanied with daily stays at an educational institution (lasting between 6 months and 2 years); referral to an educational institution (lasting between 6 months and 2 years); referral to an educational institute (lasting between 6 months and 2 years); and referral to a special educational institution (for juveniles with psycho-physical impairments, for whom it is necessary to ensure schooling according to a separate programme, and rehabilitation, this measure may last for up to 3 years).

Security measures are the following: the obligation of mandatory psychiatric treatment, mandatory treatment of addiction, eviction of a foreigner from the country, confiscating objects, and prohibiting senior minors from driving motor vehicles (16-18 years of age).

Juvenile prison is the only sanction that involves deprivation of liberty, and it involves special features regarding the conditions for the pronouncing of this sentence, its duration, purpose

and contents. It is pronounced for juveniles for criminal acts that are punishable by prison sentence of five years and longer, if it is necessary to pronounce such a sentence, taking into account the nature and the gravity of the criminal offence and the high level of guilt.

A juvenile prison sentence may be pronounced for a period of 6 months to 5 years, except in the case of a criminal act for which a long-term prison is prescribed, or for at least two criminal acts, for which the stipulated prison sentence is longer than ten years, in which cases the juvenile prison sentence may last up to ten years.

In deciding on the length of the juvenile prison sentence, the court shall take into account all circumstances that influence the length of the sentence, bearing in mind the maturity of the juvenile, the time necessary for his/her upbringing, education and vocational training, so that the sentence may be shorter than prescribed for that particular offence, if the shorter period is deemed sufficient to accomplish the purpose of the sentence.

During their time in the juvenile prison, convicted juveniles have to be provided with adequate education for a profession, in accordance with their knowledge, abilities, inclinations and previous activities. The basis of their treatment is their involvement in work that is useful for their education, with appropriate remuneration, enabling and encouraging the minor's contact to the outside world through letters, telephone calls, visits, leaves, sports activities, and satisfying his/her religious needs. The Juvenile Courts Act prescribes that professionals in charge of this treatment need to have sufficient knowledge of pedagogy and psychology.

A juvenile prison sentence is served at a juvenile penitentiary, and exceptionally in penitentiaries for junior minors or in special wards of penitentiaries for adult convicts.

Convicted persons serve their juvenile prison sentence in groups, and they are separated only if this is necessary due to their medical condition or due to the need to maintain discipline and security in the penitentiary.

Minors serve their juvenile prison sentence in penitentiaries where they can be held until they turn 23. If they have not served the full extent of their sentence until then, they are referred to a penitentiary for adult persons, except in exceptional cases, if it is necessary for them to stay for reasons of completing their education or vocational training, provided that the rest of their sentence is not longer than six months, but in no case may they stay at the juvenile penitentiary after they turned 27.

The court may find the minor guilty of a criminal offence and reserve the right to pronounce the juvenile prison sentence later, if it deems that by finding the juvenile guilty and by expressing the threat of pronouncing the sentence later, it can dissuade the minor from committing further criminal acts. In such a situation, the court may determine the educational measure of intensified care and supervision, along with one or several special obligations.

The court may determine that the minor may be sentenced to a juvenile prison at a later time, if he/she commits a new criminal act or if he/she opposes the implementation of educational measures in the period determined by the court (probation period), which may not be shorter than one or longer than three years.

After the expiration of one year probation period, and after hearing the representative of the social welfare centre, the court may waive its right to pronounce the sentence, if the new facts confirm its opinion that the minor will not commit new criminal acts in future.

In the preliminary proceedings, the state attorney may decide not to instigate criminal proceedings for a criminal act punishable by prison sentence in the duration of five years or by a fine, although there is reasonable doubt that the minor has committed the offence, if he/she deems that criminal proceedings against the minor would not be effective, regarding the nature of the offence and circumstances in which it was committed, or regarding the minor's previous life and his/her personal characteristics.

If the state attorney decides not to instigate criminal proceedings, he/she may impose the following conditions upon the minor:

- a) to remedy or compensate the damage that resulted from the offence, according to the minor's own abilities,
- b) to get involved in the work of humanitarian organizations and in jobs significant for the community or the environment,
- c) to submit to a drug treatment or other addiction treatment, and
- d) to get involved in individual or group work at the counselling centre for young persons.