

SECRETARIAT GENERAL
SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITE DES MINISTRES



Contact: Simon Palmer
Tel: 03.88.41.26.12

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Item reference: Action plan / action report

Please find enclosed a communication from Croatia concerning the case of Gluhaković against Croatia (Application No. 21188/09).

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Référence du point : Plan d'action / Bilan d'action

Veuillez trouver, ci-joint, une communication de la Croatie relative à l'affaire Gluhaković contre Croatie (Requête n° 21188/09) (**Anglais uniquement**).

* In the application of Article 21.b of the rules of procedure of the Committee of Ministers, it is understood that distribution of documents at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers (CM/Del/Dec(2001)772/1.4). / Dans le cadre de l'application de l'article 21.b du Règlement intérieur du Comité des Ministres, il est entendu que la distribution de documents à la demande d'un représentant se fait sous la seule responsabilité dudit représentant, sans préjuger de la position juridique ou politique du Comité des Ministres CM/Del/Dec(2001)772/1.4).

ACTION REPORT
CASE: GLUHAKOVIĆ V. CROATIA
APPLICATION NO.: 21188/09
JUDGMENT OF: 12/04/2011
FINAL ON: 12/07/2011



In the abovementioned judgment, the ECtHR found a violation of Article 8 of the Convention due to the failure of national authorities to secure effective contact between the applicant and his daughter, with whom he does not live. The Court expressly ordered the state to secure effective contact, "on the basis of the judgment by the Rijeka Municipal Court of 8 March 2010".

1. INDIVIDUAL MEASURES

Firstly, the Government points out that, acting on the applicant's request to change the previous decision on contact between him and his daughter, Rijeka Municipal Court rendered a decision on 8 March 2010. Therefore, there has been an obvious mistake (*lapsus calami*) both in §§ 32 – 35 of the judgment, as well as in the operative provisions. Thus, the obligation of the state relates to ensuring compliance with the decision of 8 March 2010.

During the procedure before the ECtHR, as well as after the judgment was rendered, the Rijeka Social Welfare Center worked intensively in securing contacts between the applicant and his daughter. In order to ensure the necessary assistance (especially in overcoming trust issues between the applicant and his ex-wife), as well as monitor the realization of contact between the applicant and his daughter, Rijeka Social Welfare Center ordered the measure of monitoring the exercise of parental rights for both the applicant and his ex-wife.

Significant progress has been made in the application of the mentioned measure. Improved communication between the applicant and his ex-wife now allows for contact between the applicant and his daughter to be held in accordance with the applicant's work schedule (with respect to the child's school schedule). Therefore, contact between the applicant and his daughter is not held on specific days of the week, but varies depending on the applicant's work obligations and his daughter's school schedule. It should be noted that the applicant and his daughter see each other once to twice a week.

Often, after the "official" contact has ended, the applicant calls the child and briefly meets her on the same day in order to give her a present he had bought for her.

It should be pointed out that both the applicant and his ex-wife are constantly in contact with the person in charge of carrying out the supervision on the exercise of parental rights, and neither of them has had any objections to the way that contact between the applicant and his daughter are conducted.

Therefore, the Government deems that the urgent individual measure has been fully implemented.

2. GENERAL MEASURES

The judgment has been translated into Croatian language, and, along with the legal analysis, disseminated to all relevant authorities – the Constitutional Court of RoC, the Supreme Court, the County Court in Rijeka, the Municipal Court in Rijeka, the Social Welfare Center in Rijeka, the Ministry of Health and Social Welfare, and the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity.

Croatian translation of the judgment was published on the web page of the Ministry of justice (www.mprh.hr).

The Government deems that the issue identified in this case as the violation of Article 8. of the Convention is an individual violation. No other similar judgments have been rendered against Croatia regarding this issue, and no other applications with similar allegations have been communicated to Croatia by the ECtHR.

Therefore, no other general measures are required in order to ensure compliance with the judgment, as prescribed by Article 46 of the Convention.

3. JUST SATISFACTION

Just satisfaction was paid to the applicant on 12 September 2011, and payment information was delivered to the Department for the Execution of Judgments of the ECtHR on 19 September 2011.