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# Advance Unedited Version

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## Committee on the Rights of Persons with Disabilities

### List of issues prior to submission of the combined second to fourth reports of Croatia\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on the measures taken to implement the recommendations issued by the Committee in its previous concluding observations (CRPD/C/HRV/CO/1), and particularly on steps taken to:

(a) Comprehensively review and amend the laws and policies for persons with disabilities, including at the municipal and county levels, to adhere to the Convention;

(b) Ensure concepts of reasonable accommodation and universal design are regulated in areas such as education, health, transportation and building;

(c) Provide funding for participation of organizations of persons with disabilities to fulfil their roles in line with article 4.3 of the Convention.

2. Please also inform the Committee on the results achieved through the implementation of the National Strategy for Roma Inclusion 2013-2020, in particular, its contribution for the greater protection and promotion of rights of women, girls and children with disabilities.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

3. Please provide disaggregated information regarding the number of discrimination cases on the ground of disability and the areas of public life where this discrimination occurred. Please also provide information on the measures taken to ensure that exclusion and segregation based on impairment in education, employment and other fields of social life is recognised as a form of discrimination in line with General comment No. 6 (2018) on equality and discrimination.

##### Women with disabilities (art. 6)

4. Please provide information on measures taken to ensure the implementation of the recommendation of the Advocate for Gender Equality (2013). Please further elaborate on efforts made to apply a disability perspective in all policies and programmes including in those related to gender equality. Please inform on the steps taken to update the National Policy for the Promotion of Gender Equality 2011-2015, in order to include cross-cutting measures for the inclusion of women and girls with disabilities, mainly in the areas of participation in public life, education and employment.

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\* Adopted by the pre-sessional working group at its thirteen session (4 April 2020).



**Children with disabilities (art. 7)**

5. Please explain the measures taken to strengthen the law and policy on the deinstitutionalization of children with disabilities including steps for a moratorium on new admissions, the development and strengthening of a foster care system, and efforts taken to achieve the planned 2016 target to reduce by 40% the numbers of children with disabilities in institutions.

6. Please elaborate on efforts undertaken to prevent the abandonment of children with disabilities, including efforts to provide professional assistance to families with family children with disabilities, in line with the joint Programme of the Ministry of Social Policy and Youth, and UNICEF. Please also provide information on efforts to:

(a) Collect data on the number of children with disabilities, disaggregated by impairment, sex and age;

(b) Ensure that the views of children with disabilities are taken into account in decisions affecting their lives, including within the "Child Friendly Cities and Municipalities" programme;

(c) Eliminate the use of stigmatizing use of terminology to refer to children with disabilities.

**Awareness-raising (art. 8)**

7. With regard to the previous concluding observations of the Committee (para. 14), please provide information on measures taken to:

(a) Implement awareness-raising campaigns, in line with the human rights model of disability of the Convention and in consultation with persons with disabilities through their representative organisations in the design and implementation of these campaigns;

(b) Train public and private professionals working with and for persons with disabilities;

(c) Ensure compliance by public television companies to adapt, produce and broadcast programmes about persons with disabilities, including children with disabilities.

**Accessibility (art. 9)**

8. Please provide information on efforts undertaken to improve accessibility to buildings, facilities, transportation, information and communication services for persons with disabilities in line with general comment No. 2 on accessibility, including:

(a) The steps and timeframe envisaged to ensure the swift transposition of the European Accessibility Act 2019 as well as implementation and monitoring of EU Web Accessibility Directive, 2016;

(b) The progress on the implementation, monitoring and evaluation of the Law on Planning and Construction of Physical Spaces (2007) and the Regulation on Ensuring Accessibility to Buildings for Persons with Disabilities and Reduced Mobility (2005) in both public and private spaces, and the provisions of sanctions for non-compliance;

(c) Efforts made for the adoption of the Law on the Free Movement of a Visually Impaired Person with a Guide Dog and the timeline envisaged by the State party for its promulgation.

9. Please provide information on the criteria and procedure of selection of the 30 persons with disabilities who receive daily transportation on the Zagreb Electric Tramway to work and school and efforts envisaged to meet the requirements of the rest of the population with disabilities who require transportation, outside the capital. Situations of risk and humanitarian emergencies (art. 11).

**Situations of risk and humanitarian emergencies (art. 11)**

10. In reference to the Sendai Framework for Disaster Risk Reduction (2015-2030), please provide information on:

(a) Progress made by the State party regarding collaboration with organizations of persons with disabilities, to develop specific protocols for situations of risk and humanitarian emergencies, and provide accessible shelters for persons with disabilities;

(b) Steps taken to provide early warning systems in all formats, including sign language and electronic formats, to ensure that persons with disabilities can prepare for and respond to emergencies;

(c) Whether training and education courses are provided for the employees working on emergencies, specifically when responding to persons with disabilities.

11. Please provide information about the measures taken to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the right of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the pandemic COVID-19. In particular, please inform the Committee on measures to provide persons with disabilities with accessible information concerning the scope of and prevention of the virus, ensure continuous access to support and mainstream community services, including in-home care and personal assistance, provide equal access to healthcare, including life-saving measures, and to ensure that disability pensions and social benefits are guaranteed at all times.

#### **Equal recognition before the law (art. 12)**

12. With regard to the Committee's previous concluding observations (para. 18), please provide information on the efforts made by the State party to restore full legal capacity of persons with disabilities as requested by this Committee and by the European Commission's Report of 2011. Please also inform the Committee on:

(a) Measures taken to abolish substitute decision-making regimes in accordance with the Committee's general comment No. 1 (2014) on equal recognition before the law, and to amend the Family Code in order to restore full legal capacity of persons with disabilities;

(b) Legislative efforts made to respect the autonomy, will and preferences of persons with disabilities including their rights to give and withdraw their individual informed consent for medical treatment, to access to justice, to vote, to marry, to full parental rights and to work;

(c) Steps taken to introduce systems of supported decision-making and training for persons with disabilities and relevant professionals on supported decision-making practices and protocols.

#### **Access to justice (art. 13)**

13. Please provide information on measures taken to:

(a) Provide procedural and age-appropriate accommodations, including to those in institutions, such as psychiatric institutions and prisons to ensure effective access to justice;

(b) Ensure that the implementation of Misdemeanours Act of 2013 include safeguards to persons with disabilities to have equal access to due process with respect to rights relating to free legal aid, accessibility to the physical environment, information and communications during legal processes;

(c) Ensure education and training opportunities to all personnel in the justice, administration and law enforcement sectors on the rights enshrined in the Convention.

#### **Liberty and security of the person (art. 14)**

14. Please provide information on the measures to guarantee that the amendments to the new Law on the Protection of Persons with Mental Disorders of 2015 adhere to the Convention and are in line with the Committee's guidelines on article 14 of the Convention. Please also explain on the efforts made for training of personnel of psychiatric institutions

and setting up a regular monitoring and evaluation system to ensure that no one is deprived of his or her liberty on the basis of impairment.

15. Please elaborate on the measures taken to oppose the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention) in its current form, in accordance with the statement by the Committee adopted during its twentieth session.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

16. Please provide information on the report of activities and findings from the Croatian People's Ombudsman as the designated National Preventive Mechanism under the Optional Protocol for the Convention against Torture. In reference to the Committee's previous concluding observations (para. 24), please provide information on:

(a) The reforms made to address the inadequate, often inhuman, living conditions in social care institutions;

(b) Measures taken to eliminate involuntary treatment and use of restraint measures and the efforts made for the implementation of de-escalation techniques and other alternative methods instead of restraint and coercion;

(c) Steps taken to prohibit involuntary internment and hospitalisation on the basis of impairment and the use of medical interventions without free and informed consent.

**Freedom from exploitation, violence and abuse (art. 16)**

17. Please provide information on the progress made to improve the protection of persons with disabilities, in particular, women and girls from violence, including:

(a) Efforts to establish an independent monitoring mechanism and provisions made for this mechanism to report regularly, imposes sanctions and provides redress;

(b) The specific safeguards made for girls and women with disabilities in National Strategy against Domestic Violence 2011-2016, particularly, for the rights of the victims regarding registration and follow-up of complaints;

(c) Provisions regarding access to shelters for victims with disabilities, including provisions for gender and age-sensitive comprehensive rehabilitation and social reintegration services for persons with disabilities.

**Protecting the integrity of the person (art. 17)**

18. With regard to the previous concluding observations of the Committee (para. 28), please provide information on:

(a) Efforts made, including the amendment of the Health Act, to prohibit the sterilization of children with disabilities and that of adults with disabilities, including those with psychosocial or intellectual disabilities, who are deprived of their legal capacity;

(b) Steps taken to amend the Family Code, which allows decision-making by proxy (judge's decision) for sterilisation, which is not in line with the Convention;

(c) Measures taken to support persons with disabilities with informed choices and decisions regarding medical procedures and interventions.

**Living independently and being included in the community (art. 19)**

19. In reference to the Committee's previous concluding observations (Para. 30), please inform the Committee on:

(a) The personal assistance and community-based services available to persons with disabilities who require them;

(b) Progress made with respect to the Operational Plan for Deinstitutionalization, particularly, in the case of persons with intellectual or psychosocial disabilities in 24-hour

living spaces, in psychiatric hospitals, those living in family homes for more than 20 persons, and those living in adult foster families.

20. Please provide information on whether the use of the European Union structural and investment funds is directed to deinstitutionalisation and ensuring independent living in the community for persons with disabilities. Please inform the Committee on:

- (a) Provisions to ensure their active participation in decision-making, including for the exercise of their choice regarding-- with whom, how and where to live;
- (b) Steps taken to amend the Social Welfare Act to prohibit a guardian from having an authority to place a person in any institution or in any other living arrangement without that person's consent;
- (c) The allocation of personnel, technical and financial means for support services enabling independent life and community inclusion at the national and local level.

#### **Freedom of expression and opinion, and access to information (art. 21)**

21. Please provide information on the progress made in the implementation of the recommendation of the Ombudsman to improve the accessibility of television programmes, such as mass media, news and major programmes for persons with disabilities, particularly those who are blind or deaf. Please also explain on steps taken to ensure that:

- (a) Croatian Sign Language is recognized as an Official language through the adoption of Act on Croatian Sign Language and Other Communication Systems for Deaf and Deaf-Blind Persons in the Republic of Croatia;
- (b) General public information material, including the e-Citizens System are available in Easy Read, Braille, Croatian sign language or other accessible formats;
- (c) The number of qualified interpreters of Croatian Sign Language is increased.

#### **Respect for home and the family (art. 23)**

22. Please explain:

- (a) The legal and practical measures taken to support families and also single heads of households who have children with disabilities, and to support parents with disabilities particularly, psychosocial and intellectual disabilities, to raise their children at home;
- (b) Whether information is provided to parents of children with disabilities about the services they are entitled to, to prevent concealment, abandonment, neglect and segregation of children with disabilities;
- (c) Steps taken for an integrated approach to prevention of family separation by combining the efforts of education, health and social protection schemes for at-risk families.

#### **Education (art. 24)**

23. Please provide information on the measures taken to ensure that all students with disabilities have access to inclusive education, both in rural and urban areas, in line with the recommendation of the Ombudsperson of 2012 to ensure conditions for children and youth with disabilities to have quality education in schools throughout the State party. Please also provide information on:

- (a) The number of children with disabilities enrolled in inclusive mainstream schools, in special schools and in other segregated school units at all levels of education, disaggregated by sex, national or ethnic origin, impairment and urban or rural settings and trends since the last review of the State party by the Committee;
- (b) The human, technical and financial resources allocated to provide individualized supports to students with disabilities to ensure equal access to the learning environment;

(c) Steps taken to promote and ensure the training and hiring of teachers with disabilities, and the training of teachers in sign language, orientation and mobility skills.

**Health, habilitation and rehabilitation (art. 25)**

24. Please provide information on:

(a) Efforts undertaken to provide for access to health insurance and services to persons with disabilities on equal basis with others, which include public and private health services and equipment that are affordable, accessible and of good quality;

(b) Measures taken for training to health professionals and support personnel to raise awareness about the human rights model of disability;

(c) Whether access to mental and psychosocial health services including mental and psychosocial health services and sexual and reproductive health services are available to women and girls with disabilities, in both urban and rural areas.

**Work and employment (art. 27)**

25. Please provide information on efforts made to eliminate stigma, barriers and discrimination in the recruitment process and steps undertaken to increase the employment of persons with disabilities in the open labour market in both public and private sectors. Please also elaborate on:

(a) The status of development of an action plan for employment to persons with disabilities;

(b) Results in data, achieved through the implementation of the new Vocational Rehabilitation and Employment of Disabled Persons Act (2015);

(c) The sanctions taken for non-compliance of mandatory quotas and for the denial of reasonable accommodation.

**Adequate standard of living and social protection (art. 28)**

26. Please inform the Committee on efforts made for a disability assessment which fully incorporates a human rights model of disability and that the design of disability assessment methods are set in a systematic, consistent and transparent manner through the participation of organizations of persons with disabilities.

27. Please elaborate on the measures to combat poverty among persons with disabilities, in particular, among persons with disabilities of Roma origin and in rural and remote areas.

28. Please provide information on:

(a) The measures taken to implement the provisions of Social Benefit Act in order to ensure its full enjoyment by persons with disabilities, irrespective of the cause of their impairment, in all counties and municipalities;

(b) Provisions of the social protection schemes to ensure that all persons with disabilities, are provided support for equipment as hearing aids, mobility aids and assistive technologies;

(c) Steps taken by the State party to increase pension, social welfare and other benefits for both civilian and veteran persons with disabilities throughout the country, including for parents of children with disabilities.

**Participation in political and public life (art. 29)**

29. Please inform the Committee on:

(a) Efforts to guarantee the right to participate in political and public life on an equal basis with others, including joining political parties, being elected to office and appointment to public positions;

(b) Steps taken to implement the provisions of the new Voters' Register Act, which requires autonomous entities to implement procedural adjustments in order to ensure right to vote can be fully exercised by illiterate persons with visual impairments.

### **Participation in cultural life, recreation, leisure and sport (art. 30)**

30. Please provide information on the measures taken to ensure:

(a) Access to information in public libraries for persons with intellectual or psychosocial disabilities documents in Easy Read and other accessible formats;

(b) That persons with disabilities, including children with disabilities, have access to culture and sport facilities on an equal basis with others.

## **C. Specific obligations (art. 31–33)**

### **Statistics and data collection (art. 31)**

31. Please provide information on consideration made by the State party to use the Washington Group short set of questions on disability and its methodology. Please also provide information on:

(a) Measures taken for the systematic and regular collection, analysis and dissemination of data on the situation of persons with disabilities including violence against women and girls with disabilities, disaggregated by sex, age, ethnicity, education, employment status, socioeconomic status, social protection entitlement for the purposes of informing rigorous programme and evidence-based policy development;

(b) Amendments made to the Croatian Register of Persons with Disabilities Act, to adhere to the human rights model of disability in line with General Comment No. 6 (2018) on equality and non-discrimination;

(c) The status of dissemination of information in accessible formats.

### **International cooperation (art. 32)**

32. Please provide information on:

(a) The measures and timeframe to ensure the implementation of the European Consensus on Development and to further advance the rights of persons with disabilities in international cooperation;

(b) Steps taken for representation of persons with disabilities, through their representative organizations, in the decision-making processes and exchange of best practices in both national and international forums, pertinent to the overarching goals of 2030 Agenda for Sustainable Development.

### **National implementation and monitoring (art. 33)**

33. Please explain on the steps taken to:

(a) Ensure technical and budget allocations as well as coordination among Ministry of Finance, Ministry of Public Administration, Office of the Ombudsman, Ombudsperson for persons with disabilities and other relevant focal points to implement the Convention at the national, county and municipal levels;

(b) Provide support to ensure that persons with disabilities, through their representative organizations can effectively participate in monitoring and implementation of the Convention.