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Croatia

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B-1049 Brussels*

Country report

Non-discrimination

Transposition and implementation at national level of
Council Directives 2000/43 and 2000/78

Croatia

Ines Bojić

Reporting period 1 January 2025 – 1 January 2026

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EXECUTIVE SUMMARY

1. Introduction

In 1992, Croatia was recognised by the UN as an independent state. From 1991 to 1995, Croatia was in a state of war. After a period of rather authoritarian leadership and isolation from the international community, Croatia changed direction in the late 1990s. Croatia has been a Member State of the European Union since 1 July 2013.

According to the results of the 2021 census, Croatia has a population of 3 871 833.¹ With regard to the ethnic structure of the country, the census shows that Croats make up the majority of the population with a share of 91.63 %. The most numerous minorities are Serbs, at 3.20 %; Bosniaks, at 0.62 %; Roma, at 0.46 %; Italians, at 0.36 %; and Albanians, at 0.36 %, while the share of other members of national minorities is individually less than 0.30 %. The religious structure of the population is as follows: 78.97 % of citizens declared themselves Catholic; 4.8 % as other Christian denominations; 4.71 % as non-believers and atheists; 3.32 % as Orthodox; 1.65 % as agnostics and sceptics; 1.32 % as Muslims; 0.95 % as other religions, movements and life philosophies; 1.72 % as undecided and 2.1 % as unknown. Of the total population of the Republic of Croatia, 99.24 % have Croatian citizenship, while 0.74 %, or 28 784, are foreign citizens.²

The position of the Government and official bodies towards discrimination has moved from pro-nationalistic in the early 1990s to denial in the late 1990s, with a more egalitarian approach taken since 2000. Ever since then, independently of elections and changes of Government, there has been slow but steady progress, which has been strongly encouraged by human rights organisations as well as by the EU accession process and other international bodies.

The Republic of Croatia is a unitary state. Government is organised on the principle of the separation of powers into the legislative, executive and judicial branches.

The duty of the People's Ombudsperson, as a commissioner of the Croatian Parliament, is to protect the constitutional and legal rights of citizens in their dealings with the state administration and bodies vested with public authority. Under the Anti-discrimination Act, the People's Ombudsperson is recognised as the specialised body for the promotion of equal treatment.³

Although Croatia has a well-developed legislative framework for the protection of the rights of national minorities, adequate implementation is still lacking.

There is a consistent problem of segregation of Roma children in education. In some counties with a significant Roma population (Međimurje and Varaždin), Roma children are put in separate Roma-only classes in regular schools. In March 2010, the Grand Chamber of the European Court of Human Rights, in a case initiated by Roma students, issued a judgment finding a violation of their right not to be discriminated against in the enjoyment of the right to education.⁴ The existence of Roma-only classes is, however, still widespread (see section 3.2.7a).

Members of the Serbian minority are also more exposed to discrimination based on ethnicity or national origin, and there is a long-standing trend of deteriorating relations between the majority of the public and some political and public actors in the Serb

¹ In comparison with the 2011 census, the population decreased by 413 056, or 9.64 %.

² State Bureau of Statistics, results of the 2021 census, <https://dzs.gov.hr/vijesti/objavljeni-konacni-rezultati-popisa-2021/1270>.

³ Anti-discrimination Act (Zakon o suzbijanju diskriminacije), 9 July 2008, Official Gazette 85/2008 and 112/2012.

⁴ European Court of Human Rights (ECtHR), Oršuš and Others v Croatia [GC], No.15766/03, 16 March 2010.

community. In recent years, there have been several incidents of ethnically motivated violence towards Serbs, and the intense level of hate speech towards members of the Serbian minority is notable.

More cases of hate speech towards foreign workers based on race and ethnic origin have recently also been noted. This negative trend has been particularly noticeable in previous years, bearing in mind the increases in numbers of foreign workers in Croatia.⁵ For instance, in 2025, 170 723 permits were issued, of which 31 708 permits were for citizens of Nepal, 15 400 for citizens of India, 17 629 for citizens of the Philippines, 5 521 for citizens of Uzbekistan, 5 504 for citizens of Egypt and 3 404 for citizens of Bangladesh with the rest for citizens of Croatia's neighbouring countries.⁶

2. Main legislation

In 2025, there were no legislative developments in the area of anti-discrimination law.

Croatia has ratified all anti-discrimination treaties that are part of international law, with the exception of the Revised European Social Charter, which has been signed and is in the (long) process of ratification (European Convention on Human Rights + Protocol 12; International Covenant on Civil and Political Rights; Framework Convention for the Protection of National Minorities; International Convention on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of Discrimination Against Women; ILO Convention No. 111 on Discrimination; Convention on the Rights of the Child; and Convention on the Rights of Persons with Disabilities). All the treaties are directly applicable.

The Constitution of the Republic of Croatia guarantees rights and freedoms to everyone in the Republic of Croatia regardless of race, colour, gender, language, religion, political or other belief, national or social origin, property, birth, education, social status or other characteristics. Other grounds, such as disability, age and sexual orientation, are not directly mentioned in the Constitution, but these grounds are covered implicitly as 'other characteristics'.⁷

The main legislation dealing with discrimination comprises:

- the Anti-discrimination Act,⁸ which prohibits discrimination based on race or ethnic origin or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity and expression and sexual orientation;
- the Gender Equality Act,⁹ which prohibits discrimination based on gender, sexual orientation, marital or family status and pregnancy and the Same-sex Life

⁵ People's Ombudsperson (2024), [Report for 2023](#).

⁶ Ministry of Interior, *Statistički podaci o izdanim dozvolama za boravak i rad od 1. siječnja do 31. prosinca 2025.* ([Statistical data on residence and work permits issued from January 1 to December 31 2025](#)), <https://mup.gov.hr/gradjani-281562/moji-dokumenti-281563/stranci-333/statistika-169019/169019>.

⁷ For example, in case no. U-I-1092/2017 (discrimination on the ground of age) the Constitutional Court decided on the constitutionality of the Employment Incentives Act, which had been challenged regarding the provision that guarantees certain employment rights and benefits only to persons under the age of 30 although the Constitution does not explicitly mention age as a discrimination ground. Also, in the case U-I-144/2019, the Constitutional Court decided on the constitutionality of the Foster Act regarding discrimination of the same-sex couples who were denied the right to foster children because of their sexual orientation. The Constitutional Court also regularly decides in cases regarding disability discrimination, for example in the cases U-III-4748/2017; U-I-5286/2014. Article 14 of the Croatian Constitution; Official Gazette 56/1990, 135/1997, 113/2000, 28/2001, 76/2010 and 5/2014.

⁸ Anti-discrimination Act (Zakon o suzbijanju diskriminacije), 9 July 2008, Official Gazette 85/08, 112/12.

⁹ Gender Equality Act (Zakon o ravnopravnosti spolova), 15 July 2008, Official Gazette 82/2008, 125/2011, 20/2012, 138/2012, 69/2017.

- Partnership Act, which prohibits discrimination based on a 'same-sex partnership' and 'sexual orientation';
- the Labour Act,¹⁰ which prohibits discrimination in the field of work and working conditions, including criteria and conditions for recruitment and promotion, vocational training, advanced vocational training and retraining, but does not mention grounds of discrimination.

3. Main principles and definitions

The Anti-discrimination Act, adopted in 2008, prohibits discrimination based on race or ethnic origin or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity and expression and sexual orientation without defining in any way any of these grounds.

The Anti-discrimination Act defines multiple discrimination as discrimination against a certain person on more than one of the prohibited grounds and considers it a severe form of discrimination. The courts have to take multiple discrimination into consideration when determining the amount of compensation or the sanction for a misdemeanour.

The Anti-discrimination Act prohibits discrimination based on a misconception of the existence of a prohibited ground of discrimination (i.e. a presumption that turns out to be wrong). Further, it prohibits discrimination based on association with a person or persons with a particular characteristic, as well as discrimination by assumption and multiple discrimination. The Anti-discrimination Act does not explicitly regulate intersectional discrimination.

The Anti-discrimination Act explicitly defines and prohibits victimisation.

The Anti-discrimination Act defines direct discrimination as treatment based on any of the prohibited grounds whereby a person is, has been, or could be placed in a less favourable position than other persons in a comparable situation, and indirect discrimination as a situation where an apparently neutral provision, criterion or practice places or could place a person in a less favourable position on a prohibited ground, in relation to other persons in a comparable situation, unless such a provision, criterion or practice may be objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

The Anti-discrimination Act defines harassment as any unwanted conduct based on any of the prohibited grounds with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading or offensive environment.

The Anti-discrimination Act prohibits encouragement to discriminate, but it does not define encouragement nor specifically address instructions to discriminate.

The Anti-discrimination Act prohibits failure to provide reasonable accommodation for persons with disabilities. It specifies that a failure to enable persons with disabilities to use publicly available resources, to participate in public and social life and to have access to the workplace and appropriate working conditions in line with their specific needs by adapting infrastructure and premises and by using equipment and other means that do not present an unreasonable burden for the person obliged to provide it is considered discrimination.

¹⁰ Labour Act (*Zakon o radu*), 15 July 2014, *Official Gazette* [93/2014](#), [127/2017](#) and [98/2019](#), [151/22](#), [46/23](#), [64/23](#).

The Anti-discrimination Act does not distinguish between citizens and non-citizens and guarantees protection from discrimination to any person.¹¹ It does not distinguish between natural persons and legal persons either for the purposes of protection against discrimination or liability for discrimination.

The exceptions to discrimination provided by the Anti-discrimination Act are in line with the directives. The only exception for direct ethnic/racial discrimination is a genuine and determining occupational requirement, as set out by the Racial Equality Directive, while the exceptions for direct discrimination on the other grounds correspond to those provided by the Employment Equality Directive.

The Anti-discrimination Act provides an exception for genuine and determining occupational requirements. It states that placement in a less favourable position will not be deemed to be discrimination in relation to a particular job when the nature of the job is such or the job is performed under such conditions that characteristics related to any of the prohibited grounds of discrimination present an actual and decisive condition for performing that job, provided that the purpose to be achieved is justified and the condition appropriate.

Other exceptions are: health and public order; positive actions; granting privileges to children, young people, older persons and persons with disabilities; in relation to occupational activities, entering into membership and acting in conformity with the canon and mission of a church and religious congregation and any other public or private organisation if this is required by the religious doctrine, beliefs or objectives; on the grounds of age in the course of determining insurance premiums and other insurance conditions; fixing the minimum age/experience/level of education for access to a certain job or for acquiring other advantages linked to employment; fixing a maximum age for the termination of employment or retirement; nationality; and regulating the rights and obligations arising from family relations.

Every exception has to be interpreted in proportion to the aim and purpose for which it is provided.

4. Material scope

The Anti-discrimination Act has a very wide scope of application – it applies to both the public and private sectors and to all areas without any limitation, while explicitly enumerating 10 areas to which special attention is to be paid: 1) work and working conditions; access to self-employment and occupation, including selection criteria, conditions of recruitment and promotion; access to all types of vocational guidance, vocational training, professional development and retraining; 2) education, science and sports; 3) social security, including social welfare, pension and health insurance and unemployment insurance; 4) healthcare; 5) judiciary and administration; 6) housing; 7) public information and the media; 8) access to goods and services and their provision; 9) membership of and activities in trade unions, civil society organisations, political parties or any other organisations; and 10) access to participation in cultural and artistic creation.

5. Enforcing the law

A victim of discrimination can seek protection through judicial proceedings – civil and/or criminal (both adjudicated by ordinary courts) and/or misdemeanour (for less serious offences adjudicated by misdemeanour courts). Anti-discrimination protection and sanctions are applied in the same way to all grounds of discrimination.

¹¹ The Anti-discrimination Act provides protection from discrimination to any person without exception, which would include undocumented migrants.

In civil proceedings, a victim of discrimination can file a claim seeking protection of his/her individual rights claiming that a right has been violated on account of discrimination (incidental anti-discrimination protection) or a claim seeking a ruling on the existence of discrimination as the main issue (special individual anti-discrimination action). In the latter case, victims can ask for:

- determination of the existence of discrimination (declaratory anti-discrimination claim); and/or
- prohibition of discrimination (prohibitive anti-discrimination claim); and/or
- elimination of discrimination or its effects (restitution anti-discrimination claim); and/or
- damages for the harm caused by discrimination (reparational anti-discrimination claim); and/or
- publication of the decision determining the existence of discrimination (publishing anti-discrimination claim).

The rules make no distinction between private or public employment and fields outside employment.

Criminal offences of discrimination (violations of equality as stipulated by the Criminal Code) are prosecuted *ex officio*. If the State Attorney's Office decides not to prosecute, a victim is authorised to take over the prosecution of the case as a subsidiary prosecutor. The sanction is imprisonment for up to three years.¹²

The Anti-discrimination Act specifies misdemeanour liability for harassment, sexual harassment and victimisation.¹³

A victim of discrimination can file a complaint with the Ombudsperson as the central body responsible for anti-discrimination.

If a person faces discrimination by an administrative act, he/she can file a complaint with the Administrative Court of the Republic of Croatia, which is authorised to review the legality of administrative acts.

An organisation, institution, association or another person that, within its scope of activities deals with the protection of the right to equal treatment in relation to groups whose rights are decided upon in the proceedings, is entitled to act on behalf or in support of victims of discrimination in civil and administrative proceedings.

According to the wording of the Anti-discrimination Act, a person bringing an anti-discrimination claim (in civil and administrative proceedings) has to make it plausible that discrimination has taken place by providing facts from which it can be assumed that discrimination occurred. It is then up to the defendant to prove that it did not.

The shift of burden of proof applies to all discrimination cases, including harassment and victimisation, except in misdemeanour and criminal proceedings.

National law is silent in respect of the use of situation testing. It does not explicitly permit the use of situation testing; it does not define it or establish procedural conditions for or limitations to the admissibility of such evidence in court. However, there are no obstacles, in anti-discrimination law or in civil procedural legislation, to the use of testing.

National law does not explicitly permit the use of statistical evidence; therefore, it does not define it nor establish procedural conditions for the admissibility of such evidence in

¹² Criminal Code, Article 125.

¹³ Anti-discrimination Act, 9 July 2008, Articles 25-28.

court or any limitations. However, there are no obstacles, in anti-discrimination law or in civil procedural legislation, to the use of statistical evidence.

6. Equality bodies

The Anti-discrimination Act grants the People's Ombudsperson powers, as the central body for the elimination of discrimination and promotion of equal treatment irrespective of racial or ethnic origin. The Ombudsperson is the central body for the elimination of discrimination based on other grounds as well, with the exception of disability (which falls within the remit of the Disability Ombudsperson), discrimination against children (dealt with by the Ombudsperson for Children), and gender, gender identity and expression, marital or family status and sexual orientation (dealt with by the Gender Equality Ombudsperson).

The duties of the Ombudsperson are as follows:

1. to receive reports from all natural and legal persons of reasonable suspicions of discrimination;
2. to provide the information necessary to natural and legal persons who have filed a complaint of discrimination with regard to their rights and obligations and on their options for legal and other protection;
3. if court proceedings have not yet been initiated, to examine individual reports and take action falling within his/her power required to eliminate the discrimination and protect the rights of people facing discrimination;
4. to make the public aware of occurrences of discrimination;
5. to conduct, with the parties' consent, mediation with the possibility of reaching an out-of-court settlement;
6. to file criminal charges relating to discrimination to the relevant State Attorney's office;
7. to collect and analyse statistical data on discrimination;
8. to inform the Croatian Parliament of the prevalence of discrimination in his/her annual reports and, when required, extraordinary reports;
9. to conduct surveys on discrimination, give opinions and recommendations, and suggest appropriate legal and strategic solutions to the Government.

The Disability Ombudsperson and the Gender Equality Ombudsperson have almost the same powers as the People's Ombudsperson.

The Ombudspersons are not quasi-judicial bodies: they cannot issue binding decisions or impose sanctions.

7. Key issues

Key issues related to anti-discrimination protection in Croatia are related to the prolonged duration of court proceedings, which rarely satisfy the standards of fairness in respect of reasonable time. The proceedings usually last so long that remedies cannot be considered effective.

The Constitutional Court and the European Court of Human Rights have ruled in several cases concerning violations of the right to a trial within a reasonable time in anti-discrimination proceedings, awarding the applicants compensation for the violation of their rights, which shows that this is an issue in obtaining anti-discrimination protection.¹⁴

¹⁴ Constitutional Court of the Republic of Croatia, decisions no. U-IIIA-1038/2020, 9 September 2020, and U-IIIA-3623/2019, 1 October 2020; European Court of Human Rights, [Salameh v. Croatia](#), No. 38943/15, 14 October 2021; European Court of Human Rights, [Kirncic and Others v. Croatia](#), No. 31386/17, 30 July 2020; [Mirjana Maric v. Croatia](#), No. 9849/15, 30 July 2020.

The negative practice of anti-discrimination proceedings taking an excessively long time continued in 2025.¹⁵

The reluctance of victims of discrimination to seek protection was confirmed by the results of the 2022 People's Ombudsperson survey presented in 2023, according to which only 40 % of the respondents who stated that they were victims of discrimination acted on it, while only 17 % of those who acted decided to seek court protection.¹⁶ Those who did not react to discrimination expressed the opinion that it would not change anything (52 %), that the proceedings would be too complicated, time-consuming, and expensive (21 %) or that their situation would get even worse (29 %) (please see section 6.1.b).

Most victims address their complaints on discrimination to the Ombudsperson, while only a small minority seek court protection.

The case law of municipal and county courts, which is the main source of judicial interpretation of legal provisions that are often very wide, is not published and is therefore unavailable to potential claimants. However, progress has been made in this area through the establishment of the ANON public search engine, a web application that enables users to search court decisions (see section 11.2).¹⁷

During 2025, there were no legal developments in the area of discrimination.

The National Plan for the Protection and Promotion of Human Rights and the Suppression of Discrimination for the period until 2027, adopted in 2024,¹⁸ remains in force. The Action Plan for 2024 had not been adopted during that year, however, the Action Plan for the implementation of the National Plan for 2025 was issued in January 2025. It focuses on preventing discrimination and supporting victims through awareness-raising, capacity-building, and research on structural inequalities.¹⁹

Case law relevant to discrimination in 2025 includes several decisions concerning the duty to provide reasonable accommodation, which remains one of the most significant problems faced by persons with disabilities in Croatia and the main form of discrimination affecting them (see section 12.2).²⁰ Cases concerning the lack of accessibility of public buildings, public transport, and similar services for persons with disabilities due to architectural barriers and ignorance also continue to appear in case law (see section 12.2).²¹

In 2025, there were two court proceedings conducted through joint actions, one of which concerned discriminatory actions towards LGBTIQ+ persons through public campaigns and petitions aimed at preventing same-sex couples from adopting or fostering children.²² Similar cases were recorded in previous years and reflect a continuing pattern of public

¹⁵ Constitutional Court of the Republic of Croatia, decision no. U-III-A-1010/2024 and U-III-567/2023, 12 March 2025.

¹⁶ People's Ombudsperson, Survey on attitudes and level of awareness about discrimination and forms of discrimination 2022 (*Istraživanje o stavovima i razini svijesti o diskriminaciji i pojavnim oblicima diskriminacije 2022*), <https://www.ombudsman.hr/hr/download/istrazivanje-o-stavovima-i-razini-svijesti-o-diskriminaciji-i-pojavnim-oblicima-diskriminacije-2022/>.

¹⁷ Tražilica odluka sudova RH (Croatian Court Decisions Search Engine) <https://www.vsrh.hr/trazilica-sudskih-odluka-anon.aspx>.

¹⁸ Nacionalni plan zaštite i promicanja ljudskih prava i suzbijanja diskriminacije za razdoblje do 2027. godine (National Plan for the Protection and Promotion of Human Rights and the Suppression of Discrimination for the period until 2027), <https://ljudskaprava.gov.hr/nacionalni-plan-zastite-i-promicanja-ljudskih-prava-i-suzbijanja-diskriminacije-za-razdoblje-do-2027-godine/989>

¹⁹ Akcijski plan suzbijanja diskriminacije za 2025. godinu (Action Plan for the Suppression of Discrimination for 2025), <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Akcijiski%20plan%20zastite%20i%20promicanja%20ljudskih%20prava%202023.pdf?vel=776732>.

²⁰ Rijeka County Court, decision no. GŽ R-880/2022-7; Požega Municipal Court, decision no. Pr-6/2025-10; Zagreb Labour Municipal Court, decision no. Pr-361/2024.

²¹ Varaždin County Court, decision no. GŽ-118/2025; Zagreb Municipal Court, decision no. Pn-29/2024.

²² Zagreb County Court, decision no. P-18/2023.

advocacy campaigns targeting LGBTIQ+ persons and their families.²³ In this context, in 2025 a relevant Administrative Court judgment was issued determining that the claimant should be allowed to adopt the child of her same-sex life partner, particularly taking into account that the child carried the claimant's genetic material (see section 12.2).²⁴

With regard to age discrimination, and in line with the legal positions previously taken by the Supreme Court and the Constitutional Court in comparable cases, one case established discrimination against an employee over the age of 60 who had been denied the possibility of choosing termination with severance pay under the provisions of a collective agreement.²⁵ A case of discrimination based on trade union membership was also recorded in 2025.²⁶

In addition, several cases of discrimination based on political belief, social status, and association with another person with a protected characteristic were recorded during the year.²⁷

A notable case concerned discrimination based on religion. The claimant, a member of the Jehovah's Witness community, refused a medically necessary surgical procedure in Croatia because it would have required a blood transfusion contrary to his religious beliefs. The Croatian Health Insurance Institute refused to cover the costs of undergoing the same procedure abroad without a blood transfusion, which led to court proceedings addressing the intersection of religious freedom and access to healthcare (see section 12.2).²⁸

The People's Ombudsperson and the Ombudsperson for Persons with Disabilities participated as interveners in several court proceedings during the year.²⁹

During 2025, dozens of misdemeanour judgments were issued under the Anti-Discrimination Act for harassment. As in previous years, these cases most frequently involved harassment based on nationality and sexual orientation, directed at Serbs, Roma, Albanians, and persons of same-sex orientation, who remain among those most exposed to hate speech (see section 12.2).³⁰

Several serious public incidents targeting members of the Serbian national minority were reported in 2025 in connection with cultural events organised by the Serbian minority in the two largest cities in Croatia. In one case, an event was interrupted by a group of young men dressed in black, accompanied by strong fascist rhetoric, raising concerns about intolerance and hostility toward minority communities. In another case, police intervention prevented violence and the disruption of a cultural event organised by the Serbian community in the centre of Zagreb in which, again, young masked men and dressed in black were involved (see section 11.2).

The status of foreign workers in Croatia remains an issue of significant concern. In the past few years, Croatia has become home to approximately 170 000 migrant workers. These workers are often exposed to inhumane working and living conditions and severe

²³ It is a public advocacy initiative led by a conservative NGO that has connections with certain far-right politicians.

²⁴ Zagreb Administrative Court, decision no. UsI-3471/2024.

²⁵ Zagreb Municipal Labour Court, decision no. Pr-402/2024.

²⁶ Rijeka County Court, decision no. GŽR-16/2025.

²⁷ Pazin Municipal Court, decision no. P-600/2022-61; Zagreb Municipal Labour Court, decision no. Pr-2023/2019; Zagreb Municipal Court, decision no. Pr-16418/2021 and Pr-7188/2020.

²⁸ Osijek Administrative Court, decision no. Us I-329/2024.

²⁹ Proceedings before the Rijeka County Court, GŽ R-880/2022-7; Požega Municipal Court, decision no. Pr-6/2025-10 and Pazin Municipal Court, decision no. P-600/2021.

³⁰ Zagreb Municipal Misdemeanour Court, decision no. Pp-11192/2025; Karlovac Municipal Court, decision no. Pp-219/2024; Osijek Municipal Court, decision no. Pp-664/2023; Zlatar Municipal Court, decision no. Pp-1011/2025; Sesvete Municipal Court, decision no. Pp-1521/2024; Zadar Municipal Court, decision no. Pp-1474/2025; Bjelovar Municipal Court, decision no. Pp-3359/2024.

exploitation, as well as hate speech and discrimination based on their nationality, religion and colour, in contravention of the Racial Equality Directive (see section 11.2).

In their 2025 Annual Report, the Ombudsperson reported that public attitudes toward foreign workers remain predominantly negative, while the institutional framework for their integration is still insufficiently developed.³¹ In this regard, the Ombudsperson referred to research conducted during 2025, which found that more than 60 % of citizens expressed dissatisfaction with the presence of foreign workers, whereas positive attitudes were negligible. The main concerns included fear of rising crime, job competition, lower wages and living standards, and cultural differences that could lead to social tensions.³²

In March 2025, the European Commission against Racism and Intolerance (ECRI) adopted, and in June published, its report on Croatia. While acknowledging certain progress, ECRI highlighted continuing concerns regarding the situation of LGBTIQ+ persons, Roma, Serbs, and migrants.³³ In May 2025, the UN Committee on the Elimination of Racial Discrimination reviewed Croatia's follow-up report on the implementation of its recommendations. The Committee considered the State's response unsatisfactory and reiterated its recommendation to eliminate de facto school segregation and strengthen efforts to ensure Roma children have access to quality and inclusive education, with the aim of increasing school enrolment and reducing dropout rates.³⁴

³¹ People's Ombudsperson (2026), *Izvešće Pučke pravobraniteljice za 2025. godinu*, (People's Ombudsperson Report for 2025) <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2025-godinu/>.

³² Institute for Migration Research and Medianet (2025), *Građani Hrvatske o stranim radnicima -2025* (Croatian Citizens on Foreign Workers – 2025), November 2025, <https://strani-radnici.com/gradjani-hrvatske-o-stranim-radnicima-2025>.

³³ European Commission against Racism and Intolerance (ECRI) (2025), *ECRI Report on Croatia (Sixth Monitoring Cycle)*, <https://rm.coe.int/sixth-report-on-croatia/1680b65f43>.

³⁴ United Nations Committee on the Elimination of Racial Discrimination (CERD) (2025), *Follow-up Review of Croatia, 115th Session*, <https://tbinternet.ohchr.org/>.

INTRODUCTION

The national legal system

The Republic of Croatia is a unitary state.³⁵ Basic legal principles are set out by the Constitution. Laws must be in accordance with the Constitution, and other rules and regulations must be in accordance with the Constitution and laws.³⁶

Government is organised on the principle of the separation of powers into the legislative, executive and judicial branches, but is limited by the right to local and regional self-government guaranteed by the Constitution.³⁷

The judicial system has two levels (first instance and appeal), with the possibility of extraordinary remedies (such as review by the Supreme Court). As a rule, administrative decisions can be subject to judicial review. The role of the Supreme Court, as the highest court, is to ensure the uniform application of laws and equal justice for all.³⁸ Judicial office is permanent. In principle, the courts' decisions are binding only on the parties to the case and do not set a precedent.

The State Attorney's Office is an autonomous and independent judicial body empowered and obliged to proceed against those who commit criminal and other punishable offences, to undertake legal measures to protect the property of the Republic of Croatia and to provide legal remedies to protect the Constitution and law.

The duties of the Constitutional Court of the Republic of Croatia include: deciding on the conformity of laws with the Constitution; deciding on the conformity of other regulations with the Constitution and laws; deciding on constitutional complaints against individual decisions of Government bodies, bodies of local and regional self-government and legal entities with public authority, when these decisions violate human rights and fundamental freedoms or the right to local and regional self-government guaranteed by the Constitution of the Republic of Croatia; and ensuring that constitutionality and legality are observed and notifying the Croatian Parliament when instances of unconstitutionality and illegality are observed.³⁹

The duty of the People's Ombudsperson, as a commissioner of the Croatian Parliament, is to protect the constitutional and legal rights of citizens in their dealings with the state administration and bodies vested with public authority.

Croatia became a Member State of the European Union on 1 July 2013.

International treaties that have been concluded and ratified in accordance with the Constitution and have been promulgated and have entered into force, are part of the domestic legal system and have legal force superior to law.⁴⁰

List of main legislation transposing and implementing the directives

³⁵ Constitution of the Republic of Croatia (*Ustav Republike Hrvatske*), 22 December 1990, Article 1, *Official Gazette* 56/1990, 135/1997, 113/2000, 28/2001, 76/2010, 5/2014, https://www.usud.hr/sites/default/files/dokumenti/The_consolidated_text_of_the_Constitution_of_the_Republic_of_Croatia_as_of_15_January_2014.pdf (According to the Constitutional Court of the Republic of Croatia, the Croatian Parliament, when making the consolidated text of the Constitution, failed to correctly number the articles. That is the reason why the same articles of the Constitution are often enumerated differently depending on the source and time of creation of a document. In this document, the numbering corrected by the Constitutional Court will be used).

³⁶ Constitution of the Republic of Croatia, 22 December 1990, Article 5.

³⁷ Constitution of the Republic of Croatia, 22 December 1990, Article 4.

³⁸ Constitution of the Republic of Croatia, 22 December 1990, Article 116.

³⁹ Constitution of the Republic of Croatia, 22 December 1990, Article 125.

⁴⁰ Constitution of the Republic of Croatia, 22 December 1990, Article 134.

Official title of the law: Anti-discrimination Act⁴¹

Name used in this report: N/A

Abbreviation: ADA

Date of adoption: 9 July 2008

Entry into force: 1 January 2009

Latest amendment: 19 October 2012

Web link: <https://www.zakon.hr/z/490/Zakon-o-suzbijanju-diskriminacije>

Grounds covered: race or ethnic origin or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status,⁴² age, health condition, disability, genetic heritage, gender identity and expression, sexual orientation.

Civil/administrative/criminal law

Material scope: All fields

Principal content: Prohibition of direct and indirect discrimination, harassment, sexual harassment; reasonable accommodation; exceptions; segregation; encouragement to discriminate; victimisation; anti-discrimination proceedings; specialised body; misdemeanours.

Official title of the law: Gender Equality Act⁴³

Name used in this report: N/A

Abbreviation: GEA

Date of adoption: 15 July 2008

Entry into force: 15 July 2008

Latest amendment: 14 July 2017

Web link: <https://www.zakon.hr/z/388/Zakon-o-ravnopravnosti-spolova>

Grounds covered: gender, marital or family status, sexual orientation.

Civil/administrative/misdemeanour law

Material scope: All fields

Principal content: General framework for the protection and promotion of gender equality and protection from discrimination on the grounds of gender as well as establishment of equal opportunities for women and men.

Official title of the law: Same-sex Life Partnership Act⁴⁴

Name used in this report: N/A

Abbreviation: SSLPA

Date of adoption: 15 July 2014

Entry into force: 5 August 2014

Latest amendment: 16 October 2019

Web link: <https://www.zakon.hr/z/732/Zakon-o-%C5%BEivotnom-partnerstvu-osoba-istog-spolu>

Grounds covered: same-sex life partnership, sexual orientation and gender identity.

Civil law

Material scope: All fields

Principal content: Prohibition of direct and indirect discrimination, definitions and legal consequences of formal and informal same-sex partnerships.

Official title of the law: Labour Act⁴⁵

Name used in this report: N/A

Abbreviation: LA

Date of adoption: 15 July 2014

⁴¹ Anti-discrimination Act, 9 July 2008.

⁴² It protects all persons discriminated against on the basis of their marital/family status, including same-sex families.

⁴³ Gender Equality Act, 15 July 2008, Official Gazette 82/08, 69/17, Article 6.

⁴⁴ Same-sex Life Partnership Act (Zakon o životnom partnerstvu osoba istog spola), 15 July 2014, Official Gazette 92/14, 98/19.

⁴⁵ Labour Act, 15 July 2014, Official Gazette 93/2014, 127/2017, 98/19, 151/22, 64/23.

Entry into force: 7 August 2014
Latest amendment: 23 May 2023
Web link: <https://www.zakon.hr/z/307/Zakon-o-radu>
Grounds covered: race or ethnic origin or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity and expression, sexual orientation (it refers to ADA).
Civil law
Material scope: Employment
Principal content: General act on employment.

Official title of the law: Act on Professional Rehabilitation and Employment of Persons with Disability⁴⁶

Name used in this report: N/A
Abbreviation: APREPD
Date of adoption: 13 December 2013
Entry into force: 1 January 2014
Latest amendment: 19 March 2020
Weblink: <https://www.zakon.hr/z/493/Zakon-o-profesionalnoj-rehabilitaciji-i-zapo%C5%A1ljanju-osoba-s-invaliditetom>
Grounds covered: disability
Civil and administrative law
Material scope: Employment
Principal content: Professional rehabilitation, employment and work of persons with disability.

⁴⁶ Act on Professional Rehabilitation and Employment of Persons with Disability (Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba s invaliditetom), 18 December 2013, Official Gazette 157/13, 152/14, 39/18, 32/20.

1 GENERAL LEGAL FRAMEWORK

Constitutional provisions on protection against discrimination and the promotion of equality

The Croatian Constitution includes the following articles dealing with non-discrimination:

- Article 3 of the Constitution of the Republic of Croatia places equality, ethnic equality and gender equality among the highest values of the constitutional order and the bases for the interpretation of the Constitution;
- Article 14 provides for a general protection against discrimination of all rights and freedoms regardless of race, colour, gender, language, religion, political or other belief, national (ethnic)⁴⁷ or social origin, property, birth, education, social status or other characteristic.⁴⁸ It further embodies the principle of equality before the law.

These provisions apply to all areas covered by the directives. Their material scope is broader than those of the directives.

These provisions are not directly applicable by ordinary courts.⁴⁹ For instance, ordinary courts can provide protection against discrimination based on grounds listed in the Anti-discrimination Act but not on any other characteristic, although the list of prohibited grounds of discrimination in the Constitution is non-exhaustive.

The constitutional equality clauses cannot be directly enforced against private actors. However, anyone may file a constitutional complaint to the Constitutional Court if s/he considers that an act of judicial or administrative power has violated one of the freedoms or rights guaranteed by the Constitution, including equality before the law, meaning that judicial decisions, including those adopted in disputes between private actors, could be challenged before the Constitutional Court.⁵⁰

⁴⁷ In Croatia, 'nationality' (nacionalnost or narodnost in Croatian) refers not to 'citizenship', but to membership of an ethnic group.

⁴⁸ Other discrimination grounds, such as age, disability and sexual orientation, are implicitly covered by 'other characteristics'. The fact that these discrimination grounds are not explicitly mentioned in the Constitution is of no relevance, and the Constitutional Court has never called into question whether disability, age, sexual orientation and other discrimination grounds that are explicitly mentioned in the Anti-discrimination Act are covered by the Constitution as well. In its decisions, the Constitutional Court never questioned this issue and under Article 14 of the Constitution, the Constitutional Court regularly decides on discrimination on the ground of disability (for example in the case No. U-III-4748/2017), age (case No. U-III-280/15) and sexual orientation (case No. U-IIIBi-2349/2013). Therefore, through its case law, the Constitutional Court had confirmed that those grounds are also protected under the Constitution.

⁴⁹ However, a different view is apparent in the existing case law. For instance, in Decision No. GŽ-2166/13, of 9 December 2013, Varaždin County Court quashed the decision of Zagreb Municipal Court No. Pr-6450/05-23, of 27 November 2012, in which the municipal court dismissed the anti-discrimination complaint with the explanation that it could not be considered that the claimant had been discriminated against on the basis of education, since the Labour Act contained a closed list of discrimination grounds and education was not one of them. The county court stated that despite the fact that the Labour Act does not prescribe education as a discrimination ground, Article 14 of the Constitution, which contains an open list of discrimination grounds, explicitly prescribes education as one of the grounds and is applicable in this particular case.

⁵⁰ Constitutional Law on the Constitutional Court of the Republic of Croatia (Ustavni zakon o Ustavnom sudu Republike Hrvatske), 24 September 1999, Article 62(1), Official Gazette 99/1999, 29/2002, 49/2002.

2 THE DEFINITION OF DISCRIMINATION

2.1 Definition of the grounds of unlawful discrimination within the directives

The Anti-discrimination Act only lists discrimination grounds and does not provide definitions, which are to be found either in other laws or in the case law of domestic courts and bodies.

a) Racial or ethnic origin

National law does not provide a definition of 'race'. In legislation and case law, the term 'race' is never used alone but is used together with the term 'ethnic origin' ('race or ethnic origin' or 'race and ethnic origin').

According to the Ombudsperson's reports, most complaints of discrimination relate to 'race or ethnic origin'. Since the Anti-discrimination Act explicitly prohibits discrimination based not only on race and ethnic origin, but also on colour and national origin, the four grounds are covered jointly in the Ombudsperson's reports.

National law does not provide a definition of 'ethnic origin'. National authorities and courts must take into account the case law of the CJEU, including Case C-417/23,⁵¹ which confirms that the protection afforded by Directive 2000/43/EC is to be interpreted broadly and may cover measures based on classifications linked to a person's origin. However, no published case law referring to or applying the principles established in Case C-417/23 has been identified.

The Constitutional Act on the rights of national minorities⁵² defines a national minority as:

'a group of Croatian citizens whose members have traditionally inhabited the territory of the Republic of Croatia and whose ethnic, linguistic, cultural and/or religious characteristics differ from the rest of the population, and who are motivated to preserve these characteristics'.⁵³

The definition of 'ethnic origin' (*narodnost*) used by the Croatian Bureau of Statistics is 'characteristic denoting a person's affiliation to a particular ethnic group'. Ethnicity is also interpreted as a sense of belonging to a community (nation), distinguished by the ethnic, linguistic and cultural affinity of its members as well as the awareness of the integrity of their own community and its special qualities in relation to other such communities.⁵⁴

The definition of ethnic origin was an important legal issue in the numerous citizenship cases in the 1990s. In (federal) Yugoslavia, citizens had both federal citizenship and republican citizenship. After Croatia's independence, people who did not have Croatian republican citizenship became aliens in Croatia. While ethnic Croats in the same situation were granted citizenship – the Croatian Citizenship Act provides that any member of the Croatian People (ethnic Croats) will be considered to be a Croatian citizen – no automatic or facilitated grant of Croatian citizenship was provided for other ex-SFRY (Socialist Federal Republic of Yugoslavia) citizens who were permanent residents in Croatia; they had to fulfil all the numerous requirements for citizenship as real foreigners. Therefore, the main issue

⁵¹ Judgment of 18 December 2025, *Slagelse Almennyttige Boligselskab Afdeling Schackenborgvænge*, C-417/23, EU:C:2025:1017.

⁵² Constitutional Act on the rights of national minorities (*Ustavni zakon o pravima nacionalnih manjina*), 13 December 2002, Article 5, Official Gazette 155/2002, 47/2010, 80/2010, 93/2011.

⁵³ According to Articles 15 and 83 of the Constitution, equality and the protection of the rights of national minorities are regulated by a constitutional act that requires two thirds of all members of the Parliament.

⁵⁴ Office for Human Rights and Rights of National Minorities (2013), 'Definitions of indicators for the database on equality data', June 2013, https://ljudskaprava.gov.hr/UserDocsImages//dokumenti//definicije_podataka_jednakosti.pdf.

in many cases was whether a person was of Croatian ethnic origin or not. In practice, a person had to prove that s/he declared her/himself as a Croat before independence.

According to case law:

'belonging to a certain ethnicity is primarily a subjective category, the feeling of common culture, language and social tradition that connects members of that community to one unit, but it is necessary that such belonging is expressed in certain behaviour of a person claiming to be of Croatian ethnic origin, especially by declaring that ethnic origin in public documents.'⁵⁵

b) Religion or belief

National law does not provide a definition of 'religion or belief', but the Act on the legal status of religious communities, which regulates the rights and duties of religious communities and their members, defines religious communities as communities of natural persons, believers, who realise their freedom of religion through public religious services and other expressions of their faith.⁵⁶

The definition of religion used by the Croatian Bureau of Statistics is:

'a characteristic denoting a person's affiliation to a particular religious system, irrespective of whether the person is a registered member of a particular church or religious community or not, or whether he/she practises religion or not.'⁵⁷

There is no definition of belief in national law. The Anti-discrimination Act explicitly covers religion (*vjera*) as a discrimination ground while belief is mentioned as political or other belief (*uvjerenje*).

c) Disability

The definitions of disability in national law are in compliance with the definition set by the CJEU.⁵⁸

'Disability' is defined both by the Social Welfare Act and the Act on the professional rehabilitation and employment of persons with disability as 'a long-term physical, mental, intellectual or sensory impairment, which in interaction with various barriers may hinder a person's full and effective participation in society on an equal basis with others'.⁵⁹ The definition of disability contained in the Social Care Act and the Act on the professional rehabilitation and employment of persons with disabilities is based on Article 1 of the Convention on the Rights of Persons with Disabilities.⁶⁰ The same definition is also

⁵⁵ See, for example, decisions of the High Administrative Court of the Republic of Croatia Nos. Us-10396/2009-4 and Us-10396/2009-4 of 15 February 2012.

⁵⁶ Act on the legal status of religious communities (Zakon o pravnom položaju vjerskih zajednica), 4 July 2002, Official Gazette 83/2002, 73/2013.

⁵⁷ Office for Human Rights and Rights of National Minorities (2013), 'Definitions of indicators for the database on equality data', June 2013, https://ljudskaprava.gov.hr/UserDocsImages//dokumenti//definicije_podataka_jednakosti.pdf.

⁵⁸ CJEU, Judgment of 11 April 2013, HK Danmark (Ring and Skouboe Werge), joined cases C-335/11 and C-337/11, para 38.

⁵⁹ Social Welfare Act (Zakon o socijalnoj skrbi), 1 January 2022, Article 15(1)(11), Official Gazette 18/22, 46/22, 119/22, 71/2023, 156/2023; and Act on Professional Rehabilitation and Employment of Persons with Disability, 13 December 2013, Article 3(1), Official Gazette 157/2013, 152/2014, 39/18, 32/20.

⁶⁰ Disability Ombudsperson (2014), Parallel Report for the UN Committee on the Rights of Persons with Disability.

contained in the Act on the Register of persons with disabilities⁶¹ and the Act on protection from domestic violence.⁶²

The Law on Privileges in Transport stipulates that the term 'person with disability' implies the status of a person confirmed by registration in the Register of Persons with Disabilities in accordance with the law governing the Register of Persons with Disabilities.⁶³

The Anti-discrimination Act does not define disability. Courts do not necessarily need to rely on strict definitions when deciding in cases concerning disability discrimination. The issue of a claimant needing to 'prove' disability can arise only when the existence of disability is disputed by the other party, which is usually not the case in practice. The courts have the option to determine visible disability without needing to examine medical documentation. In cases of hidden disability, claimants usually submit to the court medical documentation in which their medical condition is explained.

In a relevant 2024 case concerning an anti-discrimination claim due to the failure to provide reasonable accommodation, the county court, acting as a second instance court, quashed the first instance decision and ordered a retrial. The court stated that the first instance court's finding – that the claimant had not proven her disability status and that it was therefore not possible to provide anti-discrimination protection – could not be accepted. This was because the claimant had submitted extensive medical documentation and a certificate from the register of persons with disabilities, and had also proposed conducting an expert examination to prove her disability.⁶⁴

In proceedings in which the facts require the court to rely on strict definitions of disability (which is usually not the case), the court is free to rely on the Convention on the Rights of Persons with Disabilities, which contains guidance on who is to be regarded as a person with disability, as well as the definitions contained in national law. In the case mentioned above, the county court referred to the guidance contained in Convention on the Rights of Persons with Disabilities and the definition contained in the Act on the Register of Persons with Disabilities.

Disability must be formally established in order for the person to realise certain rights outside court proceedings (for example, social welfare rights, disability pension, employment benefits, etc.). These rights are realised on the basis of the opinion of the Institute for Medical Assessment and Professional Rehabilitation. The Institute conducts an expert assessment of the medical condition of the person claiming certain rights on the basis of his/her disability (health impairment) and gives an opinion on the degree of disability in each case.

The need for formal recognition of disability by the Institute for achieving certain rights has not been perceived as particularly problematic by the Disability Ombudsperson, and the Ombudsperson herself does not have a clear standpoint on this issue. However, she has consistently warned of shortcomings in the implementation of assessment procedures, which affect the realisation of rights of persons with disabilities and the greater functionality of the Institute for Medical Assessment, Professional Rehabilitation and Employment of Persons with Disabilities. So far, the length of the assessment proceedings has proven to be the biggest problem.

⁶¹ Act on the Register of persons with disabilities (Zakon o registru osoba s invaliditetom), Official Gazette 63/22, 11 June 2022, Article 2(1)(1).

⁶² Act on protection from domestic violence (Zakon o zaštiti od nasilja u obitelji), 1 January 2018, Article 8(9) Official Gazette 70/2017, 126/2019, 84/2021, 114/22, 36/24.

⁶³ Law on Privileges in Transport (Zakon o povlasticama u prometu), Official Gazette 133/2023, 15 November 2023, Article 2(4).

⁶⁴ Rijeka County Court, Decision no. GŽ-2214/2021, 8 May 2024.

The Primary and Secondary Education Act⁶⁵ states that primary and secondary education is based on the principle of equal educational opportunities for all students according to their abilities.⁶⁶ The Rules on primary and secondary education of students with developmental difficulties⁶⁷ define a student with difficulties as:

‘a student whose abilities, in interaction with factors from the environment, limit his/her full and effective participation in education on an equal basis with others and are the result of physical, mental, intellectual or tactile impairments or dysfunctions or the combination of such impairments and dysfunctions.’

d) Age

National law does not provide a definition of age.

The Anti-discrimination Act does not provide a definition of age and there is no available case law that would give an indication of the scope of age. In each individual case it is decided on whether discrimination on the ground of age exists, with no reference by the courts to the definition of age.

The Social Welfare Act defines ‘elderly person’ as a person aged 65 and over.⁶⁸ In several provisions of the Healthcare Act, persons of the age of 65 and over are singled out as a special group in the context of the application of special healthcare measures for the population of that age.⁶⁹ In addition, the Labour Act singles out the over-65 age group, stipulating that the employment contract is automatically terminated when the employee reaches the age of 65 and has completed 15 years of service.⁷⁰ The Act on protection from domestic violence also defines ‘elderly person’ as a person aged 65 and over.⁷¹

e) Sexual orientation

National law does not provide a definition of sexual orientation.⁷² There is also no available case law that would provide a definition of sexual orientation. For instance, in a relevant decision regarding the case about an individual being called a ‘faggot’ and punched in the face, the court determined the violation of the Anti-discrimination Act, and fined the perpetrator for a misdemeanour, without engaging in the concept of sexual orientation, but merely assuming its meaning.⁷³

2.2 Multiple and intersectional discrimination

In Croatia, multiple discrimination is prohibited by the law. The Anti-discrimination Act defines multiple discrimination as discrimination against a certain person on more than one of the prohibited grounds and considers it a severe form of discrimination (along with repeated discrimination, continued discrimination and discrimination that has consequences that are particularly harmful to the victim).⁷⁴

⁶⁵ Primary and Secondary Education Act (Zakon o odgoju i obrazovanju u osnovnoj i srednjoj školi), 15 July 2008, Official Gazette 87/2008, 86/2009, 92/2010, 105/2010, 90/2011, 5/2012, 16/2012, 86/2012, 94/2013, 152/2014, 07/2017, 68/18, 98/19, 64/20, 151/22, 155/23, 156/23.

⁶⁶ Primary and Secondary Education Act, 15 July 2008, Article 4(2)(2).

⁶⁷ Rules on primary and secondary education of students with developmental difficulties (Pravilnik o osnovnoškolskom i srednjoškolskom odgoju i obrazovanju učenika s teškoćama u razvoju), 23 February 2015, Official Gazette 24/2015.

⁶⁸ Social Welfare Act, Official Gazette 18/22, 46/22, 119/22, 71/23, 156/23, Article 15(1)(9).

⁶⁹ Healthcare Act (Zakon o zdravstvenoj zaštiti), 1 January 2009, Official Gazette 100/18, 125/19, 147/20, 119/22, 156/22, 33/23, Articles 21, 30 and 31.

⁷⁰ Labour Act, 15 July 2014, Article 112(6).

⁷¹ Act on protection from domestic violence, 1 January 2018, Article 8(10) Official Gazette 70/2017, 126/2019, 84/2021, 114/22.

⁷² The public interest consultation contains no indication that there were any attempts to introduce a definition of sexual orientation into the text of the Same-sex Life Partnership Act.

⁷³ Zagreb Municipal Misdemeanour Court, Decision no. Pp-12237/2023, 26 April 2024.

⁷⁴ Anti-discrimination Act, 9 July 2008, Article 6(1).

In Croatia, multiple discrimination has to be taken into account when deciding on discrimination cases (e.g. when imposing a sanction).⁷⁵

In Croatia, intersectional discrimination is not (explicitly) prohibited by law. The Anti-discrimination Act does not define intersectional discrimination, however, as a concept intersectional discrimination is applied by the People's Ombudsperson.⁷⁶

In Croatia intersectional discrimination should be taken into account when deciding on discrimination cases (e.g. when imposing a sanction).⁷⁷

In Croatia, the following case law deals with multiple and/or intersectional discrimination:

In a landmark case, the People's Ombudsperson determined multiple discrimination of women belonging to the Muslim minority who were not allowed to wear head covers in photographs for driving licences, finding that the regulation in question resulted in multiple discrimination on the basis of age and religion.⁷⁸ The Regulation on driving licences allowed for head covers in photographs to be worn only by older people who wore head covers as part of a traditional dress code and not by young people and/or people who wore head covers as part of religious dress code. Following the Ombudsperson's recommendation, the Ministry of the Interior amended the Regulations on driving licences and allowed head covers to be worn in driving licence photographs when a person wears such a covering for religious or medical reasons.⁷⁹

The European Court of Human Rights issued a decision against the Republic of Croatia in the case of a high school teacher of Serbian ethnicity, aged 55 at the time, who claimed that he was unjustifiably fired from his job because he held classes in Serbian instead of the standard Croatian language.

The ECtHR determined that in the specific case, rights of the applicant guaranteed by the Article 8 of the European Convention had been violated since the decision on termination of employment relied on the applicant's ethnicity and age.⁸⁰

In the author's opinion, this case can be considered as a case of multiple discrimination on the basis of ethnic origin, age and language, although the European Court of Human Rights itself did not carry out any analysis in this respect and did not draw any conclusions regarding the multiple criteria of discrimination.

The People's Ombudsperson reported on a suspicion of intersectional discrimination based on age and gender for television presenters on Croatian public television.⁸¹ In accordance with the findings of her analysis, the Ombudsperson recommended the reorganisation of work tasks in such a way that TV anchor engagement would include equal numbers of male and female presenters of all age groups.⁸²

⁷⁵ Article 6(2) of the Anti-discrimination Act stipulates: 'The court shall take into consideration the circumstances referred to in paragraph 1 of this Article when determining the amount of the compensation for non-pecuniary damage and when deciding about the fine for misdemeanours defined by this Act.'

⁷⁶ People's Ombudsperson, 'Analysis: About intersectionality and can it influence more successful suppression of discrimination?' (*Analiza: O intersekcionalnosti i može li utjecati na uspješnije suzbijanje diskriminacije?*), <https://www.ombudsman.hr/>.

⁷⁷ Intersectional discrimination is not explicitly defined or regulated by the ADA. Therefore, the term 'should' is used here instead of 'has to', as multiple discrimination is (unlike intersectional discrimination) explicitly covered by the ADA.

⁷⁸ People's Ombudsperson (2012), *Report on occurrence of discrimination for 2011*, available at: <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#1556196759007-36eed5fe-764d>.

⁷⁹ Regulations on driving licences (Pravilnik o vozačkim dozvolama), 11 December 2019, Article 17(4) Official Gazette 2/2019.

⁸⁰ European Court of Human Rights, *Mile Novaković v. Croatia*, No. 73544/14, 17 December 2020.

⁸¹ People's Ombudsperson (2022), *Report for 2021*.

⁸² People's Ombudsperson (2022), *Report for 2021*.

The People's Ombudsperson has repeatedly reported on the problem of Serbs who have returned to their pre-war places of residence and regions, who are often exposed to multiple discrimination on the basis of their age, economic status and nationality. They are mostly older people on low incomes who live in rural areas and often have not secured basic living conditions such as water and electricity, and are also exposed to the negative sentiments of the majority population. There is no case law on the issue, only the findings of the People's Ombudsperson.⁸³

2.3 Assumed and associated discrimination

a) Discrimination by assumption

In Croatia, discrimination based on a perception or assumption of a person's characteristics, is prohibited in national law.

The Anti-discrimination Act provides that placing a person in an unfavourable position based on a misconception of the existence of a prohibited ground of discrimination is discrimination.⁸⁴

In their 2025 annual report, the Ombudsperson reported on misdemeanour proceedings conducted in relation to the harassment of members of the Roma community. The court acquitted the defendants, stating that the legal elements of the misdemeanour under Article 25 of the Anti-Discrimination Act had not been established, because the injured parties identified themselves as Croats, were of white race, and spoke the Croatian language. The Ombudsperson pointed out that this does not necessarily exclude their Roma origin, and that the Anti-Discrimination Act also provides for discrimination in cases of a mistaken perception that a ground for discrimination exists.⁸⁵

There is no relevant case law on this issue.

b) Discrimination by association

In Croatia, discrimination based on association with persons with particular characteristics is prohibited in national law.

The Anti-discrimination Act states that placing any person, or a person related to that person by kinship or other relationship,⁸⁶ in a less favourable position on the prohibited grounds is considered discrimination.⁸⁷ National law is in line with the judgment in C-303/06 *Coleman*, C-83/14 *CHEZ Razpredelenie Bulgaria*, and C-38/24 *Bervidi*.⁸⁸ However, a lack of adequate implementation of legal provisions in practice could be explained by the inadequate knowledge of the anti-discrimination legislation by the authorities dealing with specific cases.

In Croatia, the following case law deals with discrimination by association:

In its judgment in the case of *Guberina v. Croatia*,⁸⁹ the European Court of Human Rights found a violation of Article 14 (prohibition of discrimination) of the European Convention

⁸³ People's Ombudsperson (2022), [Report for 2021](#).

⁸⁴ Anti-discrimination Act, 9 July 2008, Article 1(3).

⁸⁵ People's Ombudsperson (2026), Report for 2025.

⁸⁶ This would include same-sex relationships.

⁸⁷ Anti-discrimination Act, 9 July 2008, Article 1(2).

⁸⁸ CJEU, judgment of 17 July 2008, *Coleman v Attridge Law and Steve Law*, C-303/06, EU:C:2008:415; judgment of 16 July 2015, *CHEZ Razpredelenie Bulgaria AD v Komisia za zashtita ot diskriminatsia*, C-83/14, EU:C:2015:480; CJEU, judgment of 11 September 2025, *G.L. v AB SpA*, C-38/24, EU:C:2025:690.

⁸⁹ European Court of Human Rights, *Guberina v. Croatia*, No. 23682/13, CE:ECHR:2016:0322JUD002368213, 22 March 2016.

on Human Rights in conjunction with Article 1 of Protocol No. 1 (protection of property) to the Convention. In this case, a father was entitled to the tax benefit because he had a child with a disability who required accessible housing, but he was wrongly refused the benefit when his claim was rejected by the tax authorities. The ECtHR determined that, when applying the relevant tax legislation, the authorities had failed to recognise the difference between the circumstances of the applicant – a father of a child with a disability who asked for a tax exemption on the basis of meeting the housing needs of his family with regard to basic infrastructure requirements – in comparison with other people seeking a tax exemption. The Court found that the domestic authorities had taken too restrictive an approach and had disregarded other provisions of domestic law, which address the question of accessibility of buildings for persons with disabilities, as well as Croatia's obligations under the UN Convention on the Rights of Persons with Disabilities.

Furthermore, in its judgment in *Škorjanec v. Croatia*, the European Court of Human Rights⁹⁰ determined that Croatia had violated Article 3 and Article 14 of the European Convention since, regarding a criminal complaint of verbal and physical assault, it had failed to examine whether the victim had been attacked because she was perceived by the attacker as Roma and thus whether the criminal offence in question constituted a hate crime.⁹¹

In 2025, two court decisions were delivered concerning the issue of discrimination by association on the grounds of political and social status. In one case, the court found that a local self-government unit had violated the claimant's right to equal treatment by placing him at a disadvantage due to his spouse's political belief, by rejecting his request to lease him a public surface for his restaurant.⁹² In the other case, the court established that a public medical institution, acting as an employer, had harassed and discriminated against the claimant because of her association with the dismissed director of the same institution, whose close associate she had been (for more on the judgments, please see section 12.2).⁹³

There was also an important decision regarding the prohibition of discrimination by association as encompassing a right to reasonable accommodation for persons who care for or support a person with a disability. In the relevant case, the court held that the employer had discriminated against the claimant by rejecting his request for an adjustment of working hours in order to assist his minor daughter, who suffers from a rare disease, including accompanying her to kindergarten and to frequent medical examinations and rehabilitation sessions, which mostly take place in the morning hours. The court found that the employer had failed to reasonably accommodate the claimant's working hours by balancing the interests of the employer and those of the claimant, despite having the possibility to do so (for more on the judgment, please see section 12.2).⁹⁴

2.4 Direct discrimination (Article 2(2)(a))

a) Prohibition and definition of direct discrimination

In Croatia, direct discrimination is prohibited in national law. It is defined.

The Anti-discrimination Act defines direct discrimination as treatment based on any of the prohibited grounds whereby a person is, has been, or could be placed in a less favourable position than other persons in a comparable situation.⁹⁵

⁹⁰ European Court of Human Rights, *Škorjanec v. Croatia*, No. 25536, 28 March 2017.

⁹¹ European Court of Human Rights, *Škorjanec v. Croatia*, No. 25536, 28 March 2017.

⁹² Pazin Municipal Court, decision no: P-600/2022, 24 February 2026.

⁹³ Zagreb Municipal Labour Court, decision no Pr-16418/2021, 14 February 2025.

⁹⁴ Rijeka County Court, decision no. GŽ R-880/2022, 28 February 2026.

⁹⁵ Anti-discrimination Act, 9 July 2008, Article 2(1).

The same definition of direct discrimination is used by the Gender Equality Act.⁹⁶

The Labour Act and the Same-sex Life Partnership Act prohibit direct discrimination, but do not define it.⁹⁷ For the purpose of cases that concern those two acts, the definition of direct discrimination from the Anti-discrimination Act should be used.⁹⁸ The Labour Act refers to special laws dealing with discrimination, i.e. the Anti-discrimination Act.

b) Justification for direct discrimination

The Anti-discrimination Act does not permit any justification of direct discrimination, except for the specific exceptions listed under Article 9 (analysed in section 4 of this report).⁹⁹

2.5 Indirect discrimination (Article 2(2)(b))

a) Prohibition and definition of indirect discrimination

In Croatia, indirect discrimination is prohibited in national law. It is defined as follows.

The Anti-discrimination Act defines indirect discrimination as a situation where an apparently neutral provision, criterion or practice places or could place a person in a less favourable position on the prohibited ground, in relation to other persons in a comparable situation, unless such a provision, criterion or practice may be objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.¹⁰⁰

The Labour Act and the Same-sex Life Partnership Act prohibit indirect discrimination, but do not define it.¹⁰¹ For the purpose of cases concerning those two acts, the definition of indirect discrimination from the Anti-discrimination Act should be used. The ADA is general law that is applicable in every situation in which there are no different provisions in special laws regulating particular areas.¹⁰²

The available case law does not indicate that the prohibition of indirect discrimination has been expressly relied upon to address structural discrimination affecting a particular ethnic or racial group. The identified examples of indirect discrimination primarily concern individual complaints and specific factual situations.

b) Justification test for indirect discrimination

Indirect discrimination is justified if there is a legitimate aim and the means of achieving that aim are appropriate and necessary.¹⁰³

The Constitution defines legitimate aims for restrictions on constitutional rights and freedoms as being the freedom and rights of others, legal order, and public morals and health. The same provision limits such restrictions by the principle of proportionality: every restriction on a right or freedom has to be proportionate to the nature of the need for such a restriction.¹⁰⁴

⁹⁶ Gender Equality Act, 15 July 2008, Official Gazette 82/2008, 125/2011, 20/2012, 138/2012, 69/17, Zakon o ravnopravnosti spolova (although the widely accepted English translation of the title of this act is the Gender Equality Act, Croatian legislation uses the term equivalent to 'sex' (spol) and not 'gender' (rod) so that exact translation from Croatian would be 'Sex Equality Act'. However, since it is widely accepted, the term 'Gender Equality Act' is used throughout the report).

⁹⁷ Labour Act, 15 July 2014, Article 7(4) and Same-sex Life Partnership Act, 15 July 2014, Article 6(3).

⁹⁸ Anti-discrimination Act, 9 July 2008, Article 1.

⁹⁹ Anti-discrimination Act, 9 July 2008, Article 9(3).

¹⁰⁰ Anti-discrimination Act, 9 July 2008, Article 2(2).

¹⁰¹ Labour Act, 15 July 2014, Article 7(4) and Same-sex Life Partnership Act, 15 July 2014, Article 6(3).

¹⁰² Anti-discrimination Act, 9 July 2008, Article 1.

¹⁰³ Anti-discrimination Act, 9 July 2008, Article 2(2).

¹⁰⁴ Constitution of the Republic of Croatia, 22 December 1990, Article 16.

There is still no ordinary court case law on indirect discrimination and the justification test.

The issue of indirect discrimination had been raised in several court proceedings; however, the final results of these proceedings were such that indirect discrimination was not explicitly determined.¹⁰⁵

From the case law so far, it can be argued that the concept of indirect discrimination is perhaps not well understood by the courts or by victims of discrimination themselves.

Some examples of indirect discrimination are mentioned in the People's Ombudsperson's annual reports. The Ombudsperson acted in several cases of indirect discrimination on different discrimination grounds and found indirect discrimination, for example, in cases relating to conditions for the promotion of a police officer on the basis of a health condition,¹⁰⁶ implementation of epidemiological measures and work from home on the basis of financial status¹⁰⁷ and indirect discrimination against Roma families in exercising social welfare rights.¹⁰⁸

2.5.1 Statistical evidence

a) Legal framework

In Croatia, there is legislation regulating the collection of personal data.

The main piece of legislation on data collection in Croatia was the Personal Data Protection Act.¹⁰⁹ However, on 25 May 2018, Regulation 2016/679, of the European Parliament and of the Council of 27 April 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the General Data Protection Regulation) entered into force in Croatia.

According to the Official Statistics Act, the Croatian Bureau of Statistics is the main holder, disseminator and coordinator of official statistics, but official statistics are also collected by other administrative bodies such as the City of Zagreb's official statistics office, the Croatian National Bank and other bodies defined by the Statistic Activities Programme, which is defined by the Official Statistics Act establishing long-term statistics activities.¹¹⁰

The People's Ombudsperson has pointed out that race, ethnicity, skin colour and national origin are particularly sensitive personal data, but nevertheless, the collection of such data is very important for the effective suppression of discrimination.¹¹¹ The Ombudsperson has therefore reiterated its instructions to the relevant state administration and public authorities, in particular those dealing with health, social welfare, labour, pension insurance and education, to start collecting and processing such data by applying appropriate safeguards, leaving each authority to define its own guidelines for dealing with such data.

¹⁰⁵ High Misdemeanour Court of the Republic of Croatia, Decision no. JŽ-1434/2017, of 26 September 2018; Zagreb Municipal Labour Court, Decision no: Pr-9812/13 of 23 May 2014, Zagreb County Court, Decision no: GŽr-1367/14 of 18 November 2014, Supreme Court of the Republic of Croatia, Decision no. Revr-707/15 of 23 May 2017, Constitutional Court of the Republic of Croatia, Decision no. U-III-4748/17 of 9 October 2019.

¹⁰⁶ People's Ombudsperson (2021), [Report for 2020](#).

¹⁰⁷ People's Ombudsperson (2021), Report for 2020.

¹⁰⁸ People's Ombudsperson, Report for 2020.

¹⁰⁹ Personal Data Protection Act (Zakon o zaštiti osobnih podataka), 12 June 2003, Official Gazette 103/2003, 118/2006, 41/2008 and 130/2011, 106/2012. Other pieces of legislation on data collection are not relevant for this question, e.g. the Official Statistics Act (Zakon o službenoj statistici), 14 March 2020, Official Gazette 25/20, which regulates methodological and organisational issues of official statistics.

¹¹⁰ Official Statistics Act, 14 March 2020, Article 9.

¹¹¹ People's Ombudsperson (2020), [Report for 2019](#).

The Ombudsperson also noted that some bodies still believe that there is no legal basis and that they do not have the authority to collect special categories of personal data, such as data on ethnicity, religion and other personal characteristics. The Ombudsperson pointed out that the General Data Protection Regulation, although prohibiting the collection of personal data that reveal characteristics such as, for example, ethnic origin, political opinion or trade union membership, provides for exceptions including the collection of statistical data for the purpose of an overriding public interest, in addition to data collected with the direct consent of the person.

The Ombudsperson expressed the view that since equality and anti-discrimination are constitutionally guaranteed rights and are of important public interest, collection and storage of statistical, anonymised and pseudonymous data on national origin or ethnicity is in line with the GDPR.¹¹²

The People's Ombudsperson pointed out that the collection of ethnically disaggregated statistical data is important for understanding and correctly addressing discrimination issues, as well as monitoring the impact of the measures being implemented, and that these data should be carefully collected, stored and used, in accordance with European and international standards. However, according to available data from public and state bodies, a significant proportion of these bodies still do not collect such data.¹¹³

In Croatia, statistical evidence may be admitted under national law in order to establish indirect discrimination.

In Croatia, the use of statistical evidence in order to establish indirect discrimination is not regulated by national law.

There are no obstacles, in anti-discrimination law or in civil procedural legislation, to the use of statistical evidence. There is still no case law on this issue.

b) Practice

In Croatia, statistical evidence is very rarely used in practice in order to establish indirect discrimination.

In general, statistical evidence is very rarely used in anti-discrimination cases in order to establish any form of discrimination.

The evolution of the use of statistical data as evidence in court in other countries might influence Croatian national law. As good practice, it may encourage both NGOs and the courts to use it in discrimination cases.

In the case concerning racial discrimination against Roma students in primary schools in Međimurje¹¹⁴ (placing Roma children in separate Roma-only classes), the statistical data on the number of Roma and non-Roma children in each class in four schools obtained by the Ombudsperson Office was an important piece of evidence.¹¹⁵ The Constitutional Court ignored the statistical data in its decision¹¹⁶ and simply concluded that statistical data on the number of Roma children in separate classes 'are not in themselves sufficient to indicate that the defendants' practice was discriminatory'. Nevertheless, without those data, the claimants would have had significant problems in proving the existence of Roma-only classes, the drop-out rate and other issues significant for the case.

¹¹² People's Ombudsperson (2020), [Report for 2019](#).

¹¹³ [People's Ombudsperson \(2025\), Report for 2024](#).

¹¹⁴ ECtHR, Oršuš and others v Croatia, [GC] No. 15766/03, 16 March 2010.

¹¹⁵ Public Ombudsperson (2001), Report on the activities of the Ombudsperson in 2000 (not available online).

¹¹⁶ Constitutional Court, No. U-III-3138/2002, 7 February 2007.

2.6 Harassment (Article 2(3))

a) Prohibition and definition of harassment

In Croatia, harassment is prohibited in national law. The Anti-discrimination Act defines harassment as any unwanted conduct against any of the grounds prescribed in the Anti-discrimination Act, with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading or offensive environment.¹¹⁷

The Labour Act does not define harassment but refers to the Anti-discrimination Act as *lex specialis*.¹¹⁸

Therefore, the Labour Act uses the same term as the Anti-discrimination Act with the same meaning.

However, confusion has arisen due to equating of the terms 'harassment' and 'mobbing' (harassment at the workplace without a discriminatory element) in practice, because mobbing is not explicitly regulated in Croatian legislation but, in practice, courts apply the general rules on damages to cases of mobbing. For this reason, in mobbing claims, claimants often referred to harassment under the Labour Act, which was not in line with the law because harassment under the Labour Act implies the existence of a discriminatory element in accordance with the Anti-discrimination Act.

In a landmark case, a clearer distinction between harassment and mobbing has been established by the Constitutional Court, which determined that harassment (mobbing) includes every form of psycho-physical abuse in the workplace, regardless of whether or not it is caused by some of the prohibited grounds of discrimination under the Anti-discrimination Act.¹¹⁹ In this way, the Constitutional Court determined that employees can claim mobbing in the workplace, which does not need to be based on specific anti-discrimination grounds and harassment regulated by the Anti-discrimination Act which needs to be based on the anti-discrimination grounds prescribed by the Anti-discrimination Act. The Constitutional Court also expressed the opinion that the courts are obliged to interpret the laws broadly in order to provide protection to all persons whose rights have been violated, and that if the claimant does not argue that he was harassed in the sense of the Anti-discrimination Act, the courts are obliged to examine whether there are elements of mobbing in accordance with the general rules of the Civil Obligations Act; that is, harassment without a discriminatory element. The Supreme Court of the Republic of Croatia has confirmed the distinction established by the Constitutional Court in relation to 'harassment' (qualified as mobbing) on grounds not covered by the Anti-discrimination Act.¹²⁰

Nevertheless, case law continues to reveal a lack of clarity and a failure to distinguish between the concepts of mobbing and harassment. Claimants frequently conflate these notions and invoke discrimination even in situations where no protected ground is present and the case instead concerns workplace mobbing. In this regard, a 2025 case is particularly noteworthy. Although the claimant did not rely on a specific discriminatory ground, the court nevertheless established the existence of discrimination. The judgment did not analyse the case as one of harassment within the meaning of anti-discrimination law, nor did it clearly distinguish between discrimination, harassment and workplace mobbing.¹²¹

¹¹⁷ Anti-discrimination Act, 9 July 2008, Article 3(1).

¹¹⁸ Labour Act, 15 July 2014, Article 134.

¹¹⁹ Constitutional Court of the Republic of Croatia, Decision No. U-III-6791/2014, 30 May 2018, available at: [https://sljeme.usud.hr/Usud/praksaw.nsf/C12570D30061CE54C125829D00352755/\\$FILE/U-III-6791-2014.pdf](https://sljeme.usud.hr/Usud/praksaw.nsf/C12570D30061CE54C125829D00352755/$FILE/U-III-6791-2014.pdf).

¹²⁰ Supreme Court of the Republic of Croatia, Decision No. GŽ-4/2019, 11 June 2019, available at: <https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba8099dbe7>.

¹²¹ Osijek County Court, decision no. GŽ R-232/2023-4, 13 February 2025.

In their latest annual report, the Ombudsperson noted that, despite the Anti-Discrimination Act having been in force for 17 years, awareness and understanding of the legal framework on discrimination remain insufficient. The Ombudsperson stressed that this is particularly evident in the field of employment, where citizens often refer to discrimination in cases that may instead involve other forms of unlawful conduct, such as workplace harassment or mobbing not linked to a protected ground. The Ombudsperson emphasised that correctly identifying the nature of the unlawful conduct is crucial, as it enables individuals to seek protection through the legal remedies specifically designed to address the violation concerned.¹²²

The Criminal Code¹²³ defines sexual harassment as any verbal, non-verbal or physical unwanted conduct of a sexual nature with the purpose or effect of violating the dignity of a person and that creates an intimidating, hostile, degrading or offensive environment.¹²⁴ The Criminal Code also forbids 'humiliation, abuse and other forms of harassment' at a workplace if it damages the victim's health, without defining humiliation, abuse or harassment.

In Croatia, harassment explicitly constitutes a form of discrimination¹²⁵ as the Anti-discrimination Act lists harassment and sexual harassment, together with direct and indirect discrimination, encouragement to discriminate, failure to provide reasonable accommodation and segregation, as forms of discrimination.

b) Scope of liability for harassment

Where harassment is perpetrated by an employee in Croatia, the employer and the employee are liable.

In this regard, of relevance is the case in which a court determined that the claimant had been discriminated against and harassed in the workplace by his work colleagues on the basis of his nationality, ethnicity and religion. The court determined that the medical institution the claimant had worked for, as well as the institution's founding authority, were responsible for the discriminatory actions of their employees and ordered them to pay compensation to the claimant.¹²⁶

The Labour Act regulates an employer's obligations in respect of protection of an employee against harassment as defined under the Anti-discrimination act. An employer who employs at least 20 employees has to appoint a person who is to receive and decide on complaints of harassment. The complaint should be dealt with and adequate measures should be undertaken in no more than eight days. If an employer fails to do so, the employee has the right to stop working until protection is provided, without losing his or her right to salary, but must seek protection before the court within a maximum of eight days. Harassment is considered to be a violation of employment duties. Acting against harassment cannot be considered as a violation of employment duties.¹²⁷

The Civil Obligations Act regulates the liability of employers for the actions of employees. In general, an employer would be held liable for the discriminatory actions of their employee.¹²⁸ Regarding the liability of an employer for the actions of third parties against their employee, the employer is, in general, liable for the damages their employee suffers

¹²² People's Ombudsperson (2026), Report for 2025.

¹²³ Criminal Code (*Kazneni zakon*), 21 October 2011, *Official Gazette* [125/2011](#), [144/2012](#), [56/2015](#), [61/2015](#), [101/2017](#), [118/2018](#), [126/2019](#).

¹²⁴ Criminal Code, 21 October 2011, Article 156.

¹²⁵ Anti-discrimination Act, 9 July 2008, Article 3.

¹²⁶ Zagreb Municipal Labour Court, Decision No. Pr-636/17, of 18 July 2018. In 2019, Zagreb County Court confirmed the decision of the Municipal Labour Court, GŽR 1415/18, 12 February 2019.

¹²⁷ Labour Act, 15 July 2014, Article 134.

¹²⁸ Civil Obligations Act (*Zakon o obveznim odnosima*), 25 February 2005, *Official Gazette* 35/2005, 41/2008, 125/2011, 78/2015, 29/2018, 126/2021, 114/2022, 156/2022, 155/2023.

at work or in connection with work, although it remains to be seen how this provision will be applied in connection to any discriminatory actions of third parties against the employee.¹²⁹

Outside the field of employment, Croatian anti-discrimination legislation does not contain specific provisions on the liability of providers of education, social protection (including healthcare), social advantages, goods or services for third-party harassment, i.e. for failing to address harassment between staff/persons under their charge and third parties. No specific case law addressing such liability has been identified. However, where harassment occurs in areas covered by the Anti-discrimination Act, liability may arise under the general anti-discrimination framework and the rules of civil liability, depending on the circumstances of the case.

The individual harasser or discriminator would always be held liable.

Trade unions or professional associations could not be held liable for the actions of their members, but it is their obligation to implement codes of ethics and undertake disciplinary proceedings.

2.7 Instructions to discriminate (Article 2(4))

a) Prohibition of instructions to discriminate

In Croatia, instructions to discriminate are prohibited in national law. Instructions are not defined.

The Anti-discrimination Act prohibits encouragement to discriminate, while the Labour Act and the Same-sex Life Partnership Act do not have that specific provision, although general provisions of the Anti-discrimination Act are applicable.¹³⁰ The law does not clarify whether encouragement includes explicit instructions and/or preferences or suggestions with a discriminatory impact, or whether it refers only to encouragement and/or pressure. Case law has not yet taken a position on this issue. The term 'encouragement' should include instructions and incitement; however, further judicial interpretation is needed.

In Croatia, instructions explicitly constitute a form of discrimination as the Anti-discrimination Act lists encouragement to discriminate, together with direct and indirect discrimination, harassment and sexual harassment, failure to provide reasonable accommodation and segregation, as forms of discrimination.¹³¹

In Croatia, instructions to discriminate do not require a hierarchical relationship between the instructor and instructed person.

In a relevant case from 2025, initiated by a joint action, the court found that the defendant, by publishing a petition on its website entitled 'Let us protect children from same-sex adoption', discriminated against, encouraged discrimination against, and harassed LGBTIQ+ persons and their families (for more on the judgment please see section 12.2).¹³² The same defendant had already been found liable for discrimination, encouragement to discriminate and harassment of LGBTIQ+ persons in collective proceedings in 2023.¹³³

b) Scope of liability for instructions to discriminate

In Croatia, the instructor and the discriminator are liable.

¹²⁹ Labour Act, 15 July 2014, Article 111.

¹³⁰ Anti-discrimination Act, 9 July 2008, Article 4(1).

¹³¹ Anti-discrimination Act, 9 July 2008, Article 4(1).

¹³² Zagreb County Court, decision no. P-18/2023, 18 March 2025.

¹³³ Zagreb County Court, Decision no. P-23/22. 14 March 2023.

The law does not contain any specific provisions regarding the liability of legal persons for such actions, but as these actions are considered discrimination, the general provision on the liability of all legal and natural persons should apply (see section 2.6.b above).

2.8 Reasonable accommodation duties (Article 2(2)(b)(ii) and Article 5 Directive 2000/78)

- a) Implementation of the duty to provide reasonable accommodation for persons with disabilities in the area of employment

In Croatia, the duty on employers to provide reasonable accommodation for persons with disabilities is included in the law. It is defined.

The Anti-discrimination Act prohibits the failure to provide reasonable accommodation for persons with disabilities. It specifies that:

‘a failure to enable disabled persons to use publicly available resources, to participate in public and social life and to have access to the workplace and appropriate working conditions in line with their specific needs by adapting infrastructure and premises and by using equipment and other means which do not present an unreasonable burden for the person obliged to provide it, is considered discrimination.’¹³⁴

Despite the use of the term ‘disabled persons’ in the statutory definition, Croatian law does not appear to impose a general anticipatory duty to identify and remove barriers in advance. The obligation to provide reasonable accommodation is primarily understood as an individualised and reactive duty triggered by the circumstances of a particular person with a disability.

The Act on Professional Rehabilitation and Employment of Persons with Disability¹³⁵ defines a reasonable accommodation of a workplace (and work in general) as a necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure employment and work for persons with disabilities on an equal basis with others.¹³⁶

The Anti-discrimination Act is a general law that regulates discrimination and is applicable to different areas, while the Act on Professional Rehabilitation refers only to the area of employment and regulates the duty of reasonable accommodation of the workplace. The main purpose of the Act on Professional Rehabilitation and Employment of Persons with Disability is the protection of the rights of the persons with disabilities to work and the promotion of their employment.

When claiming reasonable accommodation, a person can refer either to the Anti-discrimination Act or the Act on Professional Rehabilitation and Employment of Persons with Disabilities, or to both Acts, as the relevant law. This choice of relevant law does not have any impact on the outcome of proceedings. However, as only the Act on Professional Rehabilitation and Employment of Persons with Disabilities regulates failure to provide reasonable accommodation as a misdemeanour, for the purpose of misdemeanour proceedings the Act on Professional Rehabilitation and Employment of Persons with Disabilities is relevant and needs to be referred to.

¹³⁴ Anti-discrimination Act, 9 July 2008, Article 4(2). The expression ‘other means’ implies any other way of making accommodation, for example changing procedures and practices, redeployment, changing working hours, etc.

¹³⁵ Act on Professional Rehabilitation and Employment of Persons with Disability, 13 December 2013.

¹³⁶ Act on Professional Rehabilitation and Employment of Persons with Disability, 13 December 2013, Article 7(2).

The reasonable accommodation duty is imposed on both public and private employers of any size. The burden of proof should be shifted when claiming the right to reasonable accommodation, as in other cases of discrimination. However, there is no case law on this issue.

Employees in the private and public sectors essentially enjoy equal rights. Employees whose employment is based on an employment contract are subject to the Labour Law, while civil servants who are appointed to public service by a formal decision are subject to the Civil Servants Act. The rights and obligations arising under the Anti-Discrimination Act and the Act on Professional Rehabilitation and Employment of Persons with Disabilities apply equally to employees in the public and private sectors.

The Labour Act stipulates that when an employee's disability has occurred during their employment, the employer has to accommodate the employee with disability in accordance with the expert recommendation of the Institute for Medical Assessment, Professional Rehabilitation and Employment of Persons with Disabilities, which conducts professional assessment and establishes the employee's reduced working capacity. In situations in which the employee has a disability which results from an employment-related incident, but that does not involve reduced working capacity, the employer has reasonable accommodation duties in accordance with the Anti-discrimination Act and the Act on Professional Rehabilitation and Employment of Persons with Disability.

According to the Act on Professional Rehabilitation and Employment of Persons with Disability, employers are obliged to implement adequate measures regarding workplace adjustments, working hours, monitoring of accommodation, supervision and working ability evaluation, in accordance with the individual needs of employees with disability.¹³⁷ All employers are eligible for state funding to help with the costs of reasonable accommodation and for certain incentives if employing a worker with disability entered in the register of employed persons with disabilities.¹³⁸

The Anti-discrimination Act does not set criteria for assessing the extent of the duty to provide reasonable accommodation nor does it define in any way what a reasonable or unreasonable burden would be. There is no definition of 'disproportionate burden'. It is up to the courts to determine what factors are to be considered in deciding whether a burden is proportionate or disproportionate. The availability of financial assistance from the state is not considered in any sense in the text of the Anti-discrimination Act, nor does the Act make any distinction between the duties of private companies and state bodies and institutions.

The Institute for Medical Assessment, Professional Rehabilitation and Employment of Persons with Disabilities published a booklet with recommendations on making reasonable accommodation in the workplace. It is based on past experiences in working with employers and the need to ensure systematic and continuous support in planning the adaptation of the workplace according to the needs of persons with disabilities. The booklet contains practical, simple and easy-to-use instructions, and it is intended for employers, managers and colleagues, as well as for persons with disabilities. It contains instructions on reasonable accommodation duties for various medical conditions (autism, multiple sclerosis, alcoholism, arthritis, muscular dystrophy, Parkinson's disease, post-traumatic stress disorder, malignant tumours, traumatic injuries, hearing impairment, visual impairment, mobility difficulties – using a wheelchair, stroke, mental disorders, cerebral palsy, diabetes, depressive disorders, epilepsy...).¹³⁹

¹³⁷ Act on Professional Rehabilitation and Employment of Persons with Disability, 13 December 2013, Article 12(4).

¹³⁸ Act on Professional Rehabilitation and Employment of Persons with Disability, 13 December 2013, Article 29.

¹³⁹ Institute for medical assessment, expertise and employment of persons with disabilities, Guidelines with recommendations for reasonable accommodation, available at: https://www.zosi.hr/docs/prirucnik_s_preporukama_za_razumno_prilagodbu_radnog_mjesta.pdf;

The Institute recognises different types of reasonable accommodation of the workplace, including architectural adaptation (physical adaptation for easier accessibility of the space, removal of existing architectural barriers in the work environment, ensuring the possibility of access to all premises where a person with disabilities performs work tasks, installation of a ramp, elevator, lifting platform, wide door frames, corridor extension, adaptation of sanitary facilities, etc.); technical adjustments (adaptation of equipment and means of work with the purpose of performing tasks independently, provision of additional lighting, sound or light signalling, suitable telephone, keyboard, use of assistive technology, custom-made furniture, office desk with the possibility of height adjustment, massage chair or other specific aids, depending on the needs of the individual employee); psychosocial adjustments of the workplace and work environment (support in work, cooperation with others, more frequent control of work performance tasks, encouragement, additional effort of other employees); cognitive adjustments (simplification of work operations, work assistance in the execution of part of the work tasks, providing clear instructions appropriate to the person's level of intellectual status and understanding, adjustment of the pace and complexity of work tasks, demonstration of the execution of tasks for better understanding, ensuring a longer time for the execution of the work task); organisational adjustments (flexibility in working hours, changing schedules, enabling the use of several shorter breaks instead of one longer one, redistribution of tasks among other employees, with respect to their existing workload and work schedule, changing the way of business communication between employees, provision of additional training or practice, a calm working atmosphere without many distractions, good working climate environment – without a lot of noise, murmurs, phone calls...).

b) Case law

In a landmark 2016 decision, Zagreb County Court expressed the opinion that a breach of the guarantee of reasonable accommodation cannot be interpreted only as a separate violation of the principle of non-discrimination, but could also be relevant for the assessment of the alleged discriminatory treatment. The fact that the employer did not meet its obligation to reasonably adapt the conditions of a particular workplace to the needs of an employee with a disability is also relevant in assessing the existence of a hostile work environment. Moreover, a violation of the obligation to make reasonable accommodations is sufficient for the court to presume that adverse conduct in terms of the emergence of a hostile work environment may have been contingent on the ground of disability.¹⁴⁰

The Disability Ombudsperson constantly receives complaints regarding reasonable accommodation duties and presents them in her annual reports. She regularly points out that the most common form of discrimination against persons with disabilities in the area of employment is the lack of reasonable accommodation. The Ombudsperson has also reported on cases involving discrimination related to disability by association, including cases concerning employees who are primary carers of family members with disabilities. The duty to provide reasonable accommodation under Croatian law is limited to persons with disabilities and does not extend to primary carers or family members of persons with disabilities.¹⁴¹

In their 2025 annual report, the Disability Ombudsperson reported that during 2025 a significant number of complaints concerning discrimination against persons with disabilities related to the failure to provide reasonable accommodation of working conditions, work organisation, and the workplace itself had been received. In this regard, the Disability

https://www.zosi.hr/docs/prirucnik_s_preporukama_za_razumnu_prilagodbu_radnog_mjesta_ii.pdf;
https://www.hzz.hr/app/uploads/2022/09/ZOSI-prirucnik_s_preporukama_za_razumnu_prilagodbu_radnog_mjesta_iii-1.pdf.

¹⁴⁰ Zagreb County Court, Decision No. Gžr-1708/16, 20 December 2016.

¹⁴¹ Ombudsperson for Persons with Disabilities, [Annual reports](#).

Ombudsperson noted that providing appropriate accommodations is essential to enable persons with disabilities to perform their job duties effectively and participate in working life on an equal basis with others. Furthermore, the Disability Ombudsperson commented that in proceedings concerning these complaints, employers frequently argued that certain measures had been taken, however, such measures were often not tailored to the actual needs of the person in question or were insufficient. In many cases, reasonable accommodation measures were introduced without a genuine dialogue with the employee regarding which accommodations were necessary and effective. In handling complaints, the Disability Ombudsperson repeatedly observed patterns of communication in which requests for additional accommodations were characterised as excessive or unjustified, thereby shifting responsibility for inadequate working conditions onto the employee. The Disability Ombudsperson stressed that such an approach may create pressure and insecurity in the workplace and discourage persons with disabilities from requesting further accommodations, even where these are necessary. The Disability Ombudsperson emphasised that reasonable accommodation is not a privilege or a matter of employer goodwill, but a legal obligation arising from the right of persons with disabilities to work on an equal basis with others. Decisions concerning employment-related rights, including the right to reasonable accommodation, should not depend on an employer's subjective assessment of whether a request is 'justified'. Accommodation measures must be appropriate and aligned with the specific job tasks and working conditions in question, with the aim of removing disability-related barriers to work and enabling persons with disabilities to participate effectively and equally in employment.¹⁴²

In connection to this, the Disability Ombudsperson reported on a case concerning a civil servant with a disability who was employed in a state administrative body. Due to severe mobility difficulties and chronic pain, she requested reasonable accommodation in the form of an expanded possibility to work from home. She argued that such an arrangement would enable her to perform her duties more effectively without aggravating her health condition. The employer stated that she had already been granted the right to work from home one day per week, under the same conditions as other civil servants, relying on the general rules governing remote work. The proceedings did not indicate that an individualised assessment of disability-related needs had been carried out, nor that any dialogue had taken place regarding possible reasonable accommodation measures. The Disability Ombudsperson pointed out that formally identical treatment of civil servants with disabilities and those without disabilities does not necessarily amount to substantive equality and recommended that the request be reconsidered and appropriate reasonable accommodation measures identified. The employer did not follow this recommendation, and the complainant is considering initiating court proceedings to protect her rights.¹⁴³

c) Definition of disability and non-discrimination protection

The definition of a disability for the purposes of claiming reasonable accommodation is not different from the one for claiming protection from non-discrimination in general (see section 2.1 c above). The definition is the same in the private and the general public sector.

The Anti-discrimination Act does not define disability. When claiming rights under the Anti-discrimination Act, the definition prescribed by the Social Welfare Act and the Act on Professional Rehabilitation and Employment of Persons with Disability can be applied as well as the guidance on who is to be regarded as a person with disability, prescribed by the Convention on the Rights of Persons with Disabilities.

It is not always necessary for the court, in anti-discrimination proceedings, to rely on specific definitions, as, in some cases, disability is visible, and usually the existence of the claimant's disability is not even disputed by the opposite party. In a relevant case where the issue of the existence of disability was addressed, the court referred to the Convention

¹⁴² Disability Ombudsperson (2026), Report for 2025.

¹⁴³ Disability Ombudsperson (2026), Report for 2025.

on the Rights of Persons with Disabilities, as well as the Act on the Register of Persons with Disabilities.¹⁴⁴ In Croatia, there is a single expert body competent to establish disability (in the pension, health insurance, employment and labour, and social care systems, etc.) – the Institute for Medical Assessment, Professional Rehabilitation and Employment of Persons with Disabilities.¹⁴⁵ The task of the Institute is to establish the degree of disability in each individual case as well as the needs and capabilities of the person regarding their ability to perform professional duties, etc., on the basis of which the individual can then claim their rights, including the right to reasonable accommodation. According to the law, the Institute should have a significant role in the employment of persons with disabilities through advising employers regarding the reasonable accommodation duties;¹⁴⁶ however, in the author's opinion, in practice, the role of the Institute is primarily reduced to expert examination of the degree of disability, and is less about providing assistance to employers and persons with disabilities regarding their actual employment.¹⁴⁷

The medical assessment is conducted by a panel of experts: medical doctors, social workers, psychologists, educational rehabilitation professionals and pedagogues. The degree of disability is established according to the Ordinance on the assessment methodology, which regulates proceedings and criteria for the determination of disability.¹⁴⁸

The purpose of setting up the Institute was to create a single body for medical assessment, the opinions of which would be relevant for achieving different types of disability rights under different procedures; however, this has not yet been achieved as, in practice, persons with disabilities are still repeatedly referred for assessments and a new assessment is usually required for claiming each right and for any proceedings. The Disability Ombudsperson regularly draws attention to this issue in annual reports.¹⁴⁹ Furthermore, other problems in connection with the functioning of the Institute have emerged, the most important of which is the length of the procedure. The Disability Ombudsperson has also consistently warned of shortcomings in the implementation of assessment procedures, which affect the realisation of rights of persons with disabilities, and emphasises the need for greater functionality of the Institute for Medical Assessment, Professional Rehabilitation and Employment of Persons with Disabilities.¹⁵⁰

Although the expert opinion of the Institute for Medical Assessment and Professional Rehabilitation is used as a basis for achieving disability rights (pension, social rights, etc.), it is not completely clear whether the law requires the expert opinion of the Institute for claiming reasonable accommodation, and the Ombudsperson herself does not have a clear standpoint on this issue. The Act on the professional rehabilitation and employment of persons with disability does not provide sufficient detail on whether or not it is necessary for a person claiming reasonable accommodation rights to present a medical assessment of disability (as, for example, when claiming a priority right in employment, when it is necessary to present proof of disability as a condition for exercising that right).

Also, in order for an employer to exercise their right to certain benefits when employing a person with disability, they have to provide, for each employee with disability, an expert assessment by the Institute for Medical Assessment, Professional Rehabilitation and

¹⁴⁴ Rijeka County Court, Decision no. GŽ-2214/2021, 8 May 2024.

¹⁴⁵ Act on the single expert body, 4 July 2014, Official Gazette 85/2014, 95/2015, 102/15 Zakon o jedinstvenom tijelu vještačenja. There is no official translation of the name of the institute. The direct translation from Croatian would be 'Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities', however, for greater clarity, the name 'Institute for Medical Assessment, Professional Rehabilitation and Employment of Persons with Disabilities' is used throughout the report.

¹⁴⁶ Act on Professional Rehabilitation and Employment of Persons with Disability, 13 December 2013, Article 37.

¹⁴⁷ Act on Professional Rehabilitation and Employment of Persons with Disability, 13 December 2013, Article 37.

¹⁴⁸ Ordinance on the assessment methodology (Uredba o metodologijama vještačenja), 31 August 2023, Official Gazette NN 96/23.

¹⁴⁹ Ombudsperson for Persons with Disabilities (2022), [Report for 2021](#).

¹⁵⁰ European Semester 2018/2019 country fiche on disability, available at: <https://www.disability-europe.net/country/croatia>.

Employment of Persons with Disabilities, and the reasonable accommodation plan is part of such an assessment. The Regulations on the content and manner of keeping the register of employed persons with disabilities provide that persons with disabilities entered in the register are included in the quota of employed persons with disabilities under the Act on the professional rehabilitation and employment of persons with disability.¹⁵¹ The Regulations provide that persons with disabilities may enter the register if they have acquired disability status by the decision of the competent body and according to various regulations in relation to social care, pension insurance, etc. Furthermore, the Regulations on the incentives for the employment of persons with disabilities state that incentives can be provided only for the employment of persons who are entered on the register of employed persons with disabilities.¹⁵²

The duty to provide reasonable accommodation is not explicitly restricted only to persons who have an expert assessment from the Institute for Medical Assessment, Professional Rehabilitation and Employment of Persons with Disabilities.¹⁵³

The Disability Ombudsperson expressed the view that employers should be required to contact the Institute for Professional Rehabilitation in cases where employees with disabilities claim reasonable accommodation rights to determine appropriate workplace accommodations that need to be made and whether they represent a disproportionate burden for the employer.¹⁵⁴

d) Failure to meet the duty of reasonable accommodation for persons with disabilities

In Croatia, failure to meet the duty of reasonable accommodation in employment for persons with disabilities is recognised as a form of discrimination in both the private and the general public sectors under the Anti-discrimination Act.

The Anti-discrimination Act stipulates that failure to provide reasonable accommodation to persons with disabilities constitutes discrimination, not only in the area of employment, but also in the area of use of publicly available resources and participation in public and social life.¹⁵⁵

The Act on the professional rehabilitation and employment of persons with disability does not explicitly recognise failure to provide reasonable accommodation as discrimination. It states in general that reasonable accommodation means 'necessary and appropriate adjustment, which does not represent a disproportionate or inappropriate burden, in order to ensure employment and work of persons with disabilities on an equal basis with others'.¹⁵⁶ In annual reports, the Disability Ombudsperson always notes that the failure to meet the duty of reasonable accommodation counts as discrimination and is the most common form of discrimination towards persons with disabilities.¹⁵⁷

Croatian law does not specify whether a failure to provide reasonable accommodation constitutes direct, indirect, or sui generis discrimination. The distinction between accessibility obligations and reasonable accommodation is also not always clearly articulated in judicial practice. In a 2025 case concerning the accessibility of public

¹⁵¹ Regulations on the content and manner of keeping the register of employed persons with disabilities (Pravilnik o sadržaju i načinu vođenja očevidnika zaposlenih osoba s invaliditetom) 22 August 2018, Official Gazette 75/2018.

¹⁵² Regulations on the incentives for employment of persons with disabilities (Pravilnik o poticajima pri zapošljavanju osoba sa invaliditetom), 1 January 2021, Official Gazette 145/20.

¹⁵³ As mentioned above, it is not completely clear whether the law requires the expert opinion of the Institute for claiming reasonable accommodation, and the Ombudsperson herself does not have a clear standpoint on this issue.

¹⁵⁴ Ombudsperson for Persons with Disabilities (2021), [Report for 2020](#).

¹⁵⁵ Anti-discrimination Act, 9 July 2008, Article 4(2).

¹⁵⁶ Act on Professional Rehabilitation and Employment of Persons with Disability, 13 December 2013, Article 7(2).

¹⁵⁷ Ombudsperson for Persons with Disabilities (2024), [Report for 2023](#).

transportation for persons with disabilities, the court found that the lack of accessibility resulted in discrimination on the ground of disability and classified the conduct as direct discrimination (see section 2.8.e below). The Anti-discrimination Act does not provide a justification defence, but refers to 'unreasonable burden', which can be used as justification for the non-implementation of reasonable accommodation measures. However, there are no known cases in which this issue has been raised. In addition, the Disability Ombudsperson has not noted in any of her reports that this would in any way present an obstacle for reasonable accommodation duties to be fulfilled.

In a relevant case from 2025, the court found that the claimant and his minor daughter had been discriminated against through the actions of the claimant's employer, who had rejected his request for an adjustment of working hours that enable him to take his daughter, who suffers from a serious illness, to kindergarten, as well as to medical examinations and rehabilitation sessions, all of which take place in the morning hours. The Court found that the employer's decision was contrary to Article 1(2) of the Convention on the Rights of Persons with Disabilities. The Court concluded that discrimination also includes a failure to ensure that persons with disabilities are able to make use of publicly available services and resources. In the present case, this concerned the effective denial of access to kindergarten attendance and to necessary medical procedures and therapies. The defendant, acting as the employer of the first claimant, had failed to provide reasonable accommodation by adjusting his working hours and balancing the interests of the employer with those of the claimant, despite having the possibility to do so. The Ombudsperson for Persons with Disabilities participated in the proceedings as an intervener (for more on the judgment, please see section 12.2).¹⁵⁸

Another relevant case concerned a claim alleging discrimination due to a failure to provide reasonable accommodation in the workplace. The claimant, a deputy state attorney with a disability, requested to be allowed to work in a nearby building equipped with a lift after her department had been relocated to premises without lift access, which she could no longer reach due to her medical condition. She argued that this organisational adjustment would not impose a disproportionate burden on the employer. The court found that the requested adjustment could be considered reasonable and would not significantly affect the functioning of the office. However, it ultimately dismissed the claim, concluding that the employer had taken steps to assess the request and that the claimant had been largely on sick leave during the relevant period, meaning that she had not been placed at a disadvantage in access to her position during that time. The judgment is not yet final.¹⁵⁹ The Ombudsperson for Persons with Disabilities participated in the proceedings as an intervener (for more on the judgment, see section 12.2).

Finally, another relevant case concerns a claimant, a sales assistant with a disability who was dismissed after arriving late to work because of cognitive and physical symptoms of his condition, which were known to the employer. Expert evidence conducted during the proceedings confirmed that his lateness could be linked to his illness and treatment. The court found that the claimant had been placed at a disadvantage due to his health condition and that the employer had failed to explore possible adjustments to work duties or schedules in accordance with the law on professional rehabilitation and employment of persons with disabilities, concluding that the employer could not justify the dismissal as based on culpable conduct (for more on the judgment, please see section 12.2).¹⁶⁰

A victim could initiate a civil case and ask for compensation and/or activities that eliminate discrimination or its consequences to be carried out. Failure to provide reasonable accommodation is not among misdemeanours regulated by the Anti-discrimination Act but

¹⁵⁸ Rijeka County Court, decision no. GŽR-880/2022, 26 February 2026.

¹⁵⁹ Požega Municipal Court, decision no. Pr-6/2025-10, 27 August 2025.

¹⁶⁰ Zagreb Municipal Labour Court, decision no. Pr-361/2024, 29 August 2025.

it is still recognised as amounting to discrimination.¹⁶¹ However, the failure of an employer to provide reasonable accommodation for an employee with disability is a misdemeanour regulated by the Act on Professional Rehabilitation and Employment of Persons with Disability.¹⁶² A fine is imposed on legal entities, natural persons and responsible persons in legal entities, while different levels of fine are set for different categories (from EUR 133 (HRK 1 000) to EUR 4 000 (HRK 30 000)).¹⁶³

The labour inspectorate does not interpret the failure of the employer to ensure reasonable accommodation as a violation of labour regulations, which means that persons with disabilities are left to seek their right to reasonable accommodation through court proceedings. In cases in which the employer complies with the reasonable accommodation duty, it is perceived that the employee should show gratitude, ignoring the point that reasonable accommodation is the employer's legal obligation and the right of the person with disability.¹⁶⁴

The Disability Ombudsperson regularly reports that persons with disabilities are often exposed to harassment and misunderstanding by their superiors and colleagues when claiming reasonable accommodation rights. Furthermore, the large number of complaints regarding the denial of reasonable accommodation in the workplace indicates a negative attitude towards this particular right of persons with disabilities. In her annual reports, the Disability Ombudsperson has repeatedly stated that fulfilment of the reasonable accommodation duties by the employer must not be perceived as the 'good will' of the employer but as a fundamental right of persons with disabilities.¹⁶⁵ In this regard, the Disability Ombudsperson highlighted a case of a person with disability who moves using a wheelchair and stated so in her job application. After receiving an invitation to an interview, she called the employer to check whether the building has an adapted entrance for persons in a wheelchair and was told that the building had an elevator. However, an hour before the scheduled interview, the employer informed her over the phone that the building did not have adapted access for persons moving with the help of a wheelchair, for which reason she was unable to attend the job interview. The Ombudsperson issued a warning to the employer, pointing to his obligation to provide reasonable accommodation when conducting job interviews for candidates who are persons with disabilities.¹⁶⁶

In their annual reports the Disability Ombudsperson regularly points out that the largest number of complaints on discrimination based on disability in the workplace relates to the denial of the right to reasonable accommodation of the workplace, working conditions and work organisation. In this regard, the Ombudsperson stated that employers in such cases usually argue that the employee with disability does not appreciate the employer's efforts, or that the employee is problematic or too demanding. In these cases, the Disability Ombudsperson has instructed the employers that a reasonable accommodation is the right of a person with a disability, and that it must be adequate to be successful in practice and in line with the working conditions required by the specific workplace.

In addition, the Ombudsperson has pointed out that employers often have a negative attitude towards employees with disability, followed by emotional manipulation by imputation of ingratitude, so persons with disabilities often give up their requests or are afraid to ask for other or additional adjustments. The Ombudsperson also observed that

¹⁶¹ For remedies and procedures, see section 6.1.a below. Misdemeanours regulated by the Anti-discrimination Act are harassment, sexual harassment, victimisation and failure to submit declarations, data and documents related to discrimination at the request of the Ombudsperson or a special ombudsperson.

¹⁶² Act on Professional Rehabilitation and Employment of Persons with Disability, 13 December 2013, Article 41(1)(5).

¹⁶³ The obligation to make reasonable accommodation is not strictly prescribed, however, if the employer does not make reasonable accommodation new misdemeanour proceedings can be initiated against him. The obligation to make reasonable accommodation may be ordered only by the civil court.

¹⁶⁴ Ombudsperson for Persons with Disabilities (2020), [Report for 2019](#).

¹⁶⁵ Disability Ombudsperson (2025), Report for 2024.

¹⁶⁶ Ombudsperson for Persons with Disabilities (2023), [Report for 2022](#).

the burden of recognising and realising the right to reasonable accommodation rests exclusively on the person with a disability who requests such accommodation¹⁶⁷

- e) Duties to provide reasonable accommodation in areas other than employment for persons with disabilities

In Croatia, there is a legal duty to provide reasonable accommodation for persons with disabilities outside the area of employment. The Anti-discrimination Act prohibits the failure to provide reasonable accommodation for persons with disabilities outside the area of employment and defines it (for the exact wording see section 2.8.a above). Such a failure is considered discrimination.¹⁶⁸ The Anti-discrimination Act specifies that reasonable accommodation duties exist whenever they are needed to enable persons with disabilities, according to their specific needs, to use publicly available resources and to participate in public and social life.¹⁶⁹ It is left to the courts to interpret the scope of the use of 'publicly available resources' and participation in 'public and social life'.

The Rules on primary and secondary education of students with developmental difficulties regulate various types of support and the inclusion of students with disabilities in the mainstream education system (although there are significant problems in implementation).¹⁷⁰ The purpose of the rules is to determine the types of disabilities on the basis of which students have the right to appropriate schooling programmes, professional support and adaptation, as a form of reasonable accommodation.

In its annual reports, the Disability Ombudsperson repeatedly points out the problems faced by students in connection with reasonable accommodation in education: technical barriers; inflexible implementation of the rules on placement (inability to be placed in a school more convenient for a child with disability instead of placement by residence); and the resistance of school authorities to enrol a student with disability because of the reasonable accommodation obligations.

The case law acknowledged the reasonable accommodation duties in the area of education.¹⁷¹

Certain problems regarding the courts' interpretation of the reasonable accommodation duties have also been noted. An example is the opinion of a second-instance court in a case involving a student with developmental issues, who filed an anti-discrimination claim due to the school's failure to comply with reasonable accommodation duties. The court rejected the claim on the basis of a comparison between children with disabilities and children without disabilities, in which it determined that standards for schooling in regular schools also do not meet prescribed criteria (for example in terms of classroom size, equipment, infrastructure, etc.) which is common knowledge in Croatia, and that there is a similar situation in special schools for children with disabilities, meaning that the conditions are the same for all children regardless of their disability. The court then concluded that this cannot be considered to be discriminatory towards children with disabilities.

Therefore, although the school did not comply with relevant regulations, the court still found that there was no duty to make reasonable accommodation to meet the needs of

¹⁶⁷ Ombudsperson for Persons with Disabilities (2024), [Report for 2023](#).

¹⁶⁸ Anti-discrimination Act, 9 July 2008, Article 4(2).

¹⁶⁹ Anti-discrimination Act, 9 July 2008, Article 4(2).

¹⁷⁰ Rules on primary and secondary education of students with developmental difficulties, 23 February 2015, Official Gazette 24/2015, *Pravilnik o osnovnoškolskom i srednjoškolskom odgoju i obrazovanju učenika s teškoćama u razvoju*. There is a lack of educational programmes adjusted to persons with disabilities, a lack of adequate textbooks and teaching tools, a lack of teachers trained to work with students with special needs, architectural and transport barriers and a lack of regulation in connection with the work of assistants (in relation to employment, qualifications, pay, responsibilities, etc).

¹⁷¹ Varaždin County Court, Koprivnica Permanent Service, Decision No. GŽ-647/2019, of 16 May 2019.

the child. Following an appeal filed by the claimant, a retrial was ordered by the Supreme Court of the Republic of Croatia. In 2023, the Municipal Court finally issued a new decision in this case: it determined that the student had been exposed to severe, prolonged and repeated discrimination on the basis of her disability, and ordered the school, and the city of Z. as the authority responsible for the school, to pay non-pecuniary damages to the amount of EUR 27 000.¹⁷² This decision was confirmed in 2024 by the County Court ruling.¹⁷³

There are no rules at the national level that would regulate reasonable accommodation duties in the field of higher education.

The Science and Higher Education Act¹⁷⁴ obliges higher education institutions to secure equality in opening the enrolment process to all, regardless of disability, but it does not prescribe reasonable accommodation duties in respect of disability (with the exception of the right to transportation from home to school). It stipulates that a student with a disability, in accordance with the general act of the higher education institution, can study according to the adjusted conditions of study attendance. Therefore, reasonable accommodation is prescribed here as a possibility, the realisation of which depends on the higher education institution itself, and not as a right of a student with a disability and an obligation on each higher education institution to enable the student to exercise such a right.¹⁷⁵ In addition, the Science and Higher Education Act does not contain a definition of a student with disability.

All of this was heavily criticised by the Disability Ombudsperson, who stated that without reasonable accommodation and necessary support, students with disabilities cannot be guaranteed the ability to study on an equal basis with others.¹⁷⁶

The Disability Ombudsperson has stated the need to establish a legal definition of the rights of students with disabilities, and has recommended that students with disabilities should be defined as those who, because of their illness and/or health impairment, have difficulties in realising academic activities because of which there is a need to provide them with appropriate adjustments and support.¹⁷⁷

In March 2023, a National Plan for the Development of the Education System was adopted with an accompanying action plan, setting out, as one of its special aims, the goal of providing full access to education for students with disabilities by 2027. Planned measures to achieve this aim include increasing the availability of preschool programmes and mechanisms of professional support for children and parents of children with developmental disabilities, and the improvement of primary and secondary education of students with developmental difficulties by providing a curriculum and professional support mechanisms for students and parents of students with developmental difficulties etc. In addition, the National Plan sets as one of its goals the establishment and standardisation of rights and mechanisms of support and procedures for exercising the rights of students with disabilities at higher education institutions.¹⁷⁸

In the Anti-discrimination Act and other relevant laws, there is no definition of 'disproportionate burden'. It is up to the courts to determine what factors are to be considered in deciding whether a burden is proportionate or disproportionate.

¹⁷² Sesvete Municipal Court, decision No. Pn-5/2023, 29 November 2023.

¹⁷³ Dubrovnik County Court, decision no. GŽ-157/2024, 24 July 2024.

¹⁷⁴ Higher Education and Science Act (Zakon o visokom obrazovanju i znanstvenoj djelatnosti), 22 October 2022, Official Gazette 119/22.

¹⁷⁵ Higher Education and Science Act, 22 October 2022, Article 77 (4), and Article 78 (3). It is not clear why the Science and Higher Education Act established reasonable accommodation only in transportation.

¹⁷⁶ Ombudsperson for Persons with Disabilities (2024), [Report for 2023](#).

¹⁷⁷ Disability Ombudsperson (2019), Report for 2018.

¹⁷⁸ Government of the Republic of Croatia, [National Plan for the Development of the Education System for the period until 2027](#), March 2023.

The law makes no distinction between the duties of private and state bodies and institutions.¹⁷⁹

In *Guberina v. Croatia* (please see section 2.3), the European Court of Human Rights found a violation of Article 14 (prohibition of discrimination) of the European Convention on Human Rights in conjunction with Article 1 of Protocol No. 1 (protection of property) to the Convention. In this case, the authorities had failed to recognise the difference between the circumstances of the applicant – a father of a child with a disability who asked for a tax exemption on the basis of meeting the housing needs of his family with regard to basic infrastructure requirements – in comparison with other people seeking a tax exemption. The ECtHR found that the domestic authorities had taken too restrictive an approach and had disregarded other provisions of domestic law, which address the question of accessibility of buildings for persons with disabilities, as well as Croatia's obligations under the UN Convention on the Rights of Persons with Disabilities, and had thus failed to comply with the duty of reasonable accommodation by allowing the father to benefit from the tax exemption when purchasing accessible housing.

There were also several relevant cases concerning accessibility to court buildings, store premises etc.¹⁸⁰ In one such case, a wheelchair user challenged the lack of accessible access to hotel premises where a public event was being held. The claimant argued that the failure to implement measures enabling access to the building constituted direct disability discrimination and violated, inter alia, his rights to accessibility, reasonable accommodation and equal treatment. The barriers included steps and revolving doors at the entrance to the hotel. In this case, the court stated that providing access only by physically carrying a wheelchair user into the building could not be regarded as an adequate solution. Although the case primarily concerned accessibility barriers in premises open to the public, the court also examined whether the measures taken by the defendant could be regarded as reasonable accommodation and whether further adaptations would have imposed a disproportionate burden.¹⁸¹

A relevant 2025 case concerned a claimant who is lawyer and quadriplegic and relies on powered wheelchairs and could not independently access the Administrative Court in Rijeka due to architectural barriers at the building entrance. The first-instance court dismissed the claim, finding that the claimant had not proven that the defendant had failed to take necessary measures to provide reasonable accommodation, and that he had not been substantively disadvantaged in his professional role, as he had accessed the building as a party rather than in his capacity as a lawyer. On appeal, the second-instance court upheld the claimant's appeal and remitted the case for repeated proceedings. The court clarified that the burden of proof rests with the defendant, as the claimant had made it plausible that discrimination had occurred. The court concluded that the defendant must demonstrate that all appropriate measures were taken to remove architectural barriers and enable the claimant, as a person with a disability, to access the court independently, regardless of whether he enters as a party or in his professional capacity as a lawyer (for more on the judgment, please see section 12.2).¹⁸²

¹⁷⁹ Article 8 of the Anti-discrimination Act provides that the Act is applicable to the conduct of all state bodies, regional and local self-government units and legal persons in public authorities as well as to the conduct of all legal and natural persons, which begs the conclusion that it makes no distinction between the duties of private and state bodies and institutions.

¹⁸⁰ Zagreb County Court, Decision no GŽ-1322/2021, 18 July 2022, Split County Court, Decision no. GŽ-845/21, 8 July 2022.

¹⁸¹ Split County Court, decision no. GŽ-1463/2023, 5 December 2023.

¹⁸² Varaždin County Court, Permanent Service in Koprivnica, decision no. GŽ-118/2025-2, 29 May 2025. The claimant in this case had already brought multiple proceedings against the Republic of Croatia regarding discrimination due to lack of accessibility of court buildings for persons using wheelchairs. In connection to this, the first-instance court in this case argued that the claimant had already obtained compensation in previous cases and that granting additional awards would be inconsistent with the purpose of the compensation. On appeal, the County Court clarified that the first-instance reasoning was unclear. It noted that the mere fact that the claimant has initiated multiple proceedings regarding inaccessible court premises cannot in itself justify denying non-pecuniary damages in a specific case, should discrimination and harm be

Also relevant is the case concerning Zagreb Electric Tram d.o.o., the operator of passenger tram services in Zagreb whose employee, a tram driver, refused to deploy a wheelchair ramp (allegedly because he himself had back problems and was therefore physically unable to deploy the ramp), preventing the claimant, who uses a wheelchair, from boarding. The court held that this constituted direct discrimination on the basis of disability, causing non-pecuniary harm by violating the claimant's rights to accessibility, equal treatment, equal access, reasonable accommodation, and personal rights. The court ordered the defendant to ensure that all low-floor trams in operation are equipped with suitable ramps and that all drivers are aware of their obligation to deploy them (for more on the judgment, please see section 12.2).¹⁸³

An interesting decision was delivered in misdemeanour proceedings against a defendant who had expanded a public street's plateau without the approval of the competent authorities. This act was classified as illegal construction work. Although the court found the defendant guilty, it chose not to impose a penalty. The court acknowledged that the defendant had undertaken the expansion to enhance accessibility for his wife, who has a disability and uses a wheelchair. This modification was intended to provide her with easier access to their home and public spaces, and to support her active lifestyle and social inclusion. The court also considered that before undertaking the construction, the defendant had submitted a request to the local authorities for the construction of a ramp and that, although this request was granted, the ramp had not been built in a reasonable time.¹⁸⁴

f) Duties to provide reasonable accommodation in respect of other grounds

In Croatia, there is no legal duty to provide reasonable accommodation in respect of other grounds in the public and the private sectors.

Some experts had expressed the view that in order to properly interpret Article 7 of the Labour Act, which regulates the prohibition of discrimination as one of the basic obligations of the employer towards the employee, it could be concluded that the employer is obliged to provide for reasonable accommodation on the basis of all prohibited grounds of discrimination. However, it would be necessary to introduce an explicit legal provision that would regulate this issue to avoid potential different interpretations.¹⁸⁵

There are some individual measures to accommodate the needs of a specific person on the ground of his/her religious beliefs.

While Catholic religious holidays are regulated by law as non-working days and, as such, are not limited only to members of the Catholic church, members of the three biggest religious minorities only (Orthodox Christians, Muslims and Jews) have a right to an additional day off on the days of their main religious holidays.¹⁸⁶ The Government also announced possible amendments to the Act on holidays, remembrance days and non-working days in accordance with the proposal of representatives of the Roma national minority and the Roma community to allow declared members of the Roma national minority the right to use the right to a non-working day on 8 April, when the World Day of Roma is marked.¹⁸⁷

established. The County Court concluded that each act of discrimination causing non-pecuniary harm must be assessed on its own merits, regardless of prior proceedings concerning similar barriers.

¹⁸³ Zagreb Municipal Court, decision no. Pn-29/2024, 30 September 2025.

¹⁸⁴ Split Misdemeanour Court, decision no. Pp 9620/2023, 8 March 2024.

¹⁸⁵ Gregurev, I. (2020) 'Dosezi razumne prilagodbe (u domaćem, anglosaksonskom i pravu Europske unije)', (Achievements of reasonable accommodation (in domestic, Anglo-Saxon and European Union law)), *Zbornik Pravnog fakulteta u Zagrebu*, Vol. 70 No. 2-3, available at: <https://hrcak.srce.hr/244576>.

¹⁸⁶ Act on holidays, remembrance days and non-working days (Zakon o blagdanima, spomendanima i neradnim danima u Republici Hrvatskoj), 15 November 2019, Official Gazette 110/19, Article 3.

¹⁸⁷ Operational programmes for national minorities 2021-2024, 30 December 2020, available at: <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Operativni%20programi%20nacionalnih%20manjina%20za%20razdoblje%202021.-2024..pdf>.

In the context of the CJEU case law, the question of compliance of the Act on holidays, remembrance days and non-working days arose with the judgment in *Cresco*, since it gives the right to non-working days only to workers of certain religions, and not to workers of other religions on the same day.¹⁸⁸ This had been determined to be discriminatory by the CJEU and not as an example of reasonable accommodation. According to some experts, this is an additional argument for the necessity of introducing into national legislation explicit legal provisions that would provide for the obligation of reasonable accommodation on the basis of religion in general.¹⁸⁹ There have been no new developments on this issue.

In 2023, the Ombudsperson received a complaint from an employee of the Islamic religion, stating that the employer had asked him for a certificate of religion when he asked for a day off on a Muslim holiday, as well as stating that he had to use a day of his annual leave although he had the right to a day off. In this regard, the Ombudsperson determined that such an action by the employer is contrary to the Act on Holidays, Remembrance Days and Non-Working Days in the Republic of Croatia, according to which the employee has the right to a day off on a religious holiday, regardless of his annual leave.¹⁹⁰

In addition, the Ombudsperson received a request for clarification of the right to be absent from work on Fridays during the Jumma prayer ritual. The Ombudsperson found that the regulations which are in force in Croatia do not explicitly give employees of Islamic or other religions the right to a break for religious ceremonies or prayers, but that in accordance with the Labour Act, an employee who works at least six hours a day has the right to a rest (break) of at least 30 minutes, which can also be used for worship.¹⁹¹

The Regulations on driving licences allow head coverings to be worn in driving licence photographs when a person wears such a covering for religious reasons.¹⁹²

In 2023, the Ombudsperson received two inquiries about the right to wear a headscarf in the workplace for civil servants of the Islamic religion. The Ombudsperson determined that this was a question of potential discrimination on the basis of religion, which was the subject of a series of previous questions addressed to the CJEU. Upon these inquiries, the Ombudsperson provided general legal information and pointed to the relevant case law.¹⁹³ The Ombudsperson expressed an opinion that, given that the rights of the employer and the employee in such cases may be in conflict, the decision on the justification of restrictions in each specific case depends on which right or interest of the employer is involved; where it is relevant whether the employer has internal rules on dress code; in which way the dress policy is prescribed; and what the purpose of the rules is. The Ombudsperson also emphasised that the unfavourable treatment of women of the Islamic religion who wear a headscarf may constitute intersectional discrimination, since the discriminatory grounds of religion and gender are inseparable here, i.e. one without the other would not lead to less favourable treatment of this group.¹⁹⁴

¹⁸⁸ CJEU, Judgment of 22 January 2019, *Cresco Investigation GmbH v. Markus Achatzi*, Grand Chamber, C-193/17, ECLI:EU:C:2019:43.

¹⁸⁹ Gregurev, I. (2020), 'Dosezi razumne prilagodbe (u domaćem, anglosaksonskom i pravu Europske unije)', (Achievements of reasonable accommodation (in domestic, Anglo-Saxon and European Union law)), *Zbornik Pravnog fakulteta u Zagrebu*, Vol. 70 No. 2-3, available at: <https://hrcak.srce.hr/244576>.

¹⁹⁰ People's Ombudsperson (2024), [Report for 2023](#).

¹⁹¹ People's Ombudsperson (2024), [Report for 2023](#).

¹⁹² Regulations on driving licences (Pravilnik o vozačkim dozvolama), 4 November 2019, Article 17(4), Official Gazette 2/19.

¹⁹³ Judgment of 14 March 2017, *Samira Achbita and Centrum voor gelijkheid van kansen en voor racismebestrijding v. G4S Secure Solutions NV*, C-157/15, and Judgment of 14 March 2017, *Asma Bougnaoui, Association de défense des droits de l'homme (ADDH) v. Micropole Univers SA*, C-188/15.

¹⁹⁴ People's Ombudsperson (2024), [Report for 2023](#).

The Healthcare Act provides, in healthcare premises, the right to have food served in accordance with religious customs, religious ceremonies and special ceremonies in the event of a patient's death.¹⁹⁵

Various religious communities have the right to pastoral care in health and social care institutions, prisons and the army.

¹⁹⁵ Healthcare Act (Zakon o zdravstvenoj zaštiti), 21 December 2018, Article 26, Official Gazette 100/18, 125/19, 133/20, 147/20, 136/21, 119/22, 156/22, 33/23, 145/23, 36/24.

3 PERSONAL AND MATERIAL SCOPE

3.1 Personal scope

There is no case law of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems in this area regarding sections 3.1.1 to 3.1.3.

3.1.1 EU and non-EU nationals (Recital 13 and Article 3(2), Directive 2000/43 and Recital 12 and Article 3(2), Directive 2000/78)

In Croatia, there are no residence or citizenship/nationality requirements for protection under the relevant national laws transposing the directives.

The Anti-discrimination Act does not distinguish between citizens and non-citizens and guarantees protection from discrimination to any person.¹⁹⁶

The Anti-discrimination Act provides protection from discrimination to any person without exception, which would also include undocumented migrants.

3.1.2 Natural and legal persons (Recital 16, Directive 2000/43)

a) Protection against discrimination

In Croatia, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of protection against discrimination.¹⁹⁷

The Anti-discrimination Act does not distinguish between natural persons and legal persons for the purpose of protection against discrimination; the term used is 'any person'.

b) Liability for discrimination

In Croatia, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of liability for discrimination.¹⁹⁸

3.1.3 Private and public sector including public bodies (Article 3(1))

a) Protection against discrimination

In Croatia, the personal scope of national anti-discrimination law covers private and public sectors, including public bodies, for the purpose of protection against discrimination.¹⁹⁹

The Anti-discrimination Act does not distinguish between persons belonging to the private or public sectors for the purpose of protection against discrimination; the term used is 'any person'.

The national provisions comply with the directives.

b) Liability for discrimination

In Croatia, the personal scope of anti-discrimination law covers private and public sectors including public bodies for the purpose of liability for discrimination.²⁰⁰

¹⁹⁶ Anti-discrimination Act, 9 July 2008, Article 1.

¹⁹⁷ Anti-discrimination Act, 9 July 2008, Article 1.

¹⁹⁸ Anti-discrimination Act, 9 July 2008, Article 8.

¹⁹⁹ Anti-discrimination Act, 9 July 2008, Article 1.

²⁰⁰ Anti-discrimination Act, 9 July 2008, Article 8.

3.2 Material scope

There is no case law of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems in this area regarding sections 3.2.1 to 3.2.9.

3.2.1 Conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy (Article 3(1)(a))

In Croatia, national legislation prohibits discrimination in relation to conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy for the five grounds in both private and public sectors as described in the directives.²⁰¹ Gender identity and expression are also covered in the national legislation.²⁰² Sex characteristics are not explicitly covered.

The Anti-discrimination Act explicitly covers access to employment and self-employment, for all of the grounds covered by the directives. There is no specific regulation for self-employment.

The public sector is not dealt with differently to the private sector.²⁰³

The Labour Act prohibits direct and indirect discrimination in the field of employment including selection criteria and recruitment conditions, promotion, vocational training, advanced vocational training and retraining.²⁰⁴

The main problem in this area in general continues to relate to access to employment by members of the Roma community, who are often subjected to discriminatory treatment by potential employers. For example, according to the experiences of some Roma people expressed through the media, when applying for a job, based on their written CV, employers at the start show interest in them as potential employees, but when they reach the face-to-face interview, the attitude of the employers often changes. On the basis of their physical appearance, employers conclude that they are Roma and because of the widespread prejudices about the Roma being problematic and violent, their applications get rejected. In some situations, employers do not even try to hide this reaction, but openly express their views and state that they will not hire a Roma person, regardless of their professional qualifications. Some Roma applicants do not even get the chance of an interview because of their Roma surnames.²⁰⁵

3.2.2 Employment and working conditions, including pay and dismissals (Article 3(1)(c))

In Croatia, national legislation prohibits discrimination in working conditions including pay and dismissals, for all five grounds and for both private and public employment. Gender identity and expression are also covered in national legislation.²⁰⁶ Sex characteristics as a separate ground is not explicitly covered.

According to the Ombudsperson's annual reports, most complaints of discrimination are in the field of general employment. This is also in accordance with the results of the most recent Ombudsperson's survey on attitudes to, and the level of awareness of,

²⁰¹ Anti-discrimination Act, 9 July 2008, Article 8(1).

²⁰² Anti-discrimination Act, 9 July 2009, Article 1 and Article 8(1).

²⁰³ Anti-discrimination Act, 9 July 2008, Article 8(1).

²⁰⁴ Labour Act, 15 July 2014, Article 7(4).

²⁰⁵ Media reports: 'Roma change their names to get a job or a loan', *Al Jazeera*, 31 March 2016, available at: <https://balkans.aljazeera.net/teme/2016/3/31/romi-mijenjaju-imena-da-bi-dobili-posao-ili-kredit>.

²⁰⁶ Anti-discrimination Act, 9 July 2008, Article 1 and Article 8(1).

discrimination, and the forms of discrimination, which shows that the respondents' perception about the prevalence of discrimination in society is that discrimination is most common in the field of working conditions and employment (53 %).²⁰⁷

The Anti-discrimination Act explicitly covers, for all the grounds covered by the directives, the area of work and working conditions, retirement insurance, and unemployment insurance.²⁰⁸ Issues of pay and dismissals are covered implicitly by the Anti-discrimination Act and explicitly by the Labour Act.²⁰⁹

Members of the Roma national minority are faced with problems in this area. They are often subjected to discriminatory treatment by potential employers, which means that they do not have a realistic possibility of obtaining permanent employment. When they manage to get a job, it is, in most cases, short-term public sector work.²¹⁰ This negatively affects their economic and social status and deprives them of, for example, the possibility of obtaining a housing loan and moving out of the Roma settlements.

3.2.3 Access to all types and all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience (Article 3(1)(b))

In Croatia, national legislation prohibits discrimination in vocational training outside the employment relationship, such as adult lifelong learning courses or vocational training provided by technical schools or universities.

The Anti-discrimination Act explicitly covers, for each of the grounds covered by the directives, access to all types of vocational guidance, vocational training, advanced vocational training and retraining²¹¹ as well as to education and science.²¹² It further implicitly covers all other areas, activities and situations, because it does not limit the material scope in any way. The definition of education and science is left to the courts' interpretation. Practical work experience is covered implicitly. Gender identity and expression are also covered by the national legislation.²¹³ Sex characteristics as a separate ground are not explicitly covered.

The Labour Act also explicitly prohibits discrimination in the field of vocational training, advanced vocational training and retraining.²¹⁴

3.2.4 Membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations (Article 3(1)(d))

In Croatia, national legislation prohibits discrimination in relation to membership of and involvement in workers' or employers' organisations as formulated in the directives for all five grounds and for both private and public employment.

The Anti-discrimination Act explicitly covers, for each of the grounds covered by the directives, membership of and involvement in workers' organisations, civil society

²⁰⁷ People's Ombudsperson, Research on attitudes and the level of awareness of discrimination and the forms of discrimination for 2022, <https://www.ombudsman.hr/hr/download/istrazivanje-o-stavovima-i-razini-svijesti-o-diskriminaciji-i-pojavnim-oblicima-diskriminacije-2022/?wpdmdl=15351&refresh=63e0c6603768c1675675232>.

²⁰⁸ Anti-discrimination Act, 9 July 2008, Article 8(1).

²⁰⁹ Anti-discrimination Act, 9 July 2008, Article 8(1) and 8(3) and Labour Act, 15 July 2014, Article 7(4).

²¹⁰ People's Ombudsperson (2019), [Report for 2018](#).

²¹¹ Anti-discrimination Act, 9 July 2008, Article 8(1).

²¹² Anti-discrimination Act, 9 July 2008, Article 8(2).

²¹³ Anti-discrimination Act, 9 July 2008, Article 1 and Article 8(1).

²¹⁴ Labour Act, 15 July 2014, Article 7(4).

organisations, political parties or any other organisations.²¹⁵ Benefits provided for by such organisations are covered implicitly. Membership of and involvement in employers' organisations is not specifically mentioned, but is covered implicitly under 'any other organisations'. Gender identity and expression are also covered in national legislation.²¹⁶ Sex characteristics as a separate ground are not explicitly covered.

The Labour Act stipulates that no one can be placed in a disadvantageous position due to membership of an association, or participation or non-participation in the activities of an association, since the contrary would constitute discrimination.²¹⁷

During recent years, discrimination in relation to this area has been raised mostly in cases of employees who find themselves discriminated against by their employers because they are members of a workers' organisation. There is no case law regarding discrimination in access to membership of workers' or employers' organisations.

In 2023, a relevant case was brought before the Constitutional Court by several applicants seeking an assessment of the constitutionality of newly adopted provisions of the Labour Act, according to which certain workers' rights can be negotiated in a collective agreement to a greater extent only for the members of the union that negotiated the collective agreement. The Constitutional Court determined that such provisions place workers who are not members of unions and representative unions in a less favourable position.²¹⁸

A relevant 2025 case concerns a claimant employed as a train driver who alleged discrimination based on union membership. The claimant was a member of the Croatian Train Drivers' Union, and the employer notified him that it would not conclude a consecutive employment contract with him. The claimant argued that this decision was motivated by his union membership. The court found that the employer had required employees, including the claimant, to resign from the union as a condition for concluding a new contract. The court concluded that the primary reason for not renewing the claimant's contract was his union membership, and it upheld the claim. The County Court dismissed the employer's appeal and confirmed the first-instance judgment.²¹⁹

3.2.5 Social protection, including social security and healthcare (Article 3(1)(e) Directive 2000/43)

In Croatia, national legislation prohibits discrimination in the following area: social protection, including social security and healthcare as formulated in the Racial Equality Directive.

The Anti-discrimination Act prohibits discrimination based on racial or ethnic origin in the area of social protection, including social security, retirement, health and unemployment insurance, and healthcare.²²⁰ Age, disability, religion or belief and sexual orientation as well as gender identity and expression are also covered.²²¹ Sex characteristics as a separate ground are not explicitly covered.

A relevant case from 2025 is a case concerning a claimant who is a Jehovah's Witness and suffers from a serious illness. He requested treatment without the use of blood transfusions, which was not available in Croatia, as doctors considered the required surgery impossible without a transfusion. The Croatian Health Insurance Institute refused to cover the costs of undergoing the procedure abroad, where surgeons were willing to perform it

²¹⁵ Anti-discrimination Act, 9 July 2008, Article 8(9).

²¹⁶ Anti-discrimination Act, 9 July 2008, Article 1 and Article 8(9).

²¹⁷ Labour Act, 15 July 2014, Article 166.

²¹⁸ Constitutional Court, decision no. U-I-242/2023, U-I-1050/2023, U-I-1399/2023, U-I-1944/2023, 23 May 2023.

²¹⁹ Rijeka County Court, decision no. GŽ R-16/2025-3, 6 February 2025.

²²⁰ The area of social housing is also implicitly covered by the Anti-discrimination Act.

²²¹ Anti-discrimination Act, 9 July 2008, Articles 8(3) and 8(4).

without transfusions. The court annulled the decision of the Health Insurance Institute and ordered repeated proceedings, referring to the EU Court of Justice judgment of 29 October 2020, C-243/19, EU:C:2020:872 (for more on the judgment, please see section 12.2).²²²

Members of the Roma community sometimes face obstacles in accessing healthcare.²²³

In addition, the quality of healthcare provided to Roma is lower than the quality of healthcare provided to the rest of the population. However, vaccination rates for preschool Roma children in Croatia have reached the rates of vaccination coverage of preschool children in the rest of the population. All children in Croatia, including Roma children, have the right to free healthcare until the age of 18.²²⁴

Aside from the lower health status of the Roma in comparison with the rest of the population, differences have also been noted between the quality of healthcare within the Roma community, with Roma women and children having a lower health status than Roma men.

The Croatian Institute of Public Health had conducted research on public health indicators of Roma health status in the Republic of Croatia. The health status and healthcare of the Roma national minority is largely determined by their socio-economic position, with the Roma population facing various social challenges, exclusion and poverty. All this directly affects the increase in health inequalities, and thus differences in the use of healthcare services and quality of life among persons belonging to the Roma minority in comparison with members of the general population. The research showed that special attention in policy making on the improvement and protection of Roma health status should be given to children and women, the prevention of addiction and improving the quality of life of Roma with disabilities and Roma persons with chronic diseases. In addition, it is necessary to continuously improve other areas, such as the prevention of infectious diseases, and to increase health literacy among Roma people and health information for Roma in the Republic of Croatia.²²⁵

As a result of the pandemic, the question of adequate living conditions in Roma settlements with regard to hygienic conditions and the lack of communal infrastructure was raised; however, there is no specific data on this issue.

a) Article 3(3) exception (Directive 2000/78)

The Anti-discrimination Act prohibits discrimination based on religion or belief, age, disability and sexual orientation, therefore national legislation does not seek to rely on the exception in Article 3(3), Directive 2000/78.

3.2.6 Social advantages (Article 3(1)(f) Directive 2000/43)

In Croatia, national legislation prohibits discrimination in social advantages as formulated in the Racial Equality Directive. Gender identity and expression are also covered by the Anti-discrimination Act.²²⁶ Sex characteristics as a separate ground is not explicitly covered.

²²² Osijek Administrative Court, decision no. Us I-329/2024-10, 25 March 2025.

²²³ Kunac, S., Klasnić, K. and Lalić, S. (2018), Inclusion of Roma in Croatian society: Database Research, Centre for Peace Studies, August 2018.

²²⁴ Action plan for the Implementation of the 2013-2020 National Roma Inclusion Strategy for 2019 and 2020, July 2019, available at: <https://pravamanjina.gov.hr/UserDocsImages//dokumenti//Akcijski%20plan%20za%20provedbu%20Nacionalne%20strategije%20za%20uklju%C4%8Divanje%20Roma%20za%20razdoblje%20od%202013.%20do%202020.%20godine.%20za%202019.%20i%202020.%20godinu.pdf>.

²²⁵ Croatian Institute of Public Health (2020) [Research on public health indicators of Roma health status](#).

²²⁶ Anti-discrimination Act, 9 July 2008, Article 1 and Article 8(1)(3).

The Anti-discrimination Act applies to all areas, without any limitation;²²⁷ it therefore covers implicitly social advantages of all kinds.

In Croatia, the lack of definition of social advantages does not raise problems.

3.2.7 Education (Article 3(1)(g) Directive 2000/43)

In Croatia, national legislation prohibits discrimination in education as formulated in the Racial Equality Directive.

The Anti-discrimination Act prohibits discrimination in education based on, among other grounds, racial or ethnic origin, religion or belief, age, disability and sexual orientation.²²⁸ Gender identity and expression are also covered in national legislation.²²⁹ Sex characteristics as a separate ground is not explicitly covered.

In the field of education, there are still several unresolved issues, from the integration of children with disabilities in the mainstream education system to Catholic religious classes in public schools to discriminatory content of textbooks (e.g. gender stereotypes, presenting only two-parent families as a complete family, and stigmatisation of gay people).

In practice, there are notable problems regarding the education of pupils with disabilities.

In all relevant documents, the authorities recognise the need to include persons with disabilities in the mainstream education system (e.g. the Parliamentary Declaration on the Rights of Persons with Disabilities).²³⁰ However, in spite of the fine aims expressed in these documents, there are still numerous problems: lack of educational programmes adjusted to persons with disabilities; lack of adequate textbooks and teaching tools; lack of teachers trained to work with students with special needs; and architectural and transport barriers.

The main problem is that some children with disabilities are not included in the regular education system only because of their disability, which represents discrimination.

The Disability Ombudsperson regularly reports that a significant number of children are directed to special educational institutions due to a combination of factors, including failures to provide reasonable accommodation, inaccessible school environments, an insufficient number of teaching assistants, and a lack of specialised support staff in secondary education. According to the Ombudsperson, these barriers continue to hinder the inclusion of children with disabilities in mainstream education.²³¹

There is also a widespread problem of lack of enrolment capacities in preschool institutions as well as a shortage or lack of experts in preschool institutions, which is often highlighted as an obstacle to the inclusion of children with developmental difficulties in preschool. The Ombudsperson noted that the current practice of preschool institutions is to allow children with developmental difficulties only a shortened stay of four hours a day or less, or several times a week for a few hours.²³²

a) Trends and patterns regarding Roma pupils

In Croatia, there are specific patterns regarding Roma pupils in education, such as segregation, which manifests in such a way that Roma children are put in separate Roma-

²²⁷ Anti-discrimination Act, 9 July 2008, Article 8.

²²⁸ Anti-discrimination Act, 9 July 2008, Article 8(2).

²²⁹ Anti-discrimination Act, 9 July 2008, Article 1 and Article 8(1)(2).

²³⁰ Parliamentary Declaration on the Rights of Persons with Disabilities, Official Gazette 47/2005.

²³¹ Disability Ombudsperson (2026), Report for 2025.

²³² [Disability Ombudsperson \(2025\), Report for 2024.](#)

only classes in some counties with a significant Roma population (Međimurje and Varaždin). The school authorities justify this practice, which has existed for as long as Roma have attended these schools, by highlighting Roma children's poor grasp of the Croatian language and the high number of Roma pupils in schools close to Roma settlements.

In 2003, a group of Roma students initiated judicial proceedings, claiming to be victims of discrimination/segregation in primary education. After all domestic remedies had been unsuccessfully exhausted, the students filed an application before the European Court of Human Rights. In March 2010, the Grand Chamber of the Court issued a judgment finding a violation of their right not to be discriminated against in the enjoyment of the right to education.²³³ The European Court of Human Rights found that Croatian law did not provide a clear and specific legal basis for placing children who were lacking adequate command of the Croatian language in separate classes, and that the tests used to decide whether to assign pupils to Roma-only classes had not been specifically designed to test their command of that language.²³⁴ Despite the judgment of the European Court of Human Rights and some positive legislative measures adopted afterwards, however, the problem of Roma-only classes persists.

Although one of the goals set by the 2013-2020 National Roma Inclusion Strategy (and its accompanying action plan) was the elimination of all Roma-only classes by 2020, this has still not been achieved. In 2021, a new National Plan for Roma Inclusion (2021-2027) was adopted by the Government, along with the accompanying action plan for its implementation for 2021 and 2022.²³⁵ The National Plan is a strategic framework for the development of equality, inclusion and participation of members of the Roma national minority in the Republic of Croatia. One of the main objectives of the National Plan for Roma Inclusion is to guarantee the members of the Roma community effective and equal access to quality and inclusive education. The action plan prescribes in more detail specific measures and activities that should be taken in order to achieve the goals set out by the National Plan.²³⁶

In 2023, an action plan for implementation of the Roma Inclusion National Plan, for 2023-2025 was adopted.²³⁷ The objectives set out by this action plan, like in previous action plans, include reducing the share of Roma children in preschool and primary education in classes where most or all children are Roma; reducing the gap in participation in preschool and primary school education between Roma and children from the general population; reducing the gap in the completion of secondary education between Roma children and children from the general population; and increasing the share of young Roma in higher education, etc. Measures aimed at achieving these objectives include co-financing transport to kindergarten/school; co-financing preschool programmes; involving younger children in an extended school stay where they can do their homework, study and spend time with other children in different activities; providing additional assistance with learning the Croatian language; involving children in additional activities aimed at educational and social integration; co-financing equipment and school supplies; ensuring scholarships; financing and ensuring accommodation in student dormitories, etc.

In October 2024, the report on the Implementation of the Action Plan for Implementation of the National Plan for the Inclusion of Roma for 2023 was published.²³⁸ The report states that continuous implementation of activities at all levels of the education system is improving the conditions for ensuring quality and inclusive education of children and

²³³ European Court of Human Rights (ECtHR), *Oršuš and Others v. Croatia* [GC], No. 15766/03, 16 March 2010.

²³⁴ See the judgment in ECtHR, *Oršuš and Others v. Croatia* [GC], No. 15766/03, 16 March 2010, paragraphs 158-160.

²³⁵ [National Plan for Roma Inclusion \(2021-2027\)](#), June 2021.

²³⁶ [Action Plan for the Implementation of the National Plan for Roma Inclusion \(2021 and 2022\)](#), June 2021.

²³⁷ [Action Plan for the Implementation of the Roma Inclusion National Plan for 2023-2025](#).

²³⁸ [Report on the Implementation of the Action Plan for the Implementation of the National Plan for the Inclusion of Roma for 2023](#).

students belonging to the Roma national minority. Furthermore, the Ministry of Science and Education held a series of meetings with primary school principals in 2023, with the aim of finding a common solution regarding classes in which most or all students are Roma. Primary school principals presented the activities that schools are undertaking to alleviate educational segregation, as well as the challenges they face when forming classes (emigration of the majority population, remoteness of Roma settlements, decline in the number of students from both the majority and minority populations, etc.). It should be emphasised that all schools conduct many different extracurricular and extracurricular activities with the intention of further integrating students from the Roma national minority, empowering teachers and professional associates, and increasing the quality of their work. However, there is still no specific strategic document designed to desegregate Roma children in education.

In 2025, the Report on the Implementation of the Action Plan for the National Roma Inclusion Strategy for 2024 was published. According to the report, some progress was noted in education, including a reported increase in the number of Roma children attending kindergartens, students in extended-day programmes, and Roma university students, partly attributed to higher scholarship amounts. However, the report also highlights persistent challenges, such as low secondary school attendance and the continued existence of segregated classrooms.²³⁹

The People's Ombudsperson consistently notes the (de facto) segregation of Roma children in primary schools, who in large numbers attend completely segregated classes or classes in which they are significantly overrepresented. The Ombudsperson reported that in the school year 2024/2025 there were 85 such classes, and addressed the Government of the Republic of Croatia in connection with this during 2024, warning that it is urgently necessary to take comprehensive measures to completely abolish segregated classes in the shortest possible time. The Ombudsperson also pointed out the importance of implementing the recommendation to the Ministry of Education to analyse and create an action plan for desegregation, which unfortunately has not been done to date.²⁴⁰

According to the latest data available, in the year 2024/2025, 513 children from the Roma national minority (of a total of 150 175 children) attended preschool education programmes. In addition, in the school year 2024/2025, a total of 319 438 children were included in the primary education system, of whom 5 363 were from the Roma national minority. A total of 150 508 children studied in the secondary education system in the school year 2024/2025, of whom 810 were members of the Roma national minority. Roma-only classes were present in 15 elementary schools in 7 counties, with a total of 2 000 children.²⁴¹ In some of the elementary schools Roma children make up 100 % of the students, such as in the elementary school in Godinjak, Brodsko-Posavska County, and the elementary school in Strmec Podravski, Varaždin County. In other schools with Roma-only classes, Roma children made up between 18.75 % and 93.21 % of the total number of students.²⁴²

There are no available data on the total number of students belonging to the Roma national minority in the academic year 2025/2026.

In their 2025 annual report, the Ombudsperson reiterated concerns regarding the continued segregation of Roma children in education and urged the Government to adopt school-specific desegregation plans. She noted that such plans had already been envisaged under the 2023–2025 Action Plan for the implementation of the National Plan for Roma

²³⁹ [Report on the Implementation of the Action Plan for the Implementation of the National Plan for the Inclusion of Roma for 2024.](#)

²⁴⁰ Action Plan for the Implementation of the National Plan for Roma Inclusion (2023-2025), October 2023.

²⁴¹ Letter from the Ministry of Science and Education, May 2025.

²⁴² Letter from the Ministry of Science and Education. May 2025.

Inclusion but had not been prepared.²⁴³ Referring to available data, the Ombudsperson stressed that the situation amounts to de facto segregation and recalled criticism and recommendations issued by international human rights monitoring bodies.²⁴⁴

During a parliamentary debate on segregated education in March 2026, the Ministry of Science, Education and Youth explained the existence of classes attended predominantly or exclusively by Roma pupils by referring to the outflow of non-Roma pupils to other schools, demographic trends, the age structure of the population, and the existing network of schools and catchment areas. The Ombudsperson, however, emphasised that school founders determine catchment areas and can therefore play a significant role in desegregation efforts. She pointed to examples of neighbouring schools with markedly different proportions of Roma pupils and different levels of segregation despite serving the same geographical area. For example, while Domašinec Primary School, where 24 % of pupils are Roma, has no segregated classes, Tomaš Goričanec Primary School in Mala Subotica, where 45 % of pupils are Roma, has six segregated classes, although both schools are equally distant from the Roma settlement of Piškorovec. Similarly, Ivan Novak Primary School in Macinec is attended almost exclusively by Roma pupils, whereas the nearby Nedelišće Primary School has very few Roma pupils. The Ombudsperson further noted that transportation is often presented as an obstacle to desegregation, although many Roma children already travel by bus to school because Roma settlements are frequently located outside municipal centres where educational institutions are situated. In light of these circumstances, she reiterated her recommendation that a comprehensive analysis and desegregation plan be adopted and implemented without further delay.

The Ombudsperson also emphasised that successful desegregation requires measures aimed at the wider population. Drawing on her office's 2022 survey on stereotypes and discrimination, which showed increasing levels of prejudice towards Roma, she highlighted the need for awareness-raising activities to challenge persistent stereotypes and promote inclusive education. In this context, her office organised training sessions on equality and non-discrimination for more than 280 student teachers during 2025.²⁴⁵

In its 2025 Concluding Observations, the UN Committee on the Elimination of Racial Discrimination reiterated its concerns regarding the continued segregation of Roma children in education.²⁴⁶ Similar concerns were raised by ECRI in its 2025 report on Croatia, which highlighted the persistence of de facto segregation and its negative impact on the quality of education received by Roma children.²⁴⁷

Serbian and Croatian community in Eastern Slavonia

According to the Constitutional Act on the rights of national minorities and the Act on education in the languages and scripts of national minorities, the Serbian minority in the Vukovar post-war region receive separate education in Serbian language and culture. Children of Croatian origin go to mainstream schools, learning very little or nothing of Serbian language and culture. Although the education of both communities complies with the legislation in force, in practice the result is the almost completely separate education of Croatian and Serbian children from kindergarten to high school. The structure of education therefore does not contribute to intercultural dialogue between the two communities; just the opposite. There has been debate on whether such education is

²⁴³ A working group tasked with drafting the 2026–2027 Action Plan for the implementation of the National Plan for Roma Inclusion was established at the end of 2025.

²⁴⁴ People's Ombudsperson (2026), Report for 2025.

²⁴⁵ People's Ombudsperson (2026), Report for 2025.

²⁴⁶ United Nations Committee on the Elimination of Racial Discrimination (CERD), *Follow-up Review of Croatia, 115th Session*, May 2025, <https://tbinternet.ohchr.org/>.

²⁴⁷ European Commission against Racism and Intolerance (ECRI), *ECRI Report on Croatia (Sixth Monitoring Cycle)*, adopted 18 March 2025, published 16 June 2025, <https://rm.coe.int/sixth-report-on-croatia/1680b65f43>.

discriminatory and perpetuates segregation.²⁴⁸ However, the relevant treaty bodies in their reports had not expressed negative opinions regarding the separate education of Serbian and Croatian children in the sense that this kind of practice would represent segregation.

The Ombudsperson stated that model A of minority education for children of Serbian national minority still leads to misunderstandings, and that it is often pointed out that it deepens ethnic divisions between the Serbs and the Croats, unlike the use of the same education programme model for other national minorities, which is not seen as an issue.²⁴⁹

3.2.8 Access to and supply of goods and services that are available to the public (Article 3(1)(h) Directive 2000/43)

In Croatia, national legislation prohibits discrimination in access to and the supply of goods and services as formulated in the Racial Equality Directive. The Anti-discrimination Act prohibits discrimination based on racial or ethnic origin, religion or belief, age, disability and sexual orientation, in access to and supply of goods and services.²⁵⁰ With rare exceptions,²⁵¹ there are no special regulations on access to and supply of goods and services for persons with disabilities. Gender identity and expression are also covered in national legislation.²⁵² Sex characteristics as a separate discrimination ground are not explicitly covered.

The Same-sex Life Partnership Act (SSLPA) prohibits discrimination based on same-sex partnership, in access to and supply of goods and services (prohibition of discrimination against same-sex life partners in seeking goods and services who are discriminated against due to their sexual orientation because they are in a life partnership).²⁵³ Victims of discrimination in such cases have two possible avenues, and can seek protection under the Anti-discrimination Act or the SSLPA.

The Gender Equality Ombudsperson reported on a decision of the High Misdemeanour Court in the case of a same-sex couple who were denied participation in the activities of a local singing group due to their sexual orientation. In the specific case, the Ombudsperson acted upon an individual complaint and gave her recommendation to the local cultural society within which the singing group was established; however, the group failed to act according to her recommendations. In misdemeanour proceedings, the court established discrimination on the basis of sexual orientation and issued a fine according to the Anti-discrimination and Gender Equality Act.²⁵⁴

Discrimination against Roma prevails in all parts of social life, including access to and the supply of goods and services, and examples of such cases are reported in the media on a regular basis.²⁵⁵ Despite the fact that Roma are widely recognised as one of the most discriminated groups of citizens, there is no case law addressing this issue.

²⁴⁸ See Čorkalo Biruški, D. and Ajduković, D., 'Separate schools – a divided community: The role of the school in post-war social reconstruction', *Review of Psychology*, 2007, Vol. 14, No. 2, pp. 93-108. <http://mjesec.ffzg.hr/revija.psi/vol%2014%20no%202%202007/Corkalo%20ajdukovic.pdf>.

²⁴⁹ People's Ombudsperson (2024), [Report for 2023](#).

²⁵⁰ Anti-discrimination Act, 9 July 2008, Article 8(8).

²⁵¹ The name of a medicinal product has to be expressed in Braille format on the packaging.

²⁵² Anti-discrimination Act, 9 July 2008, Article 1 and Article 8(1)(8).

²⁵³ Same-sex Life Partnership Act, 15 July 2014, Article 71.

²⁵⁴ Gender Equality Ombudsperson (2023), [Report for 2022](#).

²⁵⁵ Article published in June 2019 under the title: 'They kicked me out of H&M store just because I'm a Roma', available at: <https://www.jutarnji.hr/vijesti/hrvatska/izbacili-su-me-iz-hm-a-samo-zato-sto-sam-romkinja-rijecanka-ispricala-sto-je-dozivjela-u-trgovini-iz-lanca-tvrde-izbacili-smo-je-ali-ne-zbog-toga-9181124>; Article published in September 2019 under the title: 'How we got out of the Roma settlement, started a business and developed the talent of our genius son', available at: <https://www.telegram.hr/velike-brice/kako-smo-se-izvukli-iz-romskog-naselja-pokrenuli-biznis-i-krenuli-razvijati-talent-naseg-genijalnog-sina/>.

Finally, Croatia is a popular tourist destination, and in the past few years there has been a trend, noticed by the media, that in the most popular destinations during the tourist season, tourists are offered goods and services at higher prices than the local population. In relation to this, the People's Ombudsperson issued a recommendation in which she emphasised that such behaviour constitutes discrimination against foreign nationals and that such practices must be avoided.²⁵⁶

In addition, the People's Ombudsperson expressed an opinion that placing a condition on the rental of an apartment that the potential tenants provide evidence that they belong to the Roman Catholic religion constitutes discrimination on the grounds of religion. The Ombudsperson stated that it is not disputed that everyone enjoys the freedom of religion, which includes public expression of religion as well, and that everyone has the right to freely dispose of their property. However, when a person offers their private property on the market, they are obliged to offer it to all interested parties under equal conditions, regardless of their religious beliefs or other characteristics prescribed by the Anti-discrimination Act as discrimination grounds. Therefore, the Ombudsperson concluded that it is contrary to the Anti-discrimination Act to select potential tenants according to discriminatory criteria.²⁵⁷

With regard to age discrimination, the Ombudsperson identified the practice of some insurance companies of denying voluntary health insurance to persons over the age of 65 as discriminatory. The Ombudsperson received several complaints from long-term voluntary health insurance policyholders who were denied their request to extend their policy after reaching the age of 65. The Ombudsperson concluded that a total of 10 insurance companies that offer this product have a certain upper age limit for insurance that ranges from 60 to 70 years of age, while some of them have an upper age limit for any of their insurance services. Some of them have an upper limit on the duration of insurance, for example, by limiting the possibility of renewing the insurance policy after a certain age.²⁵⁸ To the authors' knowledge, there is no indication that this practice has been discontinued, and age limits in voluntary health insurance policies continue to be applied by insurance companies. The Ombudsperson determined unequal treatment by bank officials towards foreign workers, who were asked for additional documentation in order to access banking services, unlike other clients, on the basis of their skin colour. After the Ombudsperson pointed out that such a practice by bank employees constituted discrimination, the bank apologised for the actions of its employees.²⁵⁹

a) Distinction between goods and services available publicly or privately

In Croatia, national law does not distinguish between goods and services that are available to the public (e.g. in shops, restaurants, banks) and those that are only available privately (e.g. those restricted to members of a private association).

3.2.9 Housing (Article 3(1)(h) Directive 2000/43)

In Croatia, national legislation prohibits discrimination in the area of housing as formulated in the Racial Equality Directive. The Anti-discrimination Act applies to housing in general without any exceptions. The prohibition of discrimination in this area covers racial or ethnic origin, religion or belief, age, disability and sexual orientation.²⁶⁰ Gender identity and gender expression are also covered.²⁶¹ Sex characteristics as a separate discrimination ground are not explicitly covered.

²⁵⁶ People's Ombudsperson analysis: 'Access to services – citizenship as a basis for discrimination?', October 2019, available at: <https://www.ombudsman.hr/hr/analiza/>.

²⁵⁷ People's Ombudsperson (2022), [Report for 2021](#).

²⁵⁸ People's Ombudsperson (2022), [Report for 2021](#).

²⁵⁹ People's Ombudsperson (2024), [Report for 2023](#).

²⁶⁰ Anti-discrimination Act, 9 July 2008, Article 8(1)(6).

²⁶¹ Anti-discrimination Act, 9 July 2008, Article 1 and Article 8(1)(6).

The Same-sex Life Partnership Act (SSLPA) prohibits discrimination based on same-sex partnership in access to housing.²⁶²

The Gender Equality Ombudsperson reports that discrimination against LGBTIQ+ persons in this field is widespread but unreported.²⁶³

In its judgment in *Guberina v. Croatia*²⁶⁴ (described in detail in section 2.3 above), the ECtHR found that the Croatian authorities were under a duty to provide a reasonable accommodation to the father by allowing him a tax exemption when purchasing a house to meet the basic needs of his family, including his child with a disability.

Members of the Roma and Serbian national minorities encounter the greatest problems in respect of housing. Although the housing segregation of Roma is often talked about, the issues faced by the Serbian national minority are often greatly neglected. The People's Ombudsperson has repeatedly raised the problem of members of the Serbian national minority regarding the supply of electricity and water in areas settled by Serb returnees, especially in rural and underdeveloped regions, including in the most recent annual report.²⁶⁵ The People's Ombudsperson expressed the opinion that Serbs who returned to their pre-war places of residence experience discrimination, often on the grounds of their nationality, age and economic status, as they are mostly older people on low incomes who live in undeveloped rural areas. Basic services such as water and electricity are often unavailable to them. In addition, Serbs are increasingly exposed to the negative sentiments of the majority population.²⁶⁶

There has been some positive action regarding the housing problem of the Serbian national minority. Reconstruction of the electricity system in some of the settlements populated mostly by members of the Serbian national minority has been carried out. The Government allocated financial support for further electrification and made a decision on the implementation of the programme for financing local infrastructure and rural development projects in areas inhabited by more than 5 % members of national minorities.²⁶⁷

The People's Ombudsperson reported that the electrical network continues to be repaired and restored in the areas inhabited by the Serbian returnee population, which were left without electricity during and after the Homeland War.

The Ombudsperson pointed out that it is still necessary to re-electrify more than 1 000 households across 15 counties, most often in poorly populated and dislocated settlements in areas affected by the war; that is, to restore the connections that existed earlier.²⁶⁸ The Ombudsperson has reported that due to limited resources, as well as complex and slow proceedings conducted with the aim of the resolution of property issues in those areas, only about 80 households are being connected to the electricity system each year.²⁶⁹

In 2024 the Ombudsperson reported that she acted on a discrimination complaint regarding living conditions of members of the Serbian minority, in which it was stated that the only road without asphalt with sharp macadam in the area of the city of Benkovac is located in

²⁶² Same-sex Life Partnership Act, 15 July 2014, Articles 71, 72 and 79.

²⁶³ In 2014, there was one court case of discrimination in housing based on sexual orientation (the owner of an apartment refused to let it to a gay person), but no information is available regarding the conclusion of the case. The case was reported in the Gender Ombudsperson's *Report for 2014* available at: https://arhiva.prs.hr/attachments/article/1555/01_IZVJESCE_2014_CJELOVITO.pdf.

²⁶⁴ European Court of Human Rights, *Guberina v. Croatia*, [GC] No. 23682/13, 22 March 2016.

²⁶⁵ People's Ombudsperson (2022), *Report for 2021*.

²⁶⁶ People's Ombudsperson (2019), *Written contribution to the 3rd Review of Croatia under the Universal Periodic Review (UPR) on the situation of human rights of the UN Human Rights Council*, <https://www.ombudsman.hr/wp-content/uploads/2019/10/UPR-REPORT-Croatian-Ombudsman.pdf>.

²⁶⁷ People's Ombudsperson (2019), *Report for 2018*.

²⁶⁸ People's Ombudsperson (2024), *Report for 2023*.

²⁶⁹ People's Ombudsperson (2023), *Report for 2022*.

a village inhabited by Serbs, which makes it difficult for residents to access the city and health and social services.²⁷⁰

In their 2025 annual report, the Ombudsperson once again drew attention to long-standing unresolved cases concerning housing provision for former occupancy/tenancy right holders, who are predominantly of Serbian ethnic origin. She noted that 487 housing decisions have still not been implemented due to the lack of available adequate housing. As an example, she referred to a case in which an applicant has been waiting since 2009 for the implementation of a housing allocation decision in Pula.²⁷¹ Furthermore, the Ombudsperson referred to the 2025 report of the European Commission against Racism and Intolerance (ECRI), which recommended strengthening efforts to ensure access to electricity and running water in areas predominantly inhabited by members of the Serbian national minority. ECRI also reported concerns regarding illegal waste disposal sites near houses inhabited by ethnic Serbs and alleged inaction by competent authorities in addressing them, as well as planned storage of nuclear waste in a municipality with a majority Serbian population. In this context, ECRI recommended protecting affected communities from adverse environmental impacts of waste disposal and other environmentally hazardous activities.²⁷²

a) Trends and patterns regarding housing segregation for Roma

In Croatia, there are patterns of housing segregation and discrimination against the Roma.

In their annual report for 2025, the Ombudsperson continues to report that many Roma families live in spatially segregated settlements that are also characterised by inadequate infrastructure, including Vrtni put in Zagreb and several settlements in Međimurje, Delnice and Brod na Kupi. In this context, reference is made to the recommendations of the European Commission against Racism and Intolerance (ECRI), which called on Croatia to take measures to promote the desegregation of Roma housing, in particular through the development of comprehensive programmes supporting voluntary relocation from segregated settlements to areas enabling greater social integration.

The Ombudsperson also draws attention to persistent administrative barriers affecting Roma access to social housing, noting that applicants are often unable to meet the requirement of registered residence in the local self-government units where they have in practice lived for a long time. Local authorities generally require a certificate of registered residence issued by the Ministry of the Interior as proof of eligibility for municipal housing, which many Roma are unable to obtain. At the same time, the Ombudsperson reports that Roma continue to face discrimination when attempting to access housing on the private rental market. Furthermore, the Ombudsperson refers to ECRI's recommendation that central authorities should cooperate closely with regional and local authorities, rental agencies, associations of private landlords and local communities in order to address persistent prejudices against Roma in the housing rental market.²⁷³

In this context, the Ombudsperson issued two recommendations addressed to the Office for Human Rights and Rights of National Minorities and the Ministry of Planning, Construction and State Assets, calling on them, in cooperation with local and regional self-government units, to design new measures aimed at improving housing conditions for Roma families living in substandard housing, including measures supporting access to housing outside Roma settlements. A recommendation was also addressed to the City of Zagreb to develop and implement concrete measures for housing provision for Roma families in Zagreb, in particular those residing in Struga and Vrtni put. During 2025, a

²⁷⁰ [People's Ombudsperson \(2025\), Report for 2024.](#)

²⁷¹ People's Ombudsperson (2026), Report for 2025.

²⁷² European Commission against Racism and Intolerance (ECRI) (2025), *ECRI Report on Croatia (Sixth Monitoring Cycle)*, <https://rm.coe.int/sixth-report-on-croatia/1680b65f43>.

²⁷³ People's Ombudsperson (2026), Report for 2025.

social mediator was engaged in Vrtni put to assist residents in collecting the documentation required to apply for the City of Zagreb's housing allocation scheme based on socio-economic criteria. As a result, most Roma families from Vrtni put were placed on the priority waiting list. However, given that the pace of housing allocation from the waiting list remains uncertain, the Ombudsperson stressed that current living conditions in Vrtni put fall below minimum standards of dignity and that interim housing solutions are urgently required.²⁷⁴

In the National Plan for Roma Inclusion, activities and measures in the field of housing are planned in order to ensure efficient and equal access of Roma to appropriate desegregated housing and basic services.²⁷⁵ Measures include ensuring access to basic services such as tap water, sanitation facilities, waste collection services, digital communication services, prevention of spatial segregation and promotion of desegregation by drawing up concrete housing plans in cooperation with local communities, prevention of evictions and ensuring alternative accommodation, development of integrated housing programmes, and the implementation of financial literacy and savings programmes, etc.

According to the report on the implementation of the Roma Inclusion Action plan, with the aim of ensuring effective and equal access for the Roma to adequate, desegregated housing and basic services in accordance with the measures provided by the National Plan, numerous activities have been carried out, including financing and procurement of construction materials, equipping sanitary facilities and bathrooms, purchase of household appliances, financial assistance to local and regional self-government units for the construction of roads, water connections, public lighting, etc.²⁷⁶

In addition, continuous measures are taken regarding the legalisation of Roma settlements. Legalisation is carried out by counties in accordance with the provided financial resources, and as a result, all Roma settlements in Bjelovarsko-Bilogorska County have been legalised, and funds have also been provided for legalisation in Koprivničko-Križevacčka County.

There are several programmes for housing solutions and the improvement of living conditions of the members of the Roma national minority under way. These include the donation of building materials for renovation and construction of family houses, as well as donations of household appliances, furniture, electrification, etc.

The Ombudsperson reported on an agreement between the Ministry of the Economy and Sustainable Development and the National Energy Company on implementation of the Programme for Connecting Households to the Electricity Network in Roma Settlements. The first agreement was signed in 2017, and 84 Roma households have so far been connected to electricity.

The biggest project regarding housing in Roma settlements was the one in Darda municipality, which was ongoing since 2014 and was finished in 2023. A total of 87 family houses and two playgrounds have been built with the aim of better inclusion of the Roma in the social and economic life of all inhabitants of Darda.²⁷⁷ The specific goal was to improve the quality of living conditions and conditions for the upbringing and schooling of children and youth, to improve the chances of employment of Roma and to increase the value of the land and property. The negative aspect is that the houses form a new settlement which is exclusively intended for members of the Roma community, creating in that way a new Roma settlement.

²⁷⁴ People's Ombudsperson (2026), Report for 2025.

²⁷⁵ [National Plan for Roma Inclusion for the period 2021-2027](#), June 2021.

²⁷⁶ *Report on the implementation of the Action Plan for the implementation of the National Plan for Roma inclusion for 2022*, March 2023 ([Izješće za 2022. godinu o provođenju Akcijskog plana za provedbu Nacionalnog plana za uključivanje Roma, za razdoblje od 2021. do 2027., za 2021. i 2022. godinu](#)).

²⁷⁷ Media reporting: <https://www.osijekexpress.com/2024/03/07/foto-obz-izgradeno-romsko-naselje-u-dardi-drustveni-centar-u-belom/>.

In this regard, it should be mentioned that the project itself, although mostly accepted with approval, has also encountered some controversy, due to its very name: 'Construction of Roma Houses', and the accompanying public tender in which Darda municipality announced a public competition for 'constructors of Roma houses'. This was negatively received in the media, who satirically pondered whether Roma houses were in any way different from Croatian houses, and whether the constructors of Roma houses had to have special skills in comparison with constructors of regular houses. Additional controversy was provoked by a statement from the municipality's mayor, who saw nothing wrong with the name of the project and publicly stated that of course these houses would be Roma houses, and not houses for Croats, Serbs or mujahideen.²⁷⁸ Although this kind of reporting was partly satirical, it points to the prevailing attitude towards the Roma as 'separate' from the rest of the population.

In 2025, the Government continued implementing the Infrastructure Improvement Programme in areas inhabited by Roma communities, alongside ongoing annual programmes aimed at improving living conditions for Roma. In May 2025, the Ministry of Regional Development and EU Funds issued a decision on the selection of projects to be financed, covering 27 initiatives across various local and regional authorities, ranging from infrastructure upgrades to the renovation of community centres and cultural facilities.²⁷⁹

Because of the general lack of inclusion and numerous prejudices directed towards Roma, leaving the Roma-only settlements can be very difficult, even when a person has a high motivation to do so. There are media reports of a Roma person being denied a bank loan to buy a house outside the settlements purely on the basis of their Roma ethnicity.²⁸⁰

As the majority of Roma in Croatia live in one of the 13 Roma settlements in Međimurje, that is the area that faces the biggest consequences of social exclusion, as there are numerous reports of local people reporting Roma people for committing various types of offences and crimes against the Croatian inhabitants as well as against other Roma in Međimurje. It is important to note that many Roma live in peaceful coexistence with the Croats, but a minority still cause problems that are then wrongfully attributed to the Roma community as a whole.²⁸¹

Cases regarding housing problems of Roma include Roma families trying to move outside the Roma settlements and being exposed to hate crime and threats from locals who do not want them to live in their surroundings just because of their ethnicity.²⁸²

There is also a case of Roma temporarily relocated out of their settlement because of floods, and their houses being demolished during their absence so that they could not move back.²⁸³ In their 2024 Report, the Ombudsperson reported that the perpetrators

²⁷⁸ Article published in January 2019 under the title: 'Municipality is looking for builders of "Roma Houses"', available at: <https://www.jutarnji.hr/vijesti/hrvatska/opcina-trazi-graditelja-romskih-kuca-nego-kakve-su-nego-romske-nece-valida-mudzahedini-u-njih-useliti/8279780/>.

²⁷⁹ [Decision on the selection of projects](#), Ministry of Regional Development and EU Funds, 22 May 2025.

²⁸⁰ Article published in September 2019 under the title: 'How we got out of the Roma settlement, started a business and developed the talent of our genius son', available at: <https://www.telegram.hr/price/kako-smo-se-izvukli-iz-romskog-naselja-pokrenuli-biznis-i-krenuli-razvijati-talent-naseq-genijalnog-sina/>.

²⁸¹ Media reporting on demonstrations against Roma in the city of Čakovac, Article published on 2 June 2019, under the title: 'REACTIONS TO THE PROTEST IN ČAKOVAC. 'It is time for the Government to start solving the problems of the Roma minority'; 'This encourages hate speech', available at: <https://www.jutarnji.hr/vijesti/hrvatska/dijeli-ih-trometarski-zid-s-bodljikavom-zicom-reporteri-jutarnjeg-sa-sukobljenim-romima-i-hrvatima-travu-moramo-kositi-doslovce-s-kacigom-na-qlavi/8967161/>, <https://www.jutarnji.hr/vijesti/hrvatska/reakcije-na-prosvjed-u-cakovcu-posavec-vrijeme-je-da-vlada-pocne-rjesavati-probleme-romske-manjine-kajtazi-ovim-se-potice-govor-mrznje/8954408/>.

²⁸² Media reporting: https://www.index.hr/vijesti/clanak/romi-kupili-kucu-stanovnici-se-pobunili-ovo-ce-eskalirati-do-neslucenih-razmjera/2491726.aspx?index_ref=naslovnica_vijesti_ostalo_d, https://www.index.hr/vijesti/clanak/mjestani-ce-prosvjedovati-pred-kucom-roma-romska-obitelj-prijete-da-ce-nas-spaliti/2491863.aspx?index_ref=naslovnica_vijesti_prva_d.

²⁸³ Media reporting: <https://www.telegram.hr/politika-kriminal/zbog-poplava-privremeno-iselili-rome-iz-naselja-uz-dravu-u-kojem-zive-150-godina-za-to-vrijeme-netko-im-kuce-sravnio-sa-zemljom/>;

have not yet been identified and that the Ombudsperson will continue to monitor this case.²⁸⁴ No new information on this case is publicly available.

There have been no anti-discrimination civil court cases in relation to housing involving Roma. It is assumed that the reason for lack of litigation involving the Roma, even though they are one of the groups most affected by discrimination, is their poor economic status, lack of education and lack of legal information and assistance. Another reason is the prevailing attitude that discriminatory treatment of Roma is normal and usual, and that nothing will change by complaining. A general lack of trust among the Roma in the relevant bodies also acts as a deterrent to their initiating court proceedings.

In its Concluding Observations on the Fourth Periodic Report Concerning Implementation of the International Covenant on Civil and Political Rights in respect of the Republic of Croatia, the Human Rights Committee expressed concern regarding the de facto residential segregation and the high proportion of Roma living in informal settlements with poor quality housing and very limited access to basic services.²⁸⁵

<https://dnevnik.hr/vijesti/crna-kronika/policija-istrazuje-ko-je-strojevima-porucio-romsko-naselje-uz-dravu---799357.html>. According to the information available in the media, after this incident, permanent housing was provided to people affected by the state in other locations.

²⁸⁴ [People's Ombudsperson \(2025\), Report for 2024](#).

²⁸⁵ Concluding Observations of the Human Rights Committee on the Fourth Periodic Report of Croatia on Implementation of International Covenant on Civil and Political Rights.

4 EXCEPTIONS

4.1 Genuine and determining occupational requirements (Article 4 Directive 2000/43, Article 4(1) Directive 2000/78)

In Croatia, national legislation provides for an exception for genuine and determining occupational requirements.

The Anti-discrimination Act provides an exception for genuine and determining occupational requirements. It states that placement in a less favourable position will not be deemed to be discrimination in relation to a particular job when the nature of the job is such or the job is performed under such conditions that characteristics related to any of the prohibited grounds of discrimination present an actual and decisive condition for performing that job, provided that the purpose to be achieved is justified and the condition appropriate.²⁸⁶ This exception has to be interpreted in proportion to the aim and purpose for which it is provided.²⁸⁷

There has been no case law on this issue.

4.2 Employers with an ethos based on religion or belief (Article 4(2) Directive 2000/78)

In Croatia, national law provides for an exception for employers with an ethos based on religion or belief.

The Anti-discrimination Act provides an exception for employers with an ethos based on religion or belief. Different treatment in relation to occupational activities and employment, entering into membership and acting in conformity with the canon and mission of a church and religious congregation entered into the Register of Religious Congregations of the Republic of Croatia, and any other public or private organisation which acts in conformity with the Constitution and laws, is not discriminatory, if this is required by the religious doctrine or beliefs, when due to the nature of those activities or the circumstances under which they are performed, considering the value system of the organisation, religion or belief of a person presents a genuine, legitimate and justified occupational requirement. The exception should have a legitimate aim and be reasonable and necessary. The Act is in conformity with Article 4(2) of the Employment Equality Directive taking into account relevant case law of the CJEU and ECtHR in *I.R. v. J.Q.* (C-48/1) and *Egenberger* (C-414/16).²⁸⁸

The People's Ombudsperson has repeatedly pointed out the discriminatory practice of the Catholic Theological Faculty in Zagreb in the process of recruitment of administrative and technical staff. In order to apply for a job at the faculty, a person is required to present a confirmation of baptism, irrespective of the job position. On several occasions, the Ombudsperson has issued warnings and recommendations stating that this kind of practice represents direct discrimination since the exception from the Anti-discrimination Act relating to the religious ethos of religious communities referred to in Article 9 is not applicable to the employment of administrative and technical personnel. The Ombudsperson issued warnings and recommendations regarding this practice.²⁸⁹

In the case of P.T., a teacher of Catholic religious education who was fired from his job after getting divorced since his canonical mandate was thus withdrawn by the church authorities, the European Court of Human Rights found no breaches of P.T.'s rights under the Convention, stating that his dismissal was justifiable since P.T. knew the consequences

²⁸⁶ Anti-discrimination Act, 9 July 2008, Article 9(2)(4).

²⁸⁷ Anti-discrimination Act, 9 July 2008, Article 9(3).

²⁸⁸ Anti-discrimination Act, 9 July 2008, Articles 9(2)(5) and 9(3).

²⁸⁹ People's Ombudsperson (2019), [Report for 2018](#).

of entering into a second marriage, as well as the fact that the school authorities had tried to secure another teaching position for him.²⁹⁰ The claimant relied on Article 8 and on Article 8 in conjunction with Article 14 of the Convention. However, the European Court of Human Rights, referring to *Fernández Martínez v. Spain* (No. 56030/07), among other cases, found no violation of Article 8 and concluded that given its finding under Article 8, it was not necessary to examine the complaint under Article 8 taken together with Article 14 separately.

Bearing in mind the judgment of the CJEU in *I.R. v. J.Q.*, it can be concluded that the decisions of the domestic courts in *P.T. v. Croatia* are in line with the CJEU's opinion. In the case of *P.T.* the applicant was directly involved in teaching and promoting a Catholic ethos, therefore his occupational activities were of importance for the promotion of that ethos and could not be compared to occupational activities performed by the applicant in the CJEU case.²⁹¹

4.3 Armed forces and other specific occupations (Article 3(4) and Recitals 18 and 19, Directive 2000/78)

In Croatia, national legislation does not provide for an exception for the armed forces in relation to age discrimination (Article 3(4), Directive 2000/78).

However, the Act on service in the armed forces,²⁹² as *lex specialis*, provides general requirements for the armed forces in relation to age, health and physical abilities. Regarding the minimum age, the Act specifies that a person can be admitted into active military service as an active soldier if he or she is not older than 30.²⁹³ An active soldier can be promoted to lower officer status (*dočasnik*) if not older than 30,²⁹⁴ and to officer status (*časnik*) if not older than 30.²⁹⁵ The Act does not have special provisions on age and termination of service, but refers to the laws on pensions.

In Croatia, national legislation provides for a definition of 'armed forces'. The Act on service in armed forces defines service in the Armed Forces as the performance of military and other professional duties regulated by the Constitution of the Republic of Croatia, laws and other regulations, carried out within the armed forces as basic military training, cadet service, active military service, reserve service, and service of civil servants and employees.²⁹⁶

There is no provision in the Anti-discrimination Act specifying an exception relating to employment in the police, prison or emergency services in relation to age discrimination.

The Police Act,²⁹⁷ as *lex specialis*, provides an exception for recruitment to the police in relation to age (maximum 30 years of age) and mental and physical abilities.

The People's Ombudsperson expressed an opinion that there was age discrimination in the employment proceedings for professional firefighters, which put older candidates at a disadvantage since their age is assessed twice during the recruitment process. Following the Ombudsperson's recommendations, the newly adopted Ordinance on employment and

²⁹⁰ European Court of Human Rights (ECtHR), *Travaš v. Croatia*, [GC] No. 75581/13, 4 October 2016, final on 30 January 2017, available at: [http://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22trava%C5%A1%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-166942%22\]}](http://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22trava%C5%A1%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-166942%22]}).

²⁹¹ CJEU, Judgment of 11 September 2018, *IR v. JQ*, C-68/17, EU:C:2018:696.

²⁹² Act on service in the armed forces (*Zakon o službi u ružanim snagama Republike Hrvatske*), 14 June 2013, Official Gazette 73/13, 75/2015, 50/2016, 30/18, 125/19, 158/2023, 155/2023, 14/2024, 136/2025.

²⁹³ Act on service in the armed forces, Article 36.

²⁹⁴ Act on service in the armed forces, Article 40.

²⁹⁵ Act on service in the armed forces, Article 43.

²⁹⁶ Act on service in the armed forces, Article 1(2).

²⁹⁷ Police Act (*Zakon o policiji*), 31 March 2013, Official Gazette 34/2011, 130/2012, 89/2014, 151/2014, 33/2015, 121/2016, 66/19, 155/2023 Article 47.

physical fitness testing changed the criteria for evaluating applications in the recruitment process.²⁹⁸

The Judiciary Act,²⁹⁹ which regulates employment in the prison services, sets a condition that, for a person to be admitted to the judicial police, they must be a maximum of 30 years of age.³⁰⁰

4.4 Nationality discrimination (Article 3(2))

a) Discrimination on the ground of nationality

In Croatia, national law does not include exceptions relating to difference of treatment based on nationality (citizenship in Croatian law).

The Anti-discrimination Act provides, however, that placing a person in a less favourable position on the grounds of citizenship in accordance with specific regulations is not discrimination. It does not specify anything further (such as which specific regulation or which field), but as for any other exception, it should have a legitimate aim and be reasonable and necessary.³⁰¹ The Act does not mention statelessness in any way.

In Croatia, nationality (citizenship in Croatian law) is not explicitly mentioned as a protected ground in national anti-discrimination law.

In Croatia, nationality means the affiliation of a person to an ethnic group or nation conceptually defined by ethnicity. As such, nationality can be considered to be protected as a separate discrimination ground under the Anti-discrimination Act as 'national origin'. In this way, nationality is closely linked with ethnicity. However, if nationality is interpreted as citizenship, it is not directly mentioned in the Anti-discrimination Act as a protected ground.

For example, a person can be a Croatian citizen but a Serb by nationality, and vice versa. Also, a member of the Roma community is by ethnicity and nationality Roma, but by citizenship, Croatian.

In this regard, it is notable that in Croatia, when making a formal request to the relevant authorities (for example, for the issuing of an identity card or passport, or a divorce decision), as well as when enrolling in college and school, it is normal to fill out official forms in which the person is asked to state their citizenship and nationality (ethnicity).

b) Relationship between nationality and 'racial or ethnic origin'

There is no definition in the Anti-discrimination Act of nationality and race or ethnic origin as grounds of discrimination. The Act lists as prohibited grounds of discrimination race and ethnic origin as well as national (i.e. ethnic) or social origin. Citizenship is regulated by the Croatian Citizenship Act.³⁰²

It remains to be seen how the courts would deal with a conflict between these provisions, and where the issue of citizenship overlaps with the issue of race or ethnic origin.

The continuing problem of citizenship on the one hand and race or ethnic origin on the other is the result of the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY),

²⁹⁸ People's Ombudsperson (2022), Report for 2021.

²⁹⁹ Judiciary Act (Zakon o sudovima), 14 March 2013, Official Gazette 28/13, 33/2015, 82/2015, 82/2016, 67/18, 126/19, Article 57.

³⁰⁰ Judiciary Act, 14 March 2013, Official Gazette 28/13, 33/2015, 82/2015, 82/2016, 67/18, 126/19, Article 57.

³⁰¹ Anti-discrimination Act, 9 July 2008, Article 9(2)(9).

³⁰² Citizenship Act (Zakon o državljanstvu), 8 October 1991, Official Gazette 53/1991, 70/1991, 28/1992, 113/1993, 4/1994, 130/2011, 110/2015, 102/19.

which consisted of six republics. The Croatian legislation regarding citizenship, following independence in 1991, had adverse consequences for people of non-Croatian ethnic origin living in Croatia (most of them Serbs and Roma).

In the (federal) Yugoslavia, citizens had both federal citizenship and republican citizenship. Since the latter was of almost no legal consequence in the federal state, people were often unaware of their republican citizenship and did not care whether they had citizenship of the republic where they lived. After Croatia's independence, people who did not have Croatian republican citizenship became aliens in Croatia. Although ethnic Croats in this situation were granted citizenship (the Croatian Citizenship Act provides that any member of the Croatian People (ethnic Croats) will be considered to be a Croatian citizen), no automatic or facilitated grant of Croatian citizenship was provided for other ex-SFRY citizens who were permanent residents in Croatia, and they had to fulfil all the numerous requirements for citizenship as third country nationals.³⁰³

That legislation had a particularly negative effect on Roma since they faced the problem of fulfilling the residence requirement (a minimum of five years of uninterrupted permanent residence) and/or 'proficiency in the Croatian language and Latin script' requirement and/or 'attachment to the Croatian culture' requirement and/or 'respect for the legal system' requirement.³⁰⁴ According to the most recent data available, 1.8 % of Roma in Croatia do not have Croatian citizenship.³⁰⁵

Civil society organisations dealing with Roma issued are still reporting problems faced by members of Roma community not being able to obtain citizenship.

The United Nations Refugee Agency (UNHCR) published the study 'Stateless persons and persons at risk of statelessness in Croatia' in 2018. It concluded that an estimated 500 to 1 500 people within the Roma population had unresolved legal status, with the most common estimate being about 1 000 persons.³⁰⁶ According to the National Plan for Roma Inclusion 2021-2027, over 98 % of the Roma population has Croatian citizenship, while 1.8 % of Roma people in Croatia do not have Croatian citizenship, of whom 23 are stateless persons.³⁰⁷ According to official data, the number of people who are stateless or at risk of statelessness is under 100. However, the figures from UNHCR and NGOs working with stateless persons and persons at risk of statelessness differ significantly from the official data.³⁰⁸

A relevant case was the subject of proceedings before the European Court of Human Rights. The applicant, B.H., filed an application arguing that he had been unlawfully erased from the register of residence in Croatia, which had created an ongoing situation that made it impossible for him to regularise his residence status. The applicant, like many others, had not been informed of the erasure and had not had an opportunity to challenge it before the relevant authorities, since the erasure was carried out automatically and without prior notification. In his application, he stated that erasure from the residence register and lack of personal documents had led to his loss of access to social and economic rights. The European Court of Human Rights found a violation of Article 8 of the European Convention, stating that, in the particular circumstances, the state had failed to fulfil its positive obligation to provide an effective and accessible procedure or combination of procedures that would enable the applicant to decide on matters of his continued residence and status

³⁰³ UNCHR, Regional Bureau for Europe (1997), *Citizenship and Prevention of Statelessness Linked to Disintegration of the Socialist Federal Republic of Yugoslavia*, European series, Volume 3, No 1, June 1997, <http://www.unhcr.org/46e660582.pdf>.

³⁰⁴ See: Zoon, I. (2002), Report on obstacles facing the Roma minority of Croatia in acquiring citizenship and accessing citizenship, housing, health and social assistance, Council of Europe/OSCE-ODIHR/European Commission Project 'Roma under the Stability Pact'.

³⁰⁵ [National Plan for Roma Inclusion for the period 2021-2027](#), June 2021.

³⁰⁶ UNHCR (2018) *Stateless Persons and Persons at Risk of Statelessness in Croatia*. UNHCR, Zagreb, 2018.

³⁰⁷ National Plan for Roma Inclusion 2021 – 2027.

³⁰⁸ [Statelessness Index](#) Country Survey data (2023).

in Croatia, with due respect for the interests of his private life, protected under Article 8 of the Convention.³⁰⁹

4.5 Health and safety at work (Article 7(2) Directive 2000/78)

In Croatia, there are no exceptions specifically in relation to disability and health and safety at work as allowed under Article 7(2) of the Employment Equality Directive 2000/78.

4.6 Exceptions related to discrimination on the ground of age (Article 6 Directive 2000/78)

4.6.1 Direct discrimination

a) Justification of direct discrimination on the ground of age

In Croatia, national law allows for specific justifications for direct discrimination on the ground of age.

According to the Anti-discrimination Act, direct discrimination is justified only in situations designated as exceptions to discrimination.³¹⁰

All exceptions should be interpreted in a way that is proportionate to the aim and purpose for which they have been set.³¹¹

The Anti-discrimination Act explicitly lists specific potential legitimate aims, as in Article 6 of the Directive.

The test is compliant with the test in Article 6, Directive 2000/78.

In this regard, a relevant court decision was issued in 2023, in the case of a claimant who had worked as a shift manager of the fire department with two years to go until retirement, and argued that his employer had discriminated against him in comparison with other employees based on age, by changing his regular working time schedule, which had put him at a disadvantage in terms of salary in comparison with younger colleagues who, unlike the claimant, had the opportunity to work different shifts, overtime, at night, on weekends and holidays. The first instance court rejected the claim as unfounded, while the second instance court ordered a retrial with the explanation that the first instance court had failed to determine all relevant facts of the case, for which reason it was not possible to determine whether the claimant had made it seem plausible that he was exposed to age discrimination.³¹²

b) Permitted differences of treatment based on age

In Croatia, national law does not permit differences of treatment based on age for any activities within the material scope of Directive 2000/78.

Differences of treatment based on age are permitted only in situations designated as exceptions to discrimination that should be interpreted in a way that is proportionate to the aim and purpose for which they have been set.³¹³

These are:

³⁰⁹ European Court of Human Rights, *Hoti v. Croatia*, [GC] No. 63311/14, 26 April 2018.

³¹⁰ Anti-discrimination Act, 9 July 2008, Article 9(3).

³¹¹ Anti-discrimination Act, 9 July 2008, Article 9(2)(2), 9(2)(4) 9(2)(6), 9(2)(8) 9(2)(10) and 9(3).

³¹² Slavonski Brod County Court, Decision no. GŽR-129/2023, 11 October 2023.

³¹³ Anti-discrimination Act, 9 July 2008, Article 9.

- in relation to a particular job, when the nature of the job is such or the job is performed under such conditions that characteristics relating to any of the (prohibited) grounds (of discrimination) present an actual and decisive condition for performing that job, provided that the purpose to be achieved is justified and the condition appropriate (genuine and determining occupational requirements);³¹⁴
- on the grounds of age in the course of determining insurance premiums, insurance pay-outs and other insurance conditions in line with relevant and accurate statistical data and rules of actuarial calculations;³¹⁵
- fixing minimum conditions of age for access to a certain job or for acquiring other advantages linked to employment when this is provided for in separate regulations;³¹⁶
- fixing a suitable and appropriate maximum age as a reason for the termination of employment and prescribing a certain age as a condition for acquiring the right to retirement;³¹⁷
- placement in a less favourable position by a determination of rights and obligations arising from family relations where this [placement] is provided for by law, particularly with the aim of protecting the rights and interests of children, which must be justified by a legitimate aim, protection of public morality and the favouring of marriage in line with the provisions of the Family Act³¹⁸ (e.g. this exception would justify an age limit for adoptive parents).³¹⁹

c) Fixing of ages for admission to occupational pension schemes

In Croatia, national law allows occupational pension schemes to fix ages for admission to the scheme, taking up the possibility provided for in Article 6(2).

The Anti-discrimination Act explicitly stipulates that placement in a disadvantageous position based on age when contracting premiums, insurance policies and other insurance conditions in accordance with relevant and accurate statistics and rules of actuarial mathematics will not be considered discrimination. That exception must seek to achieve a legitimate aim and the measures must be appropriate and necessary to achieve that aim.³²⁰

Placement in a disadvantageous position based on age will not be considered discrimination if such conduct is objectively and reasonably justified by a legitimate aim, including the legitimate objectives of social policy, social care and healthcare, employment policy, the promotion of labour market objectives and vocational training, and if the means to achieve it are appropriate and necessary. For example, determining the appropriate and maximum age as a reason for termination of employment consistent with the conditions for acquiring the right to an old-age pension, and prescribing the age or reasonable period of employment as a condition for acquiring or exercising the right to a pension, or other rights from the social security system, including the area of social welfare, pension and health insurance, are not considered to be discriminatory.³²¹

4.6.2 Special conditions for younger or older workers

In Croatia, conditions are set by law for younger workers in order to promote their vocational integration.

³¹⁴ Anti-discrimination Act, 9 July 2008, Article 9(2)(4).

³¹⁵ Anti-discrimination Act, 9 July 2008, Article 9(2)(6).

³¹⁶ Anti-discrimination Act, 9 July 2008, Article 9(2)(8).

³¹⁷ Anti-discrimination Act, 9 July 2008, Article 9(2)(8).

³¹⁸ Anti-discrimination Act, 9 July 2008, Article 9(2)(10).

³¹⁹ Family Act, 18 September 2015, Article 184, Official Gazette 103/15, 98/19, 47/20, 49/23, 156/23, minimum age of adoptive parent is 21 and minimum 18 years older than adopted child.

³²⁰ Anti-discrimination Act, 9 July 2008, Article 1(6).

³²¹ Anti-discrimination Act, 9 July 2008, Article 1(8).

There are no laws that have the sole purpose of promoting vocational integration. Regulations and measures that promote the vocational integration of younger workers are contained in the Labour Act and the Labour Market Act.³²²

A person who is employed for the first time in the profession for which he/she was educated may be employed as an intern with the aim of being trained for independent work during the internship.³²³ Employers that employ a person up to 29 years of age as an intern can receive a state subsidy³²⁴

The Labour Act also provides for an obligation on the employer to provide the employee with education, training and advanced training.

In Croatia, there is an active employment policy through various measures aimed at encouraging the employment of hard-to-employ groups of workers, which are, in general, prescribed by the Labour Market Act.³²⁵ These measures are defined by the programmes of the Croatian Employment Service, which plans and conducts measures for active employment policies on a yearly basis.³²⁶

The Ombudsperson has noted that the labour market is not particularly favourable to older people, as there are prevailing prejudices among employers that older people do not have good work potential. They are also most exposed to termination of employment due to business reasons, where workers over the age of 55 make up 41 % of the total number of workers declared redundant. In this regard, the Ombudsperson continuously points to the discriminatory effect of the Compulsory Health Insurance Act provision, which puts employees over the age of 65 at a disadvantage in comparison with others: although the costs of compulsory health insurance are paid by employers for all employees, the costs of salary compensation during sick leave for employees over the age of 65 cannot be compensated at the expense of the state budget and employers need to cover such costs on their own. The Ombudsperson issued a recommendation to the Ministry of Health to amend this provision.³²⁷

On the other hand, the Constitutional Court and the Supreme Court have ruled in cases in which employees over the age of 60 claimed that they were discriminated against by collective agreement provisions that prohibited employers from terminating their employment contracts for business-related reasons; they stated that they were thus placed in a financially disadvantageous situation because they could not receive severance pay, unlike younger workers. Although employers claimed that these were provisions of a social nature aimed specifically at protecting older workers as a particularly vulnerable group on the labour market that is difficult to employ, the Constitutional Court and the Supreme Court found that this constituted discriminatory practice. In line with the positions of the Supreme and Constitutional Court, in 2025 a municipal court determined that an employee over the age of 60 had been discriminated against and awarded him compensation³²⁸ (please see section 4.6.5.a).³²⁹

4.6.3 Minimum and maximum age requirements

In Croatia, there are exceptions permitting minimum and maximum age requirements in relation to access to employment (notably in the public sector) and training.

³²² Labour Market Act, 1 January 2019, Official Gazette 118/18, 32/20, 18/22, 156/23 Labour Act, 15 July 2014.

³²³ Labour Act, 15 July 2014, Article 55.

³²⁴ Croatian Employment Service, <https://mjere.hzz.hr/mjere/potpore-za-pripravnistvo-i-mlade-2025/>.

³²⁵ Labour Market Act, 1 January 2019, Article 35.

³²⁶ Labour Market Act, 1 January 2019, Article 35.

³²⁷ People's Ombudsperson (2023), [Report for 2022](#).

³²⁸ Zagreb Municipal Labour Court, decision no. Pr-402/2024, 27 February 2025.

³²⁹ Supreme Court of the Republic of Croatia, decision no. Rev-22/2024, 27 February 2024; Constitutional Court of the Republic of Croatia, Decision no. U-III-1098/21, 14 November 2023.

The Labour Act stipulates the minimum age for employment – 15 years of age. A minor older than 15 cannot be employed until the end of his or her compulsory primary education.³³⁰ A minor cannot be employed in work that may harm his or her safety, health, morality or development.³³¹

The Anti-discrimination Act provides exceptions permitting minimum age requirements in relation to access to employment or to acquiring other benefits based on employment when such requirements are covered by special regulations.³³² Although the provision is general, it obviously covers regulations dealing with the minimum age for employment (Labour Act), and the minimum age for work under special conditions (Rules on work under special conditions), etc.

Aside from that general rule, provisions on minimum and maximum age requirements are very rare and limited to certain professions. A person older than 30 cannot be employed for the first time as a firefighter,³³³ but there is no special rule on age and termination of this employment. For some professions, there are requirements in terms of a minimum period of professional experience (judges, Constitutional Court judges) or good health (pilots), but not age.³³⁴ There are also special age requirements for the armed forces (section 4.3 above).

4.6.4 Retirement

a) State pension age

In Croatia, there is a state pension age at which individuals must begin to collect their state pensions (65 years of age).³³⁵ The Ministry of Labour and Pension Insurance had announced a pension insurance reform by which the state pension age would be raised to 67, which caused resentment among the general public. During 2019, the labour unions started a referendum initiative and collected a sufficient number of citizens' signatures for a referendum on the issue, following which the Government abandoned the reform.

An individual can work full time when he/she reaches the age of 65 if the employer agrees. If such an agreement does not exist, the employment contract is terminated by the force of law when a person turns 65. If the person collects a pension, he/she cannot work full time. The Constitutional Court has decided on a proposal for constitutionality assessment of the Labour Act provision prescribing the termination of the employment contract when a person reaches the age of 65 (see 4.6.4.f, below).³³⁶

If an individual wishes to work longer, the pension cannot be deferred but the individual can work on a short-term contract (in that case, he or she can collect a pension and still work) or the employment can be prolonged, but in both cases the employer's consent is needed.³³⁷ An individual cannot collect a pension and still work as a full-time employee, but he or she can collect a pension and work as a part-time employee³³⁸ or as a self-employed short-term contractor (*ugovor o djelu*).

³³⁰ Labour Act, 15 July 2014, Article 19, 19a.

³³¹ Labour Act, 15 July 2014, Article 21.

³³² Anti-discrimination Act, 9 July 2008, Article 9(2)(7).

³³³ Fire-Fighting Act (Zakon o vatrogastvu), 20 December 2019, Article 51, Official Gazette 125/19, 114/22, 125/19, 155/23.

³³⁴ According to the available information, this had not been challenged in court.

³³⁵ Labour Act, 15 July 2014, Article 112.

³³⁶ Constitutional Court of the Republic of Croatia, Decision no: U-I-6269/2014, 24 June 2020, available at: <https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&documentId=C12570D30061CE54C125859600276FFD>.

³³⁷ Labour Act, 15 July 2014, Article 112.

³³⁸ Pension Insurance Act, 24 December 2013, Article 37(6), Official Gazette 157/2013, 151/2014, 33/2015, 93/2015, 120/2016, 18/2018, 62/2018, 115/18, 102/2019, 84/21, 119/22.

b) Occupational pension schemes

In Croatia, there is a standard age at which people can begin to receive payments from occupational pension schemes and other employer-funded pension arrangements. The law sets a minimum age (50) when people can begin to receive payments from voluntary pension schemes, but not a maximum age.³³⁹

If an individual wishes to work longer, payments from such occupational pension schemes can be deferred.

An individual can collect a pension and still work.

c) State-imposed mandatory retirement ages

In Croatia, there are state-imposed mandatory retirement age with discretion to extend which applies to all employers, public and private.

According to the Labour Act,³⁴⁰ employment ends when an employee is 65 years of age and has 15 years of pensionable service, but the employer and employee can prolong employment if they wish to do so. The rule is applied equally to women and men.

However, the Labour Act does not regulate all types of job. The employment of civil servants, judges, public attorneys, military, police and so on is regulated by special laws. The mandatory retirement age for judges is 70;³⁴¹ for civil servants, it is 65 and 15 years of pensionable service;³⁴² for public attorneys (and their deputies), it is 70;³⁴³ and for army employees, it is 65 and 15 years of pensionable service.³⁴⁴

d) Retirement ages imposed by employers

In Croatia, national law permits employers to set retirement ages, or ages at which the termination of an employment contract is possible, by contract and collective bargaining.

The employer and employees can contractually (including by collective bargaining) set only higher retirement ages than those provided for by the law.³⁴⁵

Employers often instruct older employees who have not yet reached retirement age to discontinue their employment by accepting the incentive of severance pay for mutual agreement on the termination of employment before retirement. This practice is especially noticeable in larger firms.

There is still no case law on this issue.

e) Employment rights applicable to all workers irrespective of age

The law on protection against dismissal and other laws protecting employment rights apply to all workers, irrespective of age.

³³⁹ Voluntary Pension Funds Act (Zakon o dobrovoljnim mirovinskim fondovima), 31 January 2014, Article 127.

³⁴⁰ Labour Act, 15 July 2014, Article 112.

³⁴¹ Act on State Judiciary Council, *Zakon o Državnom sudbenom vijeću*, 21 October 2010, *Official Gazette* [116/2010](#), [57/2011](#), [130/2011](#), [13/2013](#), [28/2013](#), [82/2015](#), [67/2018](#), [126/2019](#), 80/112, 16/23, 83/23, 155/23, Article 77(2)(5).

³⁴² Civil Servants Act (Zakon o državnim službenicima), 20 July 2024, *Official Gazette*, 155/23, 85/2024, Article 152 (1) (3).

³⁴³ Act on the State Attorney's Office, (Zakon o državnom odvjetništvu), 25 July 2018, *Official Gazette* No. 67/18, 21/22 Article 27.

³⁴⁴ Act on service in the armed forces, 14 June 2013, Article 20(21).

³⁴⁵ Labour Act, 15 July 2014, Article 112.

When a person reaches the age of 65, the employment contract is terminated by the force of law, unless otherwise agreed by the parties. From the legal point of view, this is not considered as dismissal (the person is not fired) and the worker does not have a legal ground to refute it.

f) Compliance of national law with CJEU case law

In Croatia, national legislation is not in line with the CJEU case law on age regarding compulsory retirement.

General compulsory retirement at the age of 65 (plus 15 years of pensionable service) might be problematic. The only exception, provided for by the Labour Act, is made if both employer and employee wish to prolong the employment. There is no exception of any kind in the Civil Servants Act and the Act on service in the armed forces. A legitimate aim might be freeing up posts for younger workers as Croatia has a high rate of youth unemployment (17.60 %).³⁴⁶

The Constitutional Court decided on a proposal to initiate proceedings for a constitutionality assessment of the relevant provision of the Labour Act. The proposal was submitted with the argument that provision of the Labour Act that enforces automatic termination of employment when a worker reaches the age of 65 and has 15 years of pensionable service, introduces discrimination by age and abolishes the right to work for a certain age group. The proposer argued that retirement should be a right, not a coercion conditioned by law and that automatic termination of employment should be linked to retirement when the worker decides to retire, since every person should be able to choose whether to exercise his or her right to a pension when he or she reaches the age of 65. However, the Constitutional Court did not accept the proposal for assessment of constitutionality with the explanation that the proposer was in fact requesting an amendment to the law, which is not within the jurisdiction of the Constitutional Court, and that they had not stated detailed and precise reasons that would indicate a suspicion that the disputed provision was not in accordance with law.³⁴⁷ There are cases where a legitimate aim does not exist, as in the case of the compulsory retirement of medical doctors at the same time as there being a lack of medical doctors in Croatia.

The right of pharmacists and medical doctors to practice,³⁴⁸ even when they own private practices that are part of the public healthcare system, ends when they turn 68 and have 15 years of pensionable service, unless the Ministry of Health exceptionally decides to prolong the practice in individual cases.³⁴⁹

The case law has taken a stand that this kind of practice does not constitute age discrimination.³⁵⁰

One relevant case decided by the Constitutional Court in 2024 involved a claimant who was registered as a bankruptcy administrator, but, following legislative amendments to the Bankruptcy Act, struck off from the list of administrators after reaching the age of 70. He claimed that he was thus discriminated against on the grounds of age. In the proceedings before the second-instance court, he requested that a proposal for a preliminary ruling be submitted to the CJEU regarding the interpretation of relevant EU law. His claim was

³⁴⁶ Trading Economics (2025), 'Croatia Youth Unemployment Rate': <https://tradingeconomics.com/croatia/youth-unemployment-rate>.

³⁴⁷ Constitutional Court of the Republic of Croatia, Decision No: U-I-6269/2014, 24 June 2020, available at: <https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&documentId=C12570D30061CE54C125859600276FFD>.

³⁴⁸ They do not have to retire, but they cannot work as doctors or pharmacists.

³⁴⁹ Healthcare Act, Article 67.

³⁵⁰ Zagreb Administrative Court, No. UsI-4894/13, 20 April 2015; High Administrative Court of the Republic of Croatia, No. UsI-828/15, 23 August 2017; Constitutional Court of the Republic of Croatia, Decision No. U-IX-5329/2019, 9 January 2020, available at: <https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&documentId=C12570D30061CE54C12584EA00347E03>.

rejected by the High Administrative Court which expressed the opinion that there was no need for a preliminary ruling of the CJEU since Croatia has transposed relevant European directives. The Constitutional Court then confirmed lower-instance decisions accepting the reasoning for not referring the case to CJEU for preliminary ruling. Two constitutional court judges gave dissenting opinions in this case, stating that refusal to submit a preliminary ruling request to the CJEU constitutes direct undermining of the fundamental principles of the EU legal order, as the fact that Croatia has implemented European directives does not necessarily mean that its laws and practices are in accordance with the directives finding such legal standing of the lower courts unacceptable.³⁵¹

4.6.5 Redundancy

a) Age and seniority taken into account for redundancy selection

In Croatia, national law permits age or seniority to be taken into account in selecting workers for redundancy.

National law obliges an employer to take into account an employee's age when selecting workers for redundancy, but it does not specify in what way age should influence its decision.³⁵²

In a situation in which an employer terminates employment for business reasons (*poslovno uvjetovani otkaz*) or because an employee is not able to perform duties due to his or her permanent abilities or characteristics (*osobno uvjetovani otkaz*), the employer has to take into consideration the length of the employee's service, his or her age, disability and care responsibilities. The law does not specify in what way age should influence the employer's decision.³⁵³

In a relevant case, the applicant claimed that he had been discriminated against on the basis of his age, due to the fact that he met the conditions for early retirement at the time of his dismissal, for which reason the employer, in making a decision on termination of his employment contract, was not obliged to take into consideration redundancy criteria that protect certain categories of workers from dismissal. The applicant claimed that, in such a way, he was placed in an unequal position in comparison with other workers and forced to retire early. The Constitutional Court determined that the applicant had indeed been placed in a disadvantageous position based on the criterion of fulfilling the conditions for the realisation of the right to an early retirement pension, which was determined by his age. Therefore, the Constitutional Court found that the applicant, in the process of the termination of his employment contract, had been put in a disadvantageous position in comparison with other workers on the basis of his age, and that he was limited in his right to continue working even though he met the conditions for exercising the right to an early old-age pension, especially bearing in mind that an early pension was financially less favourable for him than a full pension. The Constitutional Court concluded that the applicant's rights to general prohibition of discrimination in connection with the right to work had been violated.³⁵⁴

In a relevant case the Constitutional Court issued a decision concerning age discrimination of a worker who was 63 years and six months old, and claimed that he had been discriminated against by his employer on the basis of his age. Due to the provisions of a collective agreement, he was denied the right to choose between remaining at his workplace until the fulfilment of conditions for retirement and using the right to severance pay related to business-related termination of the employment contract, which was more financially advantageous for him. He claimed that he was placed in a disadvantageous

³⁵¹ Constitutional Court of the Republic of Croatia, decision no. U-III-249/2023, 5 March 2024.

³⁵² Labour Act, 15 July 2014, Article 115.

³⁵³ Labour Act, 15 July 2014, Article 115.

³⁵⁴ Constitutional Court, no. U-III-3448/2018, 16 November 2021.

position due to his age in comparison with his younger colleagues who had the right to collect severance pay. The Constitutional Court determined that the applicant's right to prohibition of discrimination in connection with the exercise of the right to work and freedom of work in the specific case had been violated.³⁵⁵

In 2024, the Supreme Court of the Republic of Croatia took the same legal position, ruling in a case in which the claimant argued that he was discriminated against based on age by the provisions of the employer's collective agreement, which prohibited the employer from terminating an employment contract with employees older than 63 years for business-related reasons. Subsequently, the claimant did not have the right to have his contract terminated with severance pay and was forced to stay at work until the meeting conditions for retirement without severance pay, which was financially less favourable for him. After his claim was rejected by the lower courts, the Supreme Court of Croatia, referring to the previously presented legal standing of the Constitutional Court, ordered a retrial.³⁵⁶

After the Supreme Court review, in 2025 the first-instance court issued a decision in repeated proceedings, confirming that the collective agreement provision preventing the employer from dismissing employees over the age of 63 years and 6 months for business-related reasons, thereby excluding the possibility for the employee to choose a more favourable option, such as termination with a severance payment, constituted discrimination against the claimant (for more on the judgment, see section 12.2).³⁵⁷

b) Age taken into account for redundancy compensation

In Croatia, national law provides compensation for redundancy. This is not affected by the age of the worker.

The amount of compensation for redundancy is not affected by the age of the worker, but by the length of his or her employment with the same employer.³⁵⁸

4.7 Further exceptions necessary in a democratic society: Public security, public order, criminal offences, protection of health, protection of the rights and freedoms of others (Article 2(5), Directive 2000/78)

In Croatia, national law includes exceptions that seek to rely on Article 2(5) of the Employment Equality Directive.

According to the Anti-discrimination Act, placement in a less favourable position is not discrimination when such conduct is carried out with the aim of preserving health, public security, maintaining public order and peace, preventing criminal acts and protecting the rights and freedoms of others, when the means used are appropriate and necessary for the aim to be achieved and when such conduct does not lead to direct or indirect discrimination based on race and ethnicity, skin colour, religion, gender, ethnic and social origin, sexual orientation or disability.³⁵⁹

4.8 Any other exceptions

In Croatia, other exceptions to the prohibition of discrimination (on any ground covered by this report) provided in national law are set out below.

An exception to the prohibition of discrimination specific to the Anti-discrimination Act (and the most controversial exception) is the exception provided by Article 9(2)(10) of the Act:

³⁵⁵ Constitutional Court, Decision no. U-III/1098/2021, 14 November 2023.

³⁵⁶ Supreme Court of the Republic of Croatia, decision no. Rev-22/2024, 27 February 2024.

³⁵⁷ Zagreb Municipal Labour Court, decision no. Pr-402/2024, 27 February 2025.

³⁵⁸ Labour Act, 15 July 2014, Article 126.

³⁵⁹ Anti-discrimination Act, 9 July 2008, Article 9(2)(1).

'placement in a less favourable position by a determination of rights and obligations arising from family relations where this [placement] is provided for by law, particularly with the aim of protecting the rights and interests of children, which must be justified by a legitimate aim, protection of public morality and the favouring of marriage in line with the provisions of the Family Act.'

The obvious aim of this exception is to prevent gay and lesbian persons from seeking protection against discrimination when family-related issues such as registered partnership or marriage, child adoption or medically assisted reproduction are at stake. The Same-sex Life Partnership Act, which later entered into force, partially regulated the rights of same-sex partners arising from family relations in accordance with the rights of married couples.³⁶⁰ However, the questions of adoption, foster care and medically assisted reproduction were not regulated by the Same-sex Life Partnership Act. These areas are still regulated exclusively by the Family Act, the Foster Care Act³⁶¹ and the Medically Assisted Procreation Act, which do not allow adoption or medically assisted reproduction rights to same-sex couples.³⁶²

A heated public debate in Croatia was led regarding the rights of same-sex life partners to foster children. Namely, from the strict wording of the Foster Care Act, it follows that same-sex partners cannot foster children under Croatian law, as interpreted by the social welfare centre and the competent ministry.³⁶³ The Administrative Court, however, took a different stance, ordering the centre to reconsider its decision in one case of a same-sex couple trying to foster a child, and thereby setting a 'precedent' in this area.³⁶⁴

Finally, the Constitutional Court of the Republic of Croatia decided on the constitutionality of the Foster Care Act. It found that restrictions relating to the procedural aspect of the institution of foster care that apply only to one (very small) group of potential foster parents, determined solely by the form of family community in which they live according to their sexual orientation, are not necessary in a democratic society; are discriminatory and therefore unacceptable; and are disproportionate and show a disregard for the equality of same-sex partners in comparison with marital and extramarital partners.³⁶⁵

The Constitutional Court stated that, bearing in mind the basic constitutional principle of gender equality, and taking into account the legal prohibition of discrimination based on sexual orientation contained in the Anti-discrimination Act, the Gender Equality Act and the Life Partnership Act, the courts and other bodies are obliged to interpret and apply the provisions of the Foster Care Act in a way that will enable all persons to participate in the public foster care service under equal conditions; that is, regardless of whether the potential foster parent lives in a formal or informal life partnership.

In this regard, there was a relevant decision in the case of a same-sex couple who were denied registration on the registry of potential adopters. The High Administrative Court determined that there is no obstacle to allowing the couple access to the register of adoptive parents, because acting contrary to this would mean discrimination on the basis of sexual orientation.³⁶⁶

³⁶⁰ Provisions contained in the Same-sex Life Partnership Act that regulate rights of same-sex partners override Article 9(2)(10) of the ADA. Same-sex partners cannot be denied protection under the SSLP Act on the basis of Article 9(2)(10) of the ADA.

³⁶¹ Foster Care Act, (Zakon o udomiteljstvu), 1 January 2019, Official Gazette 105/18, 18/22.

³⁶² Medically Assisted Procreation Act (Zakon o medicinski pomognutoj oplodnji), 4 August 2012, Official Gazette 86/2012.

³⁶³ Foster Care Act, 1 January 2019, Article 9.

³⁶⁴ Zagreb Administrative Court, Decision No. UsI-1699/18, of 29 December 2019.

³⁶⁵ Constitutional Court of the Republic of Croatia, Decision No. U-I-144/2019, 29 January 2020, available at: <https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&documentId=C12570D30061CE54C12585060030E2EC>.

³⁶⁶ Decision of the High Administrative Court, No. Usž-2402/22, 20 April 2022.

A relevant case from 2025 concerns the annulment of decisions by Croatian authorities rejecting the claimant's request to be entered into the Register of Prospective Adoptive Parents due to her being in a life partnership. The claimant argued that she was placed in a less favourable position solely because of her sexual orientation. She sought to adopt her partner's child, who carries her genetic material and was already under her partner's care. The Administrative Court found that discrimination had occurred, noting that heterosexual couples in similar situations could register. Relying on domestic law, international treaties, and ECtHR precedent (*E.B. v. France*, 2008), the Court concluded the claimant was highly suitable to adopt and recommended that she be allowed to establish legal parenthood (for more on the judgment, please see section 12.2).³⁶⁷

In Croatia, there are no other exceptions to the prohibition of discrimination (on any ground) provided in national law.

³⁶⁷ Zagreb Administrative Court, Decision no. UsI-3471/2024, 27 May 2025.

5 POSITIVE ACTION (Article 5 Directive 2000/43, Article 7 Directive 2000/78)**a) Scope for positive action measures**

In Croatia, positive action in respect of racial or ethnic origin, religion or belief, disability, age or sexual orientation is provided for in national law.

According to the Anti-discrimination Act, placement in a less favourable position will not be considered to be discrimination in the case of a positive action, i.e. special measures of a temporary nature, which are necessary and appropriate to achieve real equality of social groups that are in an unfavourable position, when such conduct is based on provisions of laws, subordinate regulations, programmes, measures or decisions with the aim of improving the status of ethnic, religious, language or other minorities or other groups of citizens or persons facing discrimination on the prohibited grounds of discrimination.³⁶⁸ This exception is to be interpreted in proportion to the aim and purpose for which it is provided.³⁶⁹ This exception is applicable to any grounds covered by the ADA and not just to positive action in respect of racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The most important case law and legal discussion was about the positive action measure in respect of ethnic origin provided for by the Judiciary Act, the Act on the State Judiciary Council and the Civil Servants Act. Those acts provide a positive action measure in respect of ethnic origin such that representation of ethnic minorities must be taken into account when employing civil servants and judges.

The Act on Professional Rehabilitation and Employment of Persons with Disability provides that, when giving employment, state bodies, public administration bodies and public institutions are obliged to give priority to persons with disabilities under equal conditions.³⁷⁰ This means that when making a decision on employment between different candidates under the condition that all of the candidates have achieved equal results on testing, interview, etc., if one of the candidates is a person with a disability, the employer is obliged to give this candidate priority.

In a 2025 case, the State Inspectorate initiated misdemeanour proceedings against a public institution as employer and the responsible person within the institution for failing to give employment priority to a person with a disability for an administrative officer position. Despite the candidate meeting all formal requirements, the employer hired another person, placing the candidate with a disability at a disadvantage and allegedly violating Article 4(2) of the Anti-Discrimination Act. Ultimately, the court acquitted the defendants due to formal deficiencies in the charge, as the factual description did not contain all constitutive elements of the offence (for more on the judgment, see section 12.2).³⁷¹

An example of a positive action measure on the grounds of age in the area of housing is the state subsidy for resolving housing needs, provided through tax relief when purchasing or constructing a first home for persons under the age of 45.³⁷² It is a measure of state financial assistance intended to facilitate housing for the 'younger' population by repaying a part of their mortgage and is regulated by the Act on subsidising housing loans.³⁷³

³⁶⁸ Anti-discrimination Act, 9 July 2008, Article 9(2)(2).

³⁶⁹ Anti-discrimination Act, 9 July 2008, Article 9(3).

³⁷⁰ Act on Professional Rehabilitation and Employment of Persons with Disability, 13 December 2013, Article 9.

³⁷¹ Rijeka Municipal Court, Mali Lošinj Permanent Service, decision no. Pp-1852/2023-3, 20 March 2025.

³⁷² Agency for Transactions and Mediation in Immovable Properties, Uvjeti za povrat poreza na prvu nekretninu (Conditions for Tax Refund on the Purchase of a First Residential Property) <https://apn.hr/povrat-poreza/uvjeti-za-ostvarivanje-mjere/>.

³⁷³ Act on subsidising housing loans, 15 June 2017, Official Gazette 65/17, 61/18, 66/19, 146/20.

Another example in the area of health care is the free flu vaccination for people aged 65 or older.³⁷⁴

An example of a positive active measure in employment comprises the financial benefits for employers who employ a person under the age of 30, which is an incentive aimed at increasing youth employment.

b) Quotas in employment for persons with disabilities

In Croatia, national law provides for quotas for persons with disabilities in employment.

The Act on Professional Rehabilitation and Employment of Persons with Disabilities establishes a single quota system for the employment of persons with disabilities, applicable to all employers (both public and private) employing at least 20 workers. Under this system, employers are required to ensure that at least 3 % of their workforce consists of persons with disabilities, in accordance with the Regulation on the Employment Quota for Persons with Disabilities, regardless of the type of activity.³⁷⁵

The quota may be fulfilled either through the direct employment of persons with disabilities or through a substitution quota which includes alternative measures that allow employers to satisfy disability employment quota requirements through cooperation, training, internship, or scholarship arrangements benefiting persons with disabilities, instead of directly employing the full quota of workers with disabilities.

Only persons with disabilities employed for at least 20 hours per week and registered in the official registry of employed persons with disabilities at the Croatian Pension Insurance Institute are taken into account, while newly established employers are exempt from the quota obligation for 24 months from registration or establishment.

Where employers fail to meet the prescribed quota, they are required to pay a monthly financial contribution amounting to 20 % of the minimum wage for each person with a disability they are obliged to employ.³⁷⁶ These contributions are paid into the state budget and are used to support professional rehabilitation, incentives, and programmes aimed at promoting the employment of persons with disabilities.³⁷⁷ Conversely, employers who exceed the quota, or those employing fewer than 20 employees including persons with disabilities, are entitled to a monthly incentive of 30 % of the minimum wage for each person employed above the quota. This incentive may be paid for up to 12 consecutive months, provided the employee is registered in the relevant official registry.

The Disability Ombudsperson reported that, as of 31 December 2025, a total of 82 625 unemployed persons were registered in the records of the Croatian Employment Service. Of this number, 9 200 were persons with disabilities, representing 11.1 % of the total unemployed population registered with the Croatian Employment Service. As of 31 December 2025, according to data from the Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities, 21 607 persons with disabilities were employed. This figure indicates an increase in employment of 2 279 persons with disabilities compared with 31 December 2024, when 19 328 persons with disabilities were employed.³⁷⁸

In addition, the Ombudsperson pointed out that in December 2025, there were 10 695 employers under the quota obligation, of whom 2 813 were in the public sector, 7 714 in

³⁷⁴ Croatian Institute of Public Health, Announcement of 11 December 2024, available at: <https://www.stampar.hr/hr/novosti/cijepljenje-protiv-gripe-0>.

³⁷⁵ Regulation on the Employment Quota for Persons with Disabilities, Official Gazette 151/2024, 1 January 2025.

³⁷⁶ The monthly fee in 2025 was EUR 194.

³⁷⁷ Act on Professional Rehabilitation and Employment of Persons with Disability, Article 10(6).

³⁷⁸ Disability Ombudsperson (2026), Report for 2025.

the private sector, and 168 civil society organisations. According to the Ombudsperson, by 31 December 2025, 1 523 notices of fulfilment of the quota obligation in an alternative way (by paying a fee) had been registered. The Ombudsperson further reported that in 2025, the total amount of funds paid by the employers as fees for not employing persons with disabilities had reached EUR 31 439 555.27.³⁷⁹

The Ombudsperson also found that during 2025, 362 employers who were not under a quota employment obligation nevertheless chose to employ persons with disabilities or employed persons with disabilities over the prescribed quota and were entitled to incentives. In 2024 these incentives amounted to EUR 1 099 092.00.³⁸⁰

All employers are eligible for state funding to help with the costs of reasonable accommodation and to certain incentives if they employ a person with disability, but only for those employees with disabilities who are registered in the Register of the Pension Insurance Institute.³⁸¹ Registration of the employee is the employer's obligation. The employee is not obliged to reveal his/her disability status if he/she does not wish to exercise his/her rights on the basis of disability in employment and if his/her condition does not interfere with the ability to perform his/her job. According to Article 24 of the Labour Act, when concluding an employment contract and during the period of employment, the employee is obliged to inform the employer about an illness or other circumstance that prevents or significantly interferes with the performance of his/her obligations under the employment contract or endangers the life or health of persons with whom the employee comes into contact during work.

To be eligible for the incentives, the employer has to provide, for each employee with disability, an expert assessment by the Institute for Medical Assessment Professional Rehabilitation and Employment of Persons with Disabilities – the reasonable accommodation plan is part of such an assessment. Further, administrative bodies, judicial bodies, local authorities, public services and legal persons owned by the state or local authorities are obliged to give priority in employment to persons with disabilities.

In 2025, a total of EUR 25 153 462.43 of incentives were paid for the employment of 4 604 persons with disabilities.³⁸²

³⁷⁹ Disability Ombudsperson (2026), *Report for 2025*, <https://posi.hr/izvjesca-o-radu/#single/0>.

³⁸⁰ Disability Ombudsperson (2026), *Report for 2025*.

³⁸¹ Ordinance on the content and manner of keeping records on employed persons with disabilities (Pravilnik o sadržaju i načinu vođenja očevidnika zaposlenih osoba sa invaliditetom), 30 August 2018, Official Gazette 75/2018.

³⁸² Disability Ombudsperson (2026), *Report for 2025*.

6 REMEDIES AND ENFORCEMENT

6.1 Judicial and/or administrative procedures (Article 7 Directive 2000/43, Article 9 Directive 2000/78)

a) Available procedures for enforcing the principle of equal treatment

In Croatia, the following procedures exist for enforcing the principle of equal treatment.

A victim of discrimination can seek protection through judicial proceedings – civil and/or criminal (both adjudicated by ordinary courts) and/or misdemeanour (for less serious offences adjudicated by misdemeanour courts).³⁸³

In civil proceedings, a victim of discrimination can file a claim seeking protection of his or her individual rights claiming that a right has been violated on account of discrimination (incidental anti-discrimination protection) or a claim seeking a ruling on the existence of discrimination as the main issue (special individual anti-discrimination action). In the latter case, victims can ask for:

- determination of the existence of discrimination (declaratory anti-discrimination claim); and/or
- prohibition of discrimination (prohibitive anti-discrimination claim); and/or
- elimination of discrimination or its effects (restitution anti-discrimination claim); and/or
- damages for the harm caused by discrimination (reparational anti-discrimination claim); and/or
- publication of the decision determining the existence of discrimination (publishing anti-discrimination claim).

The civil procedure is the same for employment in the private and public sectors, except that a claimant who wants to file a claim against the state is obliged to send a request to the State Attorney's Office for an amicable settlement. If the State Attorney's Office declines the request or does not respond within 90 days, the claim can be filed with the court.³⁸⁴

Criminal offences of discrimination (see section 6.5 below) are crimes subject to public prosecution, so a victim of discrimination could in theory just file a criminal complaint with the State Attorney's Office. If the State Attorney's Office decides not to prosecute (e.g. if it considers that the act in question is not a criminal offence), the victim is authorised to take over the prosecution of the case as a subsidiary prosecutor, within eight days from the notification of the decision by the State Attorney's Office.

The Anti-discrimination Act specifies misdemeanour liability for harassment, sexual harassment and victimisation, but not for other forms of discrimination.³⁸⁵ A victim of discrimination can file a complaint with the Ombudsperson as the central body responsible for anti-discrimination. If a person faces discrimination by an administrative act, he or she can file a complaint with the Administrative Court of the Republic of Croatia, which is authorised to review the legality of administrative acts.

Finally, a victim of discrimination can file a constitutional complaint with the Constitutional Court if he or she deems that an individual act of a state body, a body of local and regional self-government or a legal person with public authority that determined his or her rights

³⁸³ Misdemeanour courts deal with minor offences; Misdemeanours Act, (Prekršajni zakon), 3 October 2007, Official Gazette 107/2007, 39/2013, 157/2013, 110/2015, 70/17, 118/18, 114/22.

³⁸⁴ Civil Procedure Act (Zakon o parničnom postupku), 24 December 1976, Article 186(a).

³⁸⁵ Misdemeanours are minor offences, most often prosecuted ex officio in proceedings similar to criminal proceedings.

and obligations, has violated his or her human rights or fundamental freedoms guaranteed by the Constitution.

The Anti-discrimination Act grants the Ombudsperson the authority to carry out a mediation procedure, with the consent of the parties, with the possibility of an out-of-court settlement.³⁸⁶

Various administrative proceedings can provide protection against discrimination as well, such as labour inspection, police complaint mechanisms, inspection in the field of education, etc.

Decisions in all proceedings mentioned above are binding.

b) Barriers and other deterrents faced by litigants seeking redress

Possible barriers to litigation are described below.

- Length of proceedings: proceedings before the Croatian courts rarely satisfy the standards of fairness in respect of reasonable time; the proceedings usually last so long that remedies cannot be considered effective. For example, although the law clearly states that employment disputes must be decided in the first instance in six months,³⁸⁷ as a rule such proceedings in courts in bigger cities last several years.
- Case law of municipal and county courts, the main source of judicial interpretation of legal provisions that are often very wide, is only partially published and therefore remains only partly accessible to potential claimants. Progress has been made in this area through the establishment of the ANON public search engine, a web application that enables users to search court decisions. Its database includes previously published court decisions from the former national case law portal, which have been transferred and made available in anonymised form.³⁸⁸ However, the published database does not yet provide comprehensive access to the case law of municipal and county courts.

Costs:

- If a claimant loses a case or wins only in part, he or she risks paying costs to the other party (e.g. if a claimant asks for compensation of EUR 10 000 and the court awards him only EUR 5 000, he or she has to pay the defendant 50 % of the latter's costs).

The litigant is not obliged to instruct a lawyer, but due to the complexity of legislation and procedures and the fact that judges are inexperienced in this field, the help of the lawyer is de facto necessary. A system of free legal aid exists, but does not fulfil its function. The People's Ombudsperson continuously reports on obstacles to the effective enjoyment of the right to free legal aid. While litigants are not obliged to be represented by a lawyer, the complexity of legislation and procedures, combined with limited judicial familiarity in certain areas, means that legal representation is often necessary in practice. Although a system of free legal aid exists, the Ombudsperson has consistently pointed to a number of systemic shortcomings affecting its effectiveness. These include the complexity of the application procedure, delays in decision-making on requests for secondary legal aid (which in some cases range from 45 to 90 days), and insufficient staffing of competent administrative bodies. As legal remedies are often subject to short deadlines, such delays may result in applicants missing the opportunity to pursue their claims. Additional obstacles include limited public awareness of the availability of free legal aid, which leads to late

³⁸⁶ Anti-discrimination Act, 9 July 2008, Article 12(2)(5).

³⁸⁷ The provision is mandatory; Article 434(4) of the Civil Procedure Act.

³⁸⁸ Tražilica odluka sudova RH (Croatian Court Decisions Search Engine) <https://www.vsrh.hr/trazilica-sudskih-odluka-anon.aspx>.

submission of requests, and the requirement to pay an administrative fee in cases where applications are rejected. Despite repeated recommendations by the Ombudsperson to improve access to information, relevant guidance is still mainly available only through the websites of the Ministry of Justice and service providers, which does not adequately reach persons who do not use the internet as their primary source of information. The Ombudsperson has therefore recommended broader dissemination of information through media channels and printed materials in public institutions. Furthermore, it has been noted that the number of lawyers willing to provide secondary legal aid has been decreasing, further affecting the availability of the system in practice.

In their annual reports, the Ombudsperson regularly speaks of problems in obtaining free legal aid and complaints received in connection to this issue. The Ombudsperson stated that proceedings to grant free legal aid last too long, which calls into question the main purpose of the free legal aid, which is access to justice.³⁸⁹

A significant number of victims of discrimination are still reluctant to seek court protection due to the long duration of proceedings and the uncertainty of their outcome. Decisions of the Constitutional Court related to complaints of violation of the right to a trial within a reasonable time in anti-discrimination proceedings support this argument. In several cases the Constitutional Court has upheld the constitutional complaints and awarded the applicants compensation for the violation of their right to a trial within a reasonable time.³⁹⁰ Several decisions of the European Court of Human Rights also condemned Croatia on this issue.³⁹¹

The same continued during 2025, when the Constitutional Court in several cases found a violation of the claimants' right to a trial within a reasonable time in anti-discrimination proceedings, one of which lasted more than 11 years (for more on the judgments, please see section 12.2).³⁹²

Research conducted by the People's Ombudsperson shows that among respondents who state they were discriminated against, only 40 % acted upon it. At the same time, among those who state that they have acted in the matter of discrimination, the largest number (18 %) reacted in a way such as quitting their jobs or retiring, that is, leaving the discriminatory environment. Some of them filed a private claim (17 %) or complained to their superiors (14 %) or someone else from the organisation (13 %). Those who did not react to discrimination expressed the opinion that it would not change anything (52 %); that the proceedings would be too complicated, time-consuming, and expensive (21 %); or that their situation would get even worse (29 %).³⁹³

Finally, it should be pointed out that groups of citizens who are most often affected by discrimination, such as Roma, also find it difficult to exercise their rights, since discrimination is often only one of the violations that they are faced with, along with a poor economic situation and social exclusion. Furthermore, such groups often do not know about their rights and ways of protecting themselves. In this regard, it is telling that there are no civil proceedings regarding discrimination against members of the Roma national

³⁸⁹ People's Ombudsperson (2022), [Report for 2021](#).

³⁹⁰ Constitutional Court of the Republic of Croatia, Decision No.: U-III-A-1038/2020, 9 September 2020, and U-III-A-3623/2019, 1 October 2020; Decision No. U-III-A-2294/2022, 29 September 2022.

³⁹¹ Decision of the European Court of Human Rights, [Salameh v. Croatia](#), 38943/15, 14 October 2021; European Court of Human Rights, [Kirncic and Others v. Croatia](#), No. 31386/17, 30 July 2020; [Mirjana Maric v. Croatia](#), No. 9849/15, 30 July 2020.

³⁹² Constitutional Court, decision no. U-III-A-1010/2024 and U-III-567/2023, 12 March 2025.

³⁹³ People's Ombudsperson (2022), *Istraživanje o stavovima i razini svijesti o diskriminaciji i pojavnim oblicima diskriminacije* (Research on attitudes and the level of awareness of discrimination and the forms of discrimination for 2022), <https://www.ombudsman.hr/hr/download/istrazivanje-o-stavovima-i-razini-svijesti-o-diskriminaciji-i-pojavnim-oblicima-diskriminacije-2022/?wpdmdl=15351&refresh=63e0c6603768c1675675232>.

minority, although it is a population that continually finds itself the victim of discrimination in different areas of everyday life.³⁹⁴

c) Number of discrimination cases brought to justice

In Croatia, statistics on the number of court cases related to discrimination brought to justice are available. As a rule, the statistics form part of the Ombudsperson's annual report. As data for 2025 are not yet available, figures for 2024 are presented.

Civil proceedings

According to data from the Ministry of Justice and Public Administration, 43 new civil cases concerning discrimination were received in 2025, which is 27 fewer than in 2024. The most frequently invoked ground for discrimination was social status (12 cases), followed by education and sex (6 each), health status (5), disability (4), marital and family status (3), and age (2), while race or ethnic origin or skin colour, political or other belief, trade union membership, and national origin were each invoked in one case. In one case, the ground was listed as 'other', i.e. a category used where it is not possible to determine the ground or where the alleged ground is not among those listed in Article 1 of the Anti-Discrimination Act.³⁹⁵

From the previous year, 195 cases were carried over, which represents approximately 23 % more than at the beginning of 2024 and 74 % more than at the beginning of 2023. In carried-over cases, the most frequently invoked grounds were social status (37), education (27), disability (25), sex (15), trade union membership (13), political or other belief (12), and health status (11), while other grounds were invoked less frequently.

A total of 73 cases were finally resolved, significantly more than in the previous year when 31 cases were resolved. As many as 83 % of proceedings lasted longer than 12 months. Most cases were concluded with dismissal judgments (30) or in other ways (38), while in only five cases (approximately 6 %) the claim was upheld.³⁹⁶

Criminal proceedings

In 2025, 20 new criminal cases were received, while 25 cases were carried over from the previous period. This is slightly higher than in 2024, when 15 new cases were received and 23 cases were carried over from the previous period. Criminal proceedings most frequently concerned public incitement to violence and hatred (12 cases) and sexual harassment (11 cases), while two cases were classified as 'other' offences. The accused were most often motivated by the victim's sex (16), national origin (15), sexual orientation (6), or race and ethnic origin (5).³⁹⁷

In 2025, courts issued final judgments in 17 cases, of which 14 resulted in convictions, one in an acquittal, and two were resolved in other ways. A total of 14 sanctions were imposed, including 13 suspended sentences and one conversion of a custodial sentence into community service. Fourteen proceedings were concluded within one year, while three lasted longer. At the end of the year, 28 cases remained pending.³⁹⁸

The Ombudsperson reported that analysed criminal judgments concerned the offence of public incitement to violence and hatred, which was committed via social media. In one case, the defendant was sentenced to six months' imprisonment with a two-year probation

³⁹⁴ Kesonja, D. and Einwalter, T.S. (CMS) (2017) Analysis of case law in Croatia regarding proceedings initiated for discrimination, Zagreb.

³⁹⁵ People's Ombudsperson (2026), Report for 2025.

³⁹⁶ People's Ombudsperson (2026), Report for 2025.

³⁹⁷ People's Ombudsperson (2026), Report for 2025.

³⁹⁸ People's Ombudsperson (2026), Report for 2025.

period for approving genocide committed against Jewish people on a social media platform. The same sentence was imposed on a co-defendant who committed the offence of public incitement to violence and hatred by commenting on an article about Israel on an online portal. In both cases, the courts considered the defendants' previous lack of criminal convictions as a mitigating circumstance. Another defendant was sentenced to three months' imprisonment with a one-year probation period for inciting violence and hatred against persons of homosexual orientation on social media. A defendant who, while in a state of mental incapacity, spread hostility against persons of Serbian nationality on social media, was ordered to undergo compulsory psychiatric treatment in a medical institution for a period of six months. The Ombudsperson concluded that these cases indicate that social media continue to be frequently used for the dissemination of hostility and for incitement to violence and hatred against specific groups and their members, as has been consistently reported in the section on freedom of expression and hate speech.³⁹⁹

The Government issued a Protocol on conduct in hate crime cases.⁴⁰⁰ The purpose of the Protocol is to set conditions for the effective and comprehensive work of the competent authorities involved in the detection, handling and monitoring of hate crimes proceedings in order to improve the suppression, prosecution and statistical monitoring of hate crimes cases. The Protocol also defines the establishment and competencies of the Working Group for Monitoring Hate Crimes, which is responsible for coordinating the collection of data on hate crimes; monitoring and analysing their occurrence; coordinating interdepartmental cooperation; and making recommendations for improving the system for combating hate crimes. Besides the representatives of bodies responsible for combating hate crimes and academia, the working group includes representatives of civil society organisations as well as the Ombudsperson.⁴⁰¹

In their 2025 annual report, the Ombudsperson noted that, following the adoption of the Protocol on the Procedure in Cases of Hate Crimes in 2021, changes were introduced in the timing and intervals for data collection and transmission by competent authorities to the Office for Human and Minority Rights. As data for the second half of the reporting year are collected at the beginning of the following year, they are not, as a rule, available in time to be included in the Ombudsperson's annual report for the relevant reporting year. Accordingly, the Ombudsperson's analysis of hate crime cases is based on consolidated data for 2024 provided by the Office for Human and Minority Rights, which, pursuant to the Protocol, collects and publishes statistical data on such offences. For 2025, only data provided by the Ministry of the Interior are available, representing the only currently known data on (possible) hate crimes for that year.⁴⁰²

The Ombudsperson reported that in 2024, the Ministry of the Interior recorded 75 possible hate crime offences. The State Attorney's Office acted in 25 cases in 2024, involving a total of 39 criminal offences potentially motivated by hatred, including threats (23), violent behaviour (4), damage to property (3), violation of a child's rights (2), serious bodily injury (2), bodily injury (1), domestic violence (1), violation of the reputation of the Republic of Croatia (1), terrorism (1), and unlawful deprivation of liberty (1). This indicates a continued increase in such offences, given that the State Attorney's Office acted in relation to 17 hate crime offences in 2022 and 33 offences (in 22 cases) in 2023. Furthermore, 19 final convictions were issued in 2024, including 13 for threats, two each for damage to property and violent behaviour, and one each for violation of a child's rights and domestic violence. National origin was the motive in 14 judgments, religion in two, while race or skin colour, sexual orientation, and other grounds were each identified in one judgment.⁴⁰³

³⁹⁹ People's Ombudsperson (2026), Report for 2025.

⁴⁰⁰ Protocol on conduct in hate crime cases, Official Gazette No. 43/21.

⁴⁰¹ People's Ombudsperson (2022), [Report for 2021](#).

⁴⁰² People's Ombudsperson (2026), Report for 2025, <https://www.ombudsman.hr/hr/interaktivno-izvjesce-za-2025/>.

⁴⁰³ People's Ombudsperson (2026), Report for 2025.

For 2025, only data from the Ministry of the Interior are available, which recorded 75 hate crime offences, the same number as in 2024. These included 27 threats, 16 cases of violent behaviour, 12 cases of property damage, six cases of serious bodily injury, four cases of domestic violence, four cases of robbery, three cases of bodily injury, and one case each of endangering life and property by a dangerous act or means, violation of the right to express national affiliation, and aggravated theft. The majority of offences were motivated by national origin (50), followed by sexual orientation (10), race or skin colour (8), religion (4), and disability (3).⁴⁰⁴

Misdemeanour cases

In 2025, a total of 346 misdemeanour cases were carried over from previous years, while 272 new cases were received, which is broadly in line with 2024, when 379 cases were carried over from previous years and 222 new cases were received. In 2025, 235 misdemeanour cases were resolved, of which 158 resulted in convictions, with a total of 198 sanctions imposed. As in previous years, the most frequently imposed sanctions were fines (145), followed by custodial sentences (16) and other sanctions (37). The remaining cases were concluded with acquittals (74) or in other ways (43).⁴⁰⁵

The most frequently invoked grounds in newly received cases were national origin (78) and sex (71). These were followed by race or ethnic origin or skin colour (47), political or other belief (25), sexual orientation (12), religion (5), disability (3), health status and age (2 each), and social status and gender identity or gender expression (1 each). In 25 cases, 'other grounds' were indicated.⁴⁰⁶

In convictions, the most frequently established grounds were also national origin (47) and sex (38), followed by race or ethnic origin or skin colour (25), political or other belief (9), sexual orientation (6), religion (5), age and health status (2 each), and social status, language, gender identity or gender expression, and social origin (1 each). In 20 cases, 'other grounds' were indicated. A total of 146 misdemeanour proceedings lasted longer than 12 months, while 89 were concluded within that period. At the end of 2025, 383 cases remained pending.

The Ombudsperson reported that an analysis of available judgments shows that most misdemeanours were committed in public places, most frequently in hospitality establishments or in the street, followed by cases involving persons who had previously been in friendly or intimate relationships, as well as neighbours and relatives whose relations had been previously strained. Some misdemeanours were committed against persons who, due to characteristics visible to the perpetrator such as skin colour, were subjected to verbal and, in some cases, physical attacks at the workplace, in the street or other public places. Among the victims were also foreign workers from non-European third countries and tourists. Furthermore, some misdemeanours were committed on social media through the posting of inappropriate and offensive comments, most frequently based on the victim's ethnicity, sexual orientation, or beliefs.⁴⁰⁷

The Ombudsperson reported that, in general, fines were predominantly imposed, with courts applying the principle of mitigation of penalties less frequently than in previous years. However, penalties were most often imposed close to the statutory minimum, which raises questions regarding their preventive effect. For harassment under Article 25(1) of the Anti-Discrimination Act, a fine ranges from HRK 5 000 (approximately EUR 663) to HRK 30 000 (approximately EUR 3 980) for natural persons. In one case the defendant was fined EUR 210, despite having repeatedly and severely insulted the victims over a period of several months. The judgment did not provide reasoning for the imposed sanction,

⁴⁰⁴ People's Ombudsperson (2026), Report for 2025.

⁴⁰⁵ People's Ombudsperson (2026), Report for 2025.

⁴⁰⁶ People's Ombudsperson (2026), Report for 2025.

⁴⁰⁷ People's Ombudsperson (2026), Report for 2025.

making it unclear which circumstances were taken into account, other than the fact that the defendant had no prior misdemeanour convictions. Although less frequently, higher fines were imposed in some cases, such as in the case of a defendant who was fined EUR 1 000 for harassment under Article 25(1) of the Anti-Discrimination Act, with repeated prior convictions for misdemeanours involving elements of violence considered as an aggravating circumstance. The court did not limit its assessment solely to prior convictions for harassment under Article 25(1) of the Anti-Discrimination Act, but also took into account previous misdemeanour convictions for other types of offences. The Ombudsperson concluded that, overall, while some positive developments can be observed, the generally lenient sentencing policy of misdemeanour courts in cases involving elements of discrimination persists.⁴⁰⁸

The Ombudsperson also reported that an analysis of judgments, most commonly issued in cases of harassment under Article 25 of the Anti-Discrimination Act, shows that some defendants were acquitted due to the absence of findings regarding the perpetrator's intent to humiliate, harass or violate the dignity of the victim on the basis of one of the protected grounds. In this regard, the Ombudsperson concluded that some of the described cases indicate the need for continued training of judicial officials on misdemeanours and criminal offences with elements of discrimination. Consequently, a recommendation was made to the Judicial Academy to continue providing training for judges and judicial advisors on anti-discrimination law, including misdemeanours and criminal offences involving elements of hate, intolerance and discrimination.⁴⁰⁹

d) Registration of national court decisions on discrimination cases

In Croatia, court decisions on discrimination are registered as such by national courts.

The Anti-discrimination Act⁴¹⁰ states that all judicial bodies should keep statistics on cases relating to discrimination with data on the grounds and fields of discrimination and forward them to the Ministry of Justice, and that the Ministry of Justice should forward these statistics to the Ombudsperson no later than 1 February of the year following the year for which these data are collected. The statistics are then usually included in the Ombudsperson's annual report on discrimination.

The data on administrative proceedings relating to discrimination are not included in the statistical data from the Ministry of Justice, and the Ombudsperson receives information on such cases directly from the administrative courts. The Ombudsperson has noted that administrative court decisions are an important indicator of the occurrence of discrimination, for which reason the Ombudsperson has recommended that the Ministry of Justice and Administration collect statistical data on administrative proceedings relating to discrimination and include those data in statistics on discrimination cases.⁴¹¹

6.2 Legal standing and associations (Article 7(2) Directive 2000/43, Article 9(2) Directive 2000/78)

a) Engaging in proceedings on behalf of victims of discrimination (representing them)

In Croatia, associations and organisations are not entitled to act on behalf of victims of discrimination, with the exception of trade unions.

As a rule, associations cannot represent an individual victim in court, with the exception of lawyers employed by the trade unions, who can represent workers in labour disputes.⁴¹²

⁴⁰⁸ People's Ombudsperson (2026), Report for 2025.

⁴⁰⁹ People's Ombudsperson (2026), Report for 2025.

⁴¹⁰ Anti-discrimination Act, 9 July 2008, Article 14.

⁴¹¹ People's Ombudsperson (2023), [Report for 2022](#).

⁴¹² Civil Procedure Act, 24 December 1976, Article 434.a.

- b) Engaging in proceedings in support of victims of discrimination (joining existing proceedings)

In Croatia, associations, organisations and trade unions are entitled to act in support of victims of discrimination.

As an intervener, an association (i.e. a body, organisation, institution, association or another person, which, within its scope of activities, deals with the protection of the right to equal treatment in relation to groups whose rights are decided upon in the proceedings) can join a claimant. The court must allow the participation of the intervener only with the claimant's consent.

Entities that are entitled under national law to act in support of victims of discrimination are defined by the Anti-discrimination Act as 'a body, organisation, institution, association or another person, which, within its scope of activities, deals with the protection of the right to equal treatment in relation to groups whose rights are decided upon in the proceedings'.⁴¹³

These associations (bodies, organisations, institutions, associations or other persons) should be registered ('set up in line with the law'), but once they are registered they do not need to fulfil any other requirements in terms of membership or permanency to be able to engage in proceedings.

Civil society organisations are the most common interveners in court proceedings. So far, their intervention has been most visible in proceedings on discrimination on the basis of sexual orientation.⁴¹⁴ In addition, civil society organisations as interveners participated in proceedings on discrimination based on national origin, ethnicity, religion and political belief. It is to be assumed that the motive for intervening is the gravity of the discriminatory treatment.⁴¹⁵ Although there are no specific data regarding the number of cases intervened in by NGOs, it appears that this legal instrument is still underutilised, given the number of civil society organizations in Croatia that focus on human rights issues. This underutilization can be attributed to the various challenges these organizations face, which serve as deterrents to effectively employing these legal instruments, including financial risks due to insufficient and unstable funding and the general low capacity of NGOs, which struggle to attract legal staff due to limited material resources.⁴¹⁶

The fact that Croatian law does not recognise the *amicus curiae* also poses a challenge as this mechanism would allow organizations to participate in court proceedings without incurring the costs associated with a potential loss. In contrast to the status of intervenors, *amicus curiae* participants would not need to be parties in the case, enabling them to pursue human rights protection with fewer financial and human resources.⁴¹⁷

Although the People's Ombudsperson also has the right to intervene in court proceedings, it does not often use this authority.

⁴¹³ Anti-discrimination Act, 9 July 2008, Article 21.

⁴¹⁴ D. Kesonja, T. Šimonović Einwalter, (2017) Analysis of Caselaw in Anti-discrimination Proceedings before Croatian Courts. Zagreb: Centre for Peace Studies.

⁴¹⁵ D. Kesonja, T. Šimonović Einwalter, (2017) Analysis of Caselaw in Anti-discrimination Proceedings before Croatian Courts. Zagreb: Centre for Peace Studies.

⁴¹⁶ F.M. Stojković, (2024) [Legal Support for Victims of Human Rights Violations: Opportunities and challenges for civil society organizations in Croatia](#). Zagreb: Human Rights House.

⁴¹⁷ T. Đaković (2024) [Access to Funding for Human Rights Organizations in Croatia: Obstacles and recommendations](#). Zagreb: Human Rights House.

c) Submitting observations, e.g. *amicus curiae* briefs/letters

In Croatia, associations, organisations and trade unions are not entitled to submit observations to courts or other adjudicating bodies, such as *amicus curiae* briefs, in discrimination cases.

d) *Actio popularis*

In Croatia, national law allows associations, organisations and trade unions to act in the public interest on their own behalf, without a specific victim to support or represent (*actio popularis*) in civil and administrative proceedings.

The Ombudsperson also has the power to bring a case as *actio popularis*. However, so far, the Ombudsperson has not used this competence.

An association may bring a joint legal action (association action, *udružna tužba*) if it demonstrates plausibly that the defendant's conduct has violated the right to equal treatment of a larger number of persons who predominantly belong to the group whose rights the association defends. The association may file this action without a specific victim to support or represent, and such an action can be brought in the public interest on an association's own behalf. The law is not clear, however, as to whether such an action may be brought in the interest of a larger number of individual victims.⁴¹⁸

An association acts in its own name. Before courts, it is represented either by a person who is authorised to represent it in general in accordance with its internal acts or by a lawyer who is given power of attorney.

By filing a joint legal action (*udružna tužba*),⁴¹⁹ an association, which has to be registered, may bring the following claims before the court: a) to establish that the defendant's conduct has violated the right to equal treatment in relation to members of the group; b) to prohibit the undertaking of activities that violate or may violate the right to equal treatment; c) to carry out activities that eliminate discrimination or its consequences in relation to members of the group; or d) to publish in the media a ruling establishing violation of the right to equal treatment. Those are the same claims that may be brought by a victim, but a victim may claim compensation and an association may not.

The Anti-discrimination Act does not prescribe whether the associations need to be registered in Croatia to bring a representative claim, but states only that they have to be organised in accordance with the law.⁴²⁰

In a landmark case, four human rights organisations filed a joint action against Z.M., the former executive manager of the most popular football club in Croatia and vice president of the Croatian Football Association, because of his public statement that gay people could not play in his national football team.

After the complaint was rejected by the first-instance and second-instance courts as unfounded, the Supreme Court, acting as a third-instance court and referring to *Feryn*,⁴²¹ made a new decision in which it found that the statement was discriminatory. The Court determined that the factual situation of the case was in accordance with the factual

⁴¹⁸ Anti-discrimination Act, 9 July 2008, Article 24.

⁴¹⁹ The most accurate translation of 'udružna tužba' is 'joint legal action', although it is in fact a public interest action and not a joint action filed by two or more individuals.

⁴²⁰ Anti-discrimination Act, 9 July 2008, Article 24; Civil Procedure Act, 24 July 2014, Article 502a.

⁴²¹ CJEU, Judgment of 10 July 2008, *CGKR v. Firma Feryn NV*, C-54/07, EU:C:2008:397, available at: <http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d0f130d588045304dc2b483da268988c8c86a6a.e34KaxiLC3eQc40LaxqMbN4PaxiOe0?text=&docid=67586&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=638361>.

situation in *Feryn*, and therefore that the legal opinion expressed in what it described as 'the ECtHR decision' in *Feryn* had to be observed in the context of the case of Z.M.⁴²²

At the same time, proceedings against V.M., the president of the Croatian Football Association, were instituted on behalf of the same human rights organisations because of similar discriminatory statements, specifically his statement that gay people would not play in the national football team as long as he was the president of the Croatian Football Association. In another landmark decision, the Supreme Court, acting as an appellate court, found that V.M. had discriminated against homosexual persons and ordered him to publicly apologise.⁴²³

In 2025, courts decided on two joint actions. In the first case, a joint action was filed by the NGO 'Rainbow Families Against NGO Vigilare' for discrimination against LGBTIQ+ persons regarding the petition published on the Vigilare website: 'Protect the children against homo adoption'. The Court decided that NGO Vigilare had engaged in discrimination and incitement to discrimination and had harassed LGBTIQ+ persons and their families on the basis of their sexual orientation and gender identity.⁴²⁴ Prior to this decision, NGO Vigilare had already twice been found responsible for discrimination against LGBTIQ+ persons in separate proceedings in 2022 and 2023.⁴²⁵

In the second case, Vigilare filed a claim against the City of Zagreb, alleging discrimination because the city administration denied their consent for the display of flags on public spaces for the 'Walk for Life', a public event organised by civil society groups and religiously affiliated organisations that advocate for the protection of unborn life and the promotion of anti-abortion policies. They claimed that the city treated them unfavourably due to their ideological beliefs, as the mayor refused approval for the flags while allowing other events, such as the Pride Month parade, under the same rules. The court found that the mayor's instructions regarding the use of public spaces pursued a legitimate aim of ensuring the lawful and proper functioning of municipal administrative bodies. It concluded that requiring prior approval for flag displays was a proportionate and appropriate measure to achieve that goal. The court also noted that Vigilare had been granted public space for the event without payment, allowing the 'Walk for Life' to take place. Consequently, the city's actions were objectively justified, and no form of direct or indirect discrimination against the NGO or its supporters occurred.⁴²⁶

In a landmark case the Constitutional Court decided in a case initiated by an action filed by the NGO Protogora, an association for the promotion of the rights of secular people and the promotion of irreligious understanding of the world as the only claimant. After the claim before the lower courts had been rejected, the association filed a constitutional complaint. The case was pending before the Constitutional Court for 10 years, only for the Court to find that the association did not have *locus standi* before the Constitutional Court. Three constitutional judges issued their dissenting opinions stating that it is difficult to see the reason why, after this decision, civil society organizations would engage in lengthy and expensive anti-discrimination proceedings, which are often extremely uncertain due to a lack of knowledge of anti-discrimination law or even the prejudices of the Croatian courts themselves towards this type of proceedings. Moreover, that this decision weakens the effectiveness of anti-discrimination protection in Croatia.⁴²⁷

⁴²² The judgment falsely stated that the *Feryn* case was decided by the ECtHR rather than the CJEU.

⁴²³ Supreme Court of the Republic of Croatia, No.GŽ.25/11, judgment of 28 February 2012.

⁴²⁴ Zagreb County Court, decision no. P-18/2023-17, 18 March 2025.

⁴²⁵ Supreme Court of the Republic of Croatia, Decision No. GŽ-10/2023, 14 December 2021; Zagreb County Court, Decision no. P-23/2022, 14 March 2023.

⁴²⁶ Zagreb County Court, decision no. P-10/2024-9, 29 April 2025.

⁴²⁷ Constitutional Court of the Republic of Croatia, Decision No. U-III-1107/2014, 5 March 2024.

e) Class action

In Croatia, national law does not allow associations and organisations to act in the interest of more than one individual victim (class action) for claims arising from the same event.

The Anti-discrimination Act does not authorise an association to file a claim in the interest of more than one individual victim. An association can be either an intervener in the case initiated by a victim as a claimant or file its own claim as a claimant without a specific victim, as described above.⁴²⁸

6.3 Burden of proof (Article 8 Directive 2000/43, Article 10 Directive 2000/78)

In Croatia, national law requires a shift of the burden of proof from the complainant to the respondent, except in criminal and misdemeanour proceedings. In civil anti-discrimination proceedings, this requirement applies to all grounds and types of discrimination (including, harassment and instruction to discriminate).

The official translation of Article 20 of the Anti-discrimination Act⁴²⁹ reads as follows:

'(1) If a party in court or other proceedings claims that his/her right to equal treatment pursuant to provisions of this Act has been violated, he/she shall make it plausible⁴³⁰ that discrimination has taken place. In this case, it shall be for the respondent to prove that there has been no discrimination. (2) The provision of paragraph 1 of this Article shall not apply to misdemeanour and criminal proceedings.'

The wording of this provision can be read as less favourable to the victim than the directives. However, while in previous reports the People's Ombudsperson has reported that the courts have not applied the rule on burden of proof in anti-discrimination proceedings consistently, which the Ombudsperson has identified as a possible obstacle to seeking anti-discrimination protection, in more recent reports, the Ombudsperson has not mentioned this as an issue.

Regarding the implementation of the rule on burden of proof, the European Court of Human Rights, in *Škorjanec v. Croatia*, stated the following:

'In practice, admittedly, it is often extremely difficult to prove a racist motive. The obligation on the respondent State to investigate possible racist overtones to an act of violence is an obligation of the means employed rather than an obligation to achieve a specific result. The authorities must take all reasonable measures, having regard to the circumstances of the case ...[and] ... do what is reasonable in the circumstances to collect and secure the evidence, explore all practical means of discovering the truth and deliver fully reasoned, impartial and objective decisions, without omitting suspicious facts that may be indicative of racially induced violence.'⁴³¹

Case law highlights some difficulties encountered by the courts when interpreting and implementing the rule on burden of proof. The relevant cases mentioned are those in which the first-instance courts, in accordance with the Anti-discrimination Act, have applied the rule on the shift of the burden of proof from the claimant to the respondent. However, in referring to that rule, the courts have rejected evidence proposed by the claimants as

⁴²⁸ Anti-discrimination Act, 9 July 2008, Articles 21 and 24.

⁴²⁹ An English version of the Anti-discrimination Act is published on the website of the Gender Equality Ombudsperson: <https://arhiva.prs.hr/attachments/article/2127/Croatian%20Anti-discrimination%20Act.pdf>.

⁴³⁰ The phrase used in the official text, 'učiniti vjerojatnim', corresponds to the English phrase 'to render credible'.

⁴³¹ ECtHR, *Škorjanec v. Croatia*, No. 25536/14, 28 March 2017, Paras. 54, 55, 57.

unnecessary, taking into consideration only evidence proposed by the respondents, who were obliged to prove that discrimination had not occurred.

Ultimately, in both cases, the first-instance courts rejected the claims on the grounds that, during the proceedings, the respondents had managed to prove that discrimination had not occurred. In their appellate decisions, the county courts found that this represented a breach of procedure to the detriment of the claimants, stating that regardless of the shift of the burden of proof, the claimants should be allowed to propose evidence during the proceedings and have the possibility to prove that claims of the respondents are unfounded, and that the courts need to take this evidence into consideration, despite the fact that the claimants are not obliged to prove discrimination.⁴³²

In a relevant case from 2025, the appellate court overturned the first-instance decision that had dismissed the claim on the grounds that the claimant had not proven that the defendant failed to take necessary reasonable accommodation measures. The appellate court clarified that the burden of proof lies with the defendant, as the claimant had made discrimination plausible, and stated that the defendant must demonstrate that all appropriate measures were taken to remove architectural barriers, allowing the claimant, a person with a disability, to access the premises of the Administrative Court in Rijeka independently, whether acting as a party or a lawyer when accessing the court premises (for more on the judgment, please see section 12.2).⁴³³

In this regard, the Ombudsperson has noted that, especially in labour disputes, the claimants can hardly make plausible the existence of circumstances necessary for the shift of the burden of proof on the opposite party, because employees often do not have all the information available to the employer, such as information on salaries of other employees, their education, working hours, etc. It is also problematic that other employees, who are often the only ones who witness the discriminatory behaviour of the employer, are often reluctant to testify due to fear of victimisation.⁴³⁴

In her most recent annual report, the Ombudsperson found that courts are increasingly correctly applying the rule on burden of proof. When claimants make a plausible case for discrimination, the courts are transferring the burden of proving there is no discrimination to the respondent. The Ombudsperson noted that this has led to somewhat greater success for claimants in anti-discrimination proceedings in 2024, although the number of judgments granted remains low.⁴³⁵

6.4 Victimisation (Article 9 Directive 2000/43, Article 11 Directive 2000/78)

In Croatia, there are legal measures of protection against victimisation.

The Anti-discrimination Act prohibits placement in a less favourable position of a person who has reported discrimination in good faith; witnessed discrimination; refused to obey an instruction to discriminate; or participated in any manner in proceedings relating to discrimination in accordance with the Act.⁴³⁶

Such actions lead to misdemeanour liability. Those people who are, under special laws, entrusted with certain duties in a legal entity or authorised to act on behalf of the legal entity, may be punished with a fine ranging from EUR 137 to EUR 2 740; a person performing independent business activities could be punished with a fine ranging between

⁴³² Split County Court, Decision No. GŽR-394/20, 19 August 2021 and Zagreb County Court, Decision No. GŽR-1123/21, 8 September 2021.

⁴³³ Varaždin County Court, Koprivnica Permanent Service, decision no. GŽ-118/2025, 29 May 2025.

⁴³⁴ People's Ombudsperson (2022), [Report for 2021](#).

⁴³⁵ [People's Ombudsperson \(2025\), Report for 2024](#).

⁴³⁶ Anti-discrimination Act, 9 July 2008, Article 7.

EUR 685 and EUR 20 548; and a legal person could be punished with a fine ranging between EUR 2 740 and EUR 27 397.⁴³⁷

In civil cases on victimisation, a rule on a shift of the burden of proof is implemented.

6.5 Sanctions and remedies (Article 15 Directive 2000/43, Article 17 Directive 2000/78)

a) Applicable sanctions in cases of discrimination – in law and in practice

Sanctions applicable where unlawful discrimination has occurred can be civil, misdemeanour or criminal. Depending on the type of proceedings, different sanctions are applicable. For example, in civil proceedings the main sanction is compensation, while in misdemeanour and criminal proceedings, fines and prison sentences can be imposed. Sanctions are the same for all grounds of discrimination.

In some cases, if regulated by special laws, administrative fines are possible (e.g. under the Act on Professional Rehabilitation and Employment of Persons with Disability).

Civil

The main sanction in civil anti-discrimination cases is compensation (pecuniary and non-pecuniary damages) for a victim of discrimination.⁴³⁸

The Anti-discrimination Act does not provide any rules on compensation, and the general rules of the Civil Obligations Act and its tort provisions (i.e. its provisions on damage and compensation) are to be applied.

Under these rules, in the event of a violation of personality rights, the court will, when it finds that this is justified by the seriousness of the violation and circumstances, award fair compensation. When deciding on the amount of fair pecuniary compensation, the court will take into account the degree and duration of the physical and mental distress and fear caused by the violation, the objective of this compensation and the fact that it should not encourage expectations that are not compatible with its nature and social purpose.⁴³⁹ It is the responsibility of the court to interpret the 'objective of compensation' in accordance with the established standards of effective, proportionate and dissuasive sanctions.

The rule makes no distinction between private or public employment and fields outside employment.

Misdemeanour

The Anti-discrimination Act specifies misdemeanour liability and sanctions in cases of harassment and sexual harassment. A fine is imposed on natural persons, responsible persons in legal entities,⁴⁴⁰ craftspeople and persons performing independent business activities, and legal persons, while different levels of fine are set for different categories – from EUR 685 to EUR 41 096 for harassment and from EUR 685 to EUR 47 945 for sexual harassment.

When deciding sanctions for misdemeanours, the courts should take into consideration the principles of general and individual prevention.⁴⁴¹

⁴³⁷ Anti-discrimination Act, 9 July 2008, Article 28.

⁴³⁸ Anti-discrimination Act, 9 July 2008, Article 11 and Article 17(1)(3).

⁴³⁹ Civil Obligations Act, 25 February 2005, Article 1100.

⁴⁴⁰ A natural person entrusted with certain duties in a legal entity or a person authorised to act on behalf of the legal entity.

⁴⁴¹ Misdemeanour Act, 3 October 2007, Article 6.

In practice, misdemeanour judges, as a rule, mitigate sentences set by the law so the usual fine in recent cases has been between EUR 130 and EUR 790.

Criminal

The Criminal Code⁴⁴² defines hate crime as any criminal offence committed because of another person's race, colour, religion, national or ethnic origin, disability, gender, sexual orientation or gender identity. Such conduct is to be considered as an aggravating circumstance.⁴⁴³

When a criminal offence of physical injury is committed as a hate crime it is always prosecuted *ex officio* and the sanction is more severe.⁴⁴⁴ But it is not a hate crime when a victim is attacked because of his/her association to a person with certain characteristics (e.g. the non-Roma wife of a Roma person would not be considered a victim of a hate crime although her association with her Roma husband is the only motive for an attack).⁴⁴⁵

The criminal offence of discrimination (Article 125 of the Criminal Code) – a crime subject to public prosecution⁴⁴⁶ and punishable by up to three years of imprisonment – is defined as denying, limiting or setting conditions to the right to acquisition of goods or services, employment and promotion, or giving benefits, because of one's race, ethnic belonging, colour, gender, language, religion, national (ethnic) origin (...) age, disability or sexual orientation.⁴⁴⁷ Persecution of individuals or organisations because of their demands for equality is also a criminal offence, which is prosecuted by the State Attorney's Office, following a victim's application, and is punishable by up to three years of imprisonment.⁴⁴⁸

Harassment in employment (insulting, humiliating, abusing or harassing someone in any other way) is a criminal offence, punishable by up to two years of imprisonment, when it impairs the health of a victim.⁴⁴⁹

- i) National legislation does not provide for preventive and socio-preventive sanctions, in particular injunctions or structural injunctions.
 - ii) Even though there is a separate legal basis for collective redress sanctions, they do not differ from sanctions in individual cases except insofar as compensation cannot be awarded.⁴⁵⁰
 - iii) There are no sanctions in place to deal with cases of mass discrimination, particularly as a result of use of AI or automated systems.
- b) Pecuniary sanctions – maximum and average amounts

The Anti-discrimination Act regulates the right of victims of discrimination to compensation, in accordance with the general provisions governing civil obligations.⁴⁵¹ The Anti-discrimination Act does not determine minimum and maximum amounts of compensation, as this is left to judicial interpretation in every specific case.

⁴⁴² Official Gazette 125/2011, 144/2012; the law has been in force since 1 January 2013.

⁴⁴³ Criminal Code, 21 October 2011, Article 87(21).

⁴⁴⁴ Criminal Code, 21 October 2011, Articles 117(2), 118(2) and 119.

⁴⁴⁵ Zagreb Public Attorney Office, Case No. Ko-DO-1204/13.

⁴⁴⁶ In the Croatian legal system, criminal offences are, in general, subject to public prosecution. Exceptionally, for certain criminal offences, it may be prescribed by statute that criminal proceedings shall be instituted by a private charge (*privatna tužba*), or that the State Attorney's Office shall institute criminal proceedings following a victim's application (*prijedlog za progon*).

⁴⁴⁷ Criminal Code, 21 October 2011, Article 125(1).

⁴⁴⁸ Criminal Code, 21 October 2011, Article 125(2).

⁴⁴⁹ Criminal Code, 21 October 2011, Article 133.

⁴⁵⁰ Anti-discrimination Act, 9 July 2008, Article 24(2).

⁴⁵¹ Anti-discrimination Act, Article 11.

There is no ceiling on the maximum amount of pecuniary sanctions that can be awarded, under the law. However, in 2002, the Supreme Court of the Republic of Croatia adopted guiding criteria for non-pecuniary damage (physical and mental pain, fear, mental pain caused by the death of a spouse or child, etc.) and the courts use those as guidelines in all cases when they are deciding on non-pecuniary damage. The guidelines specify the amounts to be awarded for various types of non-pecuniary damage, with a maximum award of HRK 220 000 (approximately EUR 29 000), for the most serious damage, e.g. death of a spouse or child.⁴⁵² At its sessions held in March and June 2020, the Supreme Court decided to increase the guiding criteria for non-pecuniary damage in civil proceedings by 50 % in comparison with earlier amounts, which is expected to have a positive impact in anti-discrimination proceedings by leading to the awarding of higher amounts of compensation.⁴⁵³

The law, and the Supreme Court's criteria, do not provide for the rule that the compensation awarded should be effective, proportionate and dissuasive.

In a relevant anti-discrimination case, the court awarded the victim compensation of HRK 70 000 (approximately EUR 10 000), which can be considered a high amount of compensation.⁴⁵⁴ The court has not specified the reasons for awarding damages to the stated amount, but it can be inferred that the reason for the higher financial compensation is that the claimant could not attend classes regularly due to illness and remained without grades, which is why he had to repeat the school year. The court found that, in this way, the school had prevented him from exercising his right to education. In another relevant case, the Municipal Court awarded the claimant non-pecuniary damages for severe, prolonged and repeated discrimination on the basis of disability, to the amount of EUR 27 000, which is the highest amount of pecuniary damage for discrimination awarded so far.⁴⁵⁵

Based on available court decisions, the Ombudsperson reported that claimants usually seek compensation to the amount of between EUR 5 000 and EUR 12 000.⁴⁵⁶

In this regard, the Ombudsperson pointed out that in some cases the requested amounts were probably conditioned by the fear of losing the proceedings and paying costs, which can represent a significant financial burden if the claim is set (too) high.⁴⁵⁷

c) Assessment of the sanctions

The Anti-discrimination Act does not contain exact rules on compensation nor prescribe any fixed parameters in relation to amounts of compensation in civil proceedings. When deciding on the amount of fair non-pecuniary compensation, the court must take into account general criteria prescribed by the Civil Obligation Act – the degree and duration of the physical and mental distress and fear caused by the violation, the objective of this compensation and the fact that it should not encourage expectations that are not compatible with its nature and social purpose. Under these rules, the courts are allowed to apply the appropriate amount of compensation depending on the circumstances of the individual case. It is the responsibility of the court to interpret the 'objective of

⁴⁵² Supreme Court of the Republic of Croatia, decision of the civil law department, No. Su-1331-VI/02 i 1372-11/02, 29 November 2002.

⁴⁵³ Supreme Court of the Republic of Croatia, decision of the second session of the civil department, No. Su-IV-47/2020-5, available at: http://www.vsrh.hr/custompages/static/HRV/files/PravnaShvacanja/zadnja_verzija_VSRH_GO_2020_Su-IV-47-2020-5_2020-3-5_sjed02.pdf.

⁴⁵⁴ Varaždin County Court, Decision GŽ-647/2019.

⁴⁵⁵ Sesvete Municipal Court, Decision No. Pn-5/2023, 29 November 2023; Dubrovnik County Court, decision no. GŽ-157/2024-3, 24 July 2024.

⁴⁵⁶ People's Ombudsperson (2026), Report for 2025.

⁴⁵⁷ [People's Ombudsperson \(2025\), Report for 2024.](#)

compensation' in accordance with the established standards of effective, proportionate and dissuasive sanctions.

In practice, the compensation amounts awarded are considered to be rather low and it is highly disputable whether they satisfy the criteria of being an effective, proportionate and dissuasive sanction; however, this varies from case to case.

Offences motivated by discrimination are usually prosecuted as misdemeanours and not as criminal offences, although the basis for criminal prosecution in the law exists. In recent years, fines have increased; however, it is still questionable whether they contribute to the specific or general prevention of discrimination. For example, in 2024, fines in misdemeanour proceedings ranged between EUR 130 and EUR 700.

The People's Ombudsperson has also noted that sanctions imposed in misdemeanour proceedings are not adequate and effective and do not contribute to general and specific prevention since, in most cases, sanctions consist of a fine or a suspended prison sentence.⁴⁵⁸

Furthermore, although the law provides for imprisonment as a sanction in misdemeanour cases, a financial fine remains the most common sanction and is imposed in 90 % of cases, while in the remaining cases, the defendants are sentenced to community service.

In criminal proceedings, probation remains the most commonly imposed sanction while prison sentences are regularly not imposed, so the most severe sanctions, although provided for by law, are not used in practice.

d) Enforcement and monitoring of the implementation of sanctions

i) Courts and adjudicating bodies' mechanisms to monitor or enforce their decisions.

Courts and other adjudicating bodies do not have specific mechanisms to monitor or enforce their decisions. Once the court in the anti-discrimination proceedings makes a final decision, the court has no jurisdiction for further monitoring or enforcement of that decision.

ii) Possibility for courts and other adjudicating bodies to retain jurisdiction after sanctions have been imposed

Courts and other adjudicating bodies lack the possibility to retain jurisdiction after sanctions have been imposed. Courts do not have authority to monitor compliance, or conduct reviews or follow-up hearings to ensure that the perpetrator has ceased discriminatory practices and has complied with the sanction.

iii) Further steps/measures courts or adjudicating bodies can take in case of non-compliance with the sanction

In civil anti-discrimination proceedings, courts can take no further steps or measures in case of non-compliance with the sanction once the court proceedings have ended.

In misdemeanour proceedings, when a monetary penalty is imposed and the offender fails to pay, courts may initiate enforcement proceedings ex officio to recover the amount for the state budget. In criminal proceedings, if the offender is subject to a special obligation or security measure alongside a sentence, such as a suspended sentence, and fails to comply, the court may initiate proceedings to revoke the suspended sentence order.

⁴⁵⁸ See People's Ombudsperson, annual reports, available at: <https://www.ombudsman.hr/hr/>.

iv) The burden of enforcing sanctions

The burden of enforcing sanctions in civil proceedings is entirely on the victim of discrimination. If the perpetrator of discrimination does not comply with the court decision, for example does not pay compensation to the victim, it is the victim who should initiate the enforcement proceedings. However, in criminal and misdemeanour proceedings the special court department for the execution of sanctions – that is, the execution judge – is responsible. If there is a violation of a suspended sentence or non-compliance with one of the measures imposed on the perpetrator as a sanction in criminal or misdemeanour proceedings, a new proceeding must be initiated for the suspended sentence to be revoked, which often happens at the initiative of the victim themselves and not ex officio.

7.I BODY FOR THE PROMOTION OF EQUAL TREATMENT (Article 13 Directive 2000/43)⁴⁵⁹

National law is in line with Directive 2024/1499. No legislative amendments have been adopted in view of the transposition of Directive 2024/1499.

7.I.1 National equality body

a) General 'architecture' of equality bodies

The Anti-discrimination Act grants the People's Ombudsperson (hereafter the Ombudsperson) powers as the principal body for the elimination of discrimination and promotion of equal treatment, irrespective of racial or ethnic origin.⁴⁶⁰ The Ombudsperson is the main body for the elimination of discrimination based on other grounds as well, with the exception of disability, which falls within the responsibilities of the Disability Ombudsperson, and gender and sexual orientation, which is dealt with by the Gender Equality Ombudsperson. Further, when the victim of discrimination is a child, the matter falls within the responsibility of the Ombudsperson for Children. The latter three ombudspersons have similar powers to the People's Ombudsperson in connection with discrimination based on the grounds covered by them (they receive individual complaints, issue recommendations, publish annual reports, etc.).

b) Designated body for the promotion of equal treatment irrespective of racial/ethnic origin according to Article 13 of the Racial Equality Directive

The services of the People's Ombudsperson are accessible on an equal basis for all, without any costs. The accessibility of the services of the Ombudsperson is high, as, in addition to the central office located in Zagreb, regional offices have been opened in Osijek, Rijeka and Split, where complaints can be filed in person. People can also address complaints to the Ombudsperson through different means of communication, which provides the possibility for every person to do so. Reasonable accommodation is provided where necessary to users with disabilities, and there are no known complaints regarding the lack of reasonable accommodation on the part of the Ombudsperson's Office.

The People's Ombudsperson communicates on a daily basis with various media outlets; has open profiles on social networks and has launched an email newsletter; and regularly comments and issues press releases on current issues. The equality body is also accessible via a specialised anti-discrimination phone line.

Despite the presence and visibility of the People's Ombudsperson throughout the national territory, however, it is relevant to mention that the latest research conducted by the Ombudsperson's Office shows that only 3.9 % of respondents to a survey were aware that the Ombudsperson acts as a central body for the elimination of discrimination and promotion of equal treatment.⁴⁶¹

7.I.2 Political, economic and social context of the designated body

The Ombudsperson, as a commissioner of the Croatian Parliament, submits regular annual reports on the status of human rights and freedoms in the Republic of Croatia, after which

⁴⁵⁹ Assessments and views concerning compliance with EU law throughout section 7, notably regarding Directive 2024/1499, the transposition deadline for which is 19 June 2026 (after the cut-off date for this report), reflect the author's opinion.

⁴⁶⁰ Anti-discrimination Act, 9 July 2008, Article 12(1).

⁴⁶¹ People's Ombudsperson, Research on attitudes and the level of awareness of discrimination and the forms of discrimination for 2022, <https://www.ombudsman.hr/hr/download/istrazivanje-o-stavovima-i-razini-svijesti-o-diskriminaciji-i-pojavnim-oblicima-diskriminacije-2022/?wpdmdl=15351&refresh=63e0c6603768c1675675232>.

⁴⁶¹ People's Ombudsperson (2017), [Report for 2016](#).

Parliament conducts a debate and votes on whether to accept the Ombudsperson's report. Parliament also discusses and votes on annual reports of the special ombudspersons as well (Disability Ombudsperson, Ombudsperson for Children and Gender Equality Ombudsperson). If Parliament does not approve the report, special ombudspersons are automatically relieved of their duties, while this is not the case with the People's Ombudsperson, whose status is in this respect more favourable. At a session in May 2016, Parliament rejected the Ombudsperson's annual report (for 2015) for the second time since the Office of the People's Ombudsperson was established. Rejection of the report did not have any formal consequences for the Ombudsperson's mandate, although it was mentioned in the media that the procedure for the Ombudsperson's dismissal would be initiated. The fact that Parliament did not accept the Ombudsperson's report could be interpreted as putting political pressure on the independence of the Ombudsperson, and it certainly diminishes the importance of the recommendations presented in the report.⁴⁶² It should be mentioned that the Ombudsperson for Children's annual report for 2015 was also rejected by the Croatian Parliament in a session held in June 2016; as a result, the Ombudsperson for Children lost her position.⁴⁶³ In subsequent years, all the Ombudspersons' reports have been accepted by Parliament.

Regarding the political pressure on the work of the Ombudsperson's Office, it should be noted that the Ombudsperson, in her 2017 report, pointed to the interference of the highest officials of the Ministry of the Interior, who publicly criticised the Ombudsperson's reporting on the conduct of police officers in the case of the tragic death of a six-year-old Afghan girl on the border of Croatia and Serbia.⁴⁶⁴ The European Court of Human Rights issued a decision in this case, finding Croatia responsible for a number of violations of Convention rights: right to life, degrading treatment, lawful detention, collective expulsion, and effective exercise of individual petition hindered through restriction of contact with the chosen lawyer.⁴⁶⁵

The People's Ombudsperson has also reported a concerning practice of the Ministry of the Interior regarding the denial of direct access and insight into data on the treatment of irregular migrants in the information system. Given that this is the only source of relevant data, it is perceived as a barrier to fully exercising the Ombudsperson's competencies as provided by the Ombudsperson's Act. This has been repeatedly reported to the Croatian Parliament, but no specific actions to correct the situation have been taken.⁴⁶⁶

7.I.3 Institutional architecture

In Croatia, the Ombudsperson, as the designated body for the promotion of equal treatment irrespective of racial or ethnic origin according to Article 13 of the Racial Equality Directive, has multiple mandates, which – in addition to its position as the main equality body – include duties in connection to its role as the commissioner of Parliament for the protection of human rights and freedoms, as well as its responsibilities regarding its function as the National Preventive Mechanism for the Protection of Persons Deprived of Freedom. The Ombudsperson was also given a mandate under the Whistle-blowers Protection Act as a competent authority for the external reporting of irregularities.⁴⁶⁷

The Ombudsperson's Office consists of several services (offices): the office for the protection of human rights; the office for the protection of persons deprived of freedom and National Preventive Mechanism; the anti-discrimination office; the office for communication, cooperation and promotion of human rights; and the office for general

⁴⁶² People's Ombudsperson (2017), [Report for 2016](#).

⁴⁶³ Ombudsperson for Children (2017), [Report for 2016](#).

⁴⁶⁴ People's Ombudsperson (2018), [Report for 2017](#).

⁴⁶⁵ European Court of Human Rights, [M.H. v. Croatia](#), No. 15670/18 and 43115/18, 18 November 2021.

⁴⁶⁶ People's Ombudsperson (2020), [Report for 2019](#).

⁴⁶⁷ Whistle-blowers Protection Act (Zakon o zaštiti prijavitelja nepravilnosti), 1 July 2019, Official Gazette 46/22.

affairs. Therefore, the anti-discrimination office forms one part of the structure of the Ombudsperson's Office and is of equal importance to the other services.⁴⁶⁸

The Ombudsperson has three deputies, one of whom is specifically in charge of discrimination issues. There is no exact information on the percentage of staff and budget dedicated exclusively to the equality mandate.

Given that there are three specialised and independent ombudspersons whose mandates could overlap with the mandate of the People's Ombudsperson, which is the main national equality body, especially in the field of discrimination, data on discrimination from all the ombudspersons are consolidated and published in the Ombudsperson's report. The ombudspersons forward each other complaints that they receive if they fall under the powers of another ombudsperson, or they work together on the same cases.

The Ombudsperson devotes sufficient attention to discrimination issues as evident from its reports and recommendations and therefore successfully fulfils its functions and role as the main equality body.

7.I.4 Status of the designated body – general independence

a) Status of the body

- Separate or other legal status or personality: the Ombudsperson has separate legal status as a commissioner of the Croatian Parliament.
- Selection of governing body: the Ombudsperson is elected by the Croatian Parliament.
- Sources of funding: funds necessary for the functioning of the Office of the Ombudsperson are apportioned from the annual state budget, which is proposed by the Government and adopted by Parliament.
- Powers to recruit and manage staff: the Ombudsperson has the powers to recruit and manage staff.
- Accountability: the Ombudsperson is accountable to the Croatian Parliament.

The Ombudsperson was established by the Constitution of the Republic of Croatia. Its scope of duties and powers are regulated in detail by the Ombudsperson Act and Anti-discrimination Act.⁴⁶⁹ The Ombudsperson is elected by the Croatian Parliament for an eight-year term with the possibility of re-election. No later than six months before the expiration of the Ombudsperson's mandate, or no later than 30 days after the termination of the mandate for other reasons, the Croatian Parliament announces a public call for the election of candidates for the Ombudsperson's position. The Committee for the Constitution, Law and Political System of the Croatian Parliament, together with an opinion from the Committee on Human Rights and the Rights of National Minorities of the Croatian Parliament, chooses at least two candidates and presents them to Parliament. The Ombudsperson has three deputies. The deputies are chosen and dismissed by the Croatian Parliament upon the proposal of the Ombudsperson.

The Ombudsperson is obliged to adopt the Ordinance of the Ombudsperson's Office, which regulates the internal organisation of the Ombudsperson's Office and has to be confirmed by Parliament. The Ombudsperson has the right to recruit staff through public competition, according to the yearly plan for admission of employees, which is published in the *Official Gazette*.

The Ombudsperson must present their annual reports to Parliament. Parliament has the authority not to accept the Ombudsperson's report, but the formal consequences of that

⁴⁶⁸ According to the People's Ombudsperson's webpage, available at: <https://www.ombudsman.hr/hr/#>.

⁴⁶⁹ Act on People's Ombudsperson, 9 July 2012; Anti-discrimination Act, 9 July 2008.

are not set out in law. However, if the legally prescribed requirements are fulfilled, Parliament has the power to relieve the Ombudsperson of his or her duty.

b) Independence of the body

The independence of the Ombudsperson is stipulated in the Constitution and the Ombudsperson is considered to be independent by the relevant stakeholders.⁴⁷⁰ Every form of influence on the work of the Ombudsperson is prohibited. In exercising its authority, the Ombudsperson acts in accordance with the constitutional and legal provisions and internal legal acts on the protection of human rights and freedoms adopted by the Republic of Croatia. In practice, the Ombudsperson has independently exercised its powers, according to the constitutional guarantees.

It can be considered that there are certain risks for the independence of the Ombudsperson in terms of accountability to Parliament, which is especially important for special ombudspersons, who may lose their mandate if their annual report is not approved by Parliament. The financial dependence of the Ombudsperson on the Government is also relevant in the terms of the Ombudsperson's independence, as there are no guarantees against arbitrary cuts; however, the issue of funding has not proven to be controversial so far.

In March 2019, at the session of the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI), which operates within the UN Human Rights Council, the Ombudsperson was confirmed as having A status at the highest level of compliance with the Paris Principles, as a fully independent institution.⁴⁷¹

In their 2025 annual report, the Ombudsperson stressed that the effective functioning of independent institutions requires respect for their independence and the ability to operate free from pressure, threats and attacks. The Ombudsperson reported that negative trends observed across Europe, including intimidation, discrediting, and political pressure against independent institutions, were also evident in Croatia during 2025. These pressures intensified following a public statement issued by the Ombudsperson after a major concert held in Zagreb in July 2025,⁴⁷² in which she highlighted unacceptable forms of public expression and the lack of public condemnation of such incidents. This was followed by a dismissive public statement from the Prime Minister, announcements by a right-wing opposition party of proceedings for her dismissal before Parliament, and a criminal complaint filed against the Ombudsperson in connection with the same statement. The Ombudsperson also reported that during 2025 she was also subjected to harsh criticism by some Members of Parliament, while certain social media posts by politicians contributed to further insults, intimidation, and attempts to undermine public trust in the institution as a whole. In this regard, the Ombudsperson noted that independent institutions must be able to identify and address human rights concerns without political interference, as their independence is an essential element of checks and balances and the rule of law. International standards, including the Paris Principles, the Venice Principles, OPCAT, UN resolutions on ombuds institutions, and EU standards for equality bodies, all require independent institutions to operate free from pressure and attacks.⁴⁷³

In terms of its institutional independence, the Ombudsperson also raised concerns regarding the procedure for parliamentary consideration of her annual reports. She proposed reconsidering the current practice under which parliamentary discussion of the Ombudsperson's report depends on a prior opinion of the Government. The Ombudsperson

⁴⁷⁰ Constitution of the Republic of Croatia, 22 December 1990, Article 93.

⁴⁷¹ People's Ombudsperson (2020), [Report for 2019](#).

⁴⁷² The concert was performed by a Croatian singer whose work has been associated with Croatian nationalist themes and has generated controversy because of references perceived as linked to the Ustaša movement, the fascist regime of the NDH during the Second World War.

⁴⁷³ People's Ombudsperson (2026), Report for 2025.

stressed that independent human rights institutions are established specifically to oversee the executive branch and therefore constitute an essential component of the system of checks and balances and the rule of law. In this context, she also expressed concern that the Government, in its opinions on the Ombudsperson's reports, proposes to Parliament how to vote on them, despite the Ombudsperson being accountable to Parliament and operating within the constitutional framework of the separation of powers.⁴⁷⁴

c) Resources

- The annual budget of the body: EUR 3 255 937.00⁴⁷⁵
- The share of the annual budget dedicated to the equality body mandate: n/a
- The total number of staff of the body: 60
- The number of staff dedicated to the equality body mandate: n/a

Funds necessary for the functioning of the Office of the Ombudsperson are apportioned from the annual state budget, which is proposed by the Government and adopted by Parliament.

The equality mandate does not have a separate budget item within the general budget of the Ombudsperson's Office, as there is a single budget for the entire institution.

In 2024, the Office of the Ombudsperson employed 60 persons, 53 of whom were based at the institution's headquarters in Zagreb, with 2 in Split, 3 in Osijek and 2 in Rijeka.⁴⁷⁶ There is no information on the number of staff dedicated exclusively to the equality mandate.

Considering that the Ombudsperson has been assigned additional mandates over time, it would be expected that that would be followed by a significant increase in the budget and staff, but that has not happened. In the author's opinion, there is a need for the proper allocation of new financial and human resources as well as improvement of the spatial and other working conditions of the Ombudsperson's Office.

7.1.5 Grounds and fields covered by the designated body

The mandate of the Ombudsperson as the designated body for the elimination of discrimination covers discrimination based on race or ethnic origin or colour, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, age, health condition and genetic heritage.

The Ombudsperson's scope of action includes activities regarding the conduct of all state bodies, bodies of local and regional self-government units, legal persons vested with public authority, and the conduct of all legal and natural persons, especially in the following fields: work and working conditions, access to self-employment and occupation, including selection criteria, recruiting and promotion conditions, access to all types of vocational guidance, vocational training, professional improvement and retraining; education, science and sports; social security, including social welfare, pension and health insurance and unemployment insurance; health protection; judiciary and administration; housing; public information and the media; access to goods and services and their provision; membership and activity in trade unions, civil society organisations, political parties or any other organisations; access to participation in cultural and artistic creation.

However, for the elimination of discrimination based on certain discrimination grounds, there are specialised ombudspersons.

⁴⁷⁴ People's Ombudsperson (2026), Report for 2025.

⁴⁷⁵ Compared to 2024, the budget increased by 15.97 %, primarily due to higher staff-related expenditures.

⁴⁷⁶ People's Ombudsperson (2026), Report for 2025, <https://www.ombudsman.hr/hr/interaktivno-izvjesce-za-2025/>.

Discrimination on the basis of gender, gender identity and expression, sexual orientation and family or marital status is dealt with by the Gender Equality Ombudsperson, while discrimination on the basis of disability falls under the responsibilities of the Disability Ombudsperson. The Ombudsperson for Children is competent for dealing with issues involving the protection and promotion of children's rights, including discrimination issues affecting children (most commonly in the area of education).

The mandates of the ombudspersons could overlap in some areas. It is left to individuals to decide to which ombudsperson they will address their complaint, and the ombudspersons in each individual case decide whether the complaint falls within their remit.

There is no available information on the manner in which the Ombudsperson ensures that adequate and appropriate expertise and attention is given to each of the discrimination grounds listed under his/her responsibilities.

The Ombudsperson acts according to his/her knowledge of specific cases of discrimination and individual complaints that are addressed to the Ombudsperson's Office regarding specific grounds of discrimination.

Therefore, the intensity of activities and level of attention dedicated to each of the discrimination grounds is divided according to the number of cases received through the reported period. Usually, most of the complaints are in connection to discrimination on the basis of race or ethnic origin, therefore greater attention is given to this area, as is evident from the Ombudsperson's annual reports.

7.I.6 Competencies of the designated body – and their independent exercise

a) Independent assistance to victims

In Croatia, the designated body has the competence to provide independent assistance to victims. The Ombudsperson has the power to provide information necessary to natural and legal persons who have filed a complaint of discrimination with regard to their rights and obligations and on their options for legal and other protection. If court proceedings have not yet been initiated, the Ombudsperson also has the right to examine individual reports and take any action that falls within their remit that is required to eliminate discrimination and protect the rights of people facing discrimination.⁴⁷⁷

The powers of the Ombudsperson regarding independent assistance to victims in discrimination cases have been exercised in an independent manner in practice. There have been no known complaints about the Ombudsperson in relation to any kind of difficulties or problems in this respect.

The Ombudsperson's report contains general information and statistical data on the number of complaints and proceedings that were conducted during the reported period, from which it can be concluded that the Ombudsperson is effective in the implementation of his/her activities in providing independent assistance.

b) Independent surveys and reports

In Croatia, the designated body has the power to conduct independent surveys and publish independent reports.

⁴⁷⁷ Anti-discrimination Act, 9 July 2008, Article 12(2)(2) and 12(2)(3).

In connection to her responsibilities as the central anti-discrimination body the Ombudsperson has the power to conduct surveys on discrimination.

At the end of 2022, the People's Ombudsperson conducted her fourth piece of research dealing with the topic of attitudes and the level of awareness of discrimination and the forms of discrimination in society, the results of which were presented to the public at the beginning of 2023 (the latest previous research was conducted in 2016). The research was conducted on a sample of 1 000 respondents and covered four thematic areas – social distance (prejudices and stereotypes), acquaintance with the legislative and institutional framework for combating discrimination, perception of the prevalence of discrimination and personal experience of discrimination.⁴⁷⁸

The Ombudsperson publishes annual reports on the status of human rights and freedoms, which also includes the analysis and assessment of specific forms of discrimination that have been noted in the reporting period and the quality of anti-discrimination protection in Croatia. According to the Anti-discrimination Act, the Ombudsperson has the duty to inform the Croatian Parliament of the prevalence of discrimination in his or her annual reports and also in extraordinary reports, when required.⁴⁷⁹ The Ombudsperson engages in strategic planning by adopting, for each year, an annual plan that contains the planned activities of each service of the Ombudsperson's Office in the following year. The annual plans for the period 2015 to 2025 have been published on the Ombudsperson's website.⁴⁸⁰ The Ombudsperson does not engage in the practice of adopting multi-annual programmes or adapting individual strategies on specific aspects of their mandate.

In 2025, the Ombudsperson published a report entitled '*Discrimination and Protection against Discrimination in Croatia – A Review of 15 Years of the Application of the Anti-Discrimination Act*'. The publication provides a comprehensive overview of the implementation and impact of anti-discrimination legislation from its entry into force on 1 January 2009 to the present.⁴⁸¹ The Guide to Identifying Discrimination⁴⁸² was also published, as well as an updated Whistleblowing guide.⁴⁸³

c) Recommendations

The Ombudsperson also issues recommendations on a general level in its annual reports, which are addressed to the relevant state authorities in order to eliminate certain discrimination practices noted in the reporting period. According to the Anti-discrimination Act, the Ombudsperson has the power to give opinions and recommendations and suggest appropriate legal and strategic solutions to the Government in connection with the Ombudsperson's duties as the main anti-discrimination body.⁴⁸⁴

The Ombudsperson, in its annual reports, issues general recommendations to the state authorities on appropriate legal and strategic measures, on the basis of individual

⁴⁷⁸ People's Ombudsperson, Research on attitudes and the level of awareness of discrimination and the forms of discrimination for 2022, <https://www.ombudsman.hr/hr/download/istrazivanje-o-stavovima-i-razini-svijesti-o-diskriminaciji-i-pojavnim-oblicima-diskriminacije-2022/?wpdmdl=15351&refresh=63e0c6603768c1675675232>.

⁴⁷⁹ Anti-discrimination Act, 9 July 2008, Article 12.

⁴⁸⁰ See People's Ombudsperson, annual plans, available at: <https://www.ombudsman.hr/hr/dokumenti/>

⁴⁸¹ People's Ombudsperson (2025), Diskriminacija i zaštita od diskriminacije u Hrvatskoj – Osvrt na 15 godina primjene Zakona o suzbijanju diskriminacije (Discrimination and Protection against Discrimination in Croatia- A Review of 15 Years of the Application of the Anti-Discrimination Act), <https://www.ombudsman.hr/hr/pu-ka-pravobraniteljica-objavila-publikaciju-o-15-godina-primjene-zakona-o-suzbijanju-diskriminacije/>.

⁴⁸² People's Ombudsperson (2025), Vodič za prepoznavanje diskriminacije (Guide to Identifying Discrimination), <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/>.

⁴⁸³ People's Ombudsperson (2025), Vodič za prijavitelje nepravilnosti (Whistleblowing guide), <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/>.

⁴⁸⁴ Anti-discrimination Act, 9 July 2008, Article 12.

complaints and the general status of certain discrimination issues in the country noted by the Ombudsperson during the reporting period.

These duties have been exercised in practice in an independent manner. There have been no known complaints about the Ombudsperson in relation to any kind of difficulties or problems regarding its duty to issue independent recommendations.

The effectiveness of the Ombudsperson's recommendations is questionable; the Ombudsperson does not have the power to issue mandatory decisions, but only provides recommendations and opinions that are not legally binding, which significantly reduces their effectiveness. However, by the strength of its reputation, the Ombudsperson has great influence on relevant stakeholders, although there are no sanctions for potential non-adherence to the Ombudsperson's recommendations and opinions. The implementation of the general recommendations is monitored by the Government Office for Human Rights and Rights of National Minorities, which is obliged to issue an annual report regarding the measures taken in relation to the Ombudsperson's recommendations. The Ombudsperson herself monitors implementation of the recommendations, and in her annual reports highlights the positive efforts made by the relevant bodies in this area, as well as a lack of activity regarding some of the recommendations. However, the Ombudsperson does not have the power to force their implementation by imposing sanctions.

The Ombudsperson constantly points to the problem of insufficient implementation of general recommendations. In this regard, the Ombudsperson has noted that in the European Commission's *Rule of Law Report 2023* the Republic of Croatia received six recommendations, including a recommendation to further improve the implementation of the Ombudsperson's recommendations and respond more systematically to the Ombudsman's requests for information. Following the above, in a public statement issued in July 2023, the Ombudsperson stated that it is necessary for her to have access to information in order to properly conduct examination procedures in individual cases. The Ombudsperson emphasised that recommendations are a key tool for indicating the necessary changes, which can occur only if the recommendations are seriously considered and implemented, or if they are implemented to a greater extent than they have previously been.⁴⁸⁵

The Ombudsperson stated that, for the adequate fulfilment of her constitutional role, the support of and cooperation with the Croatian Parliament is essential. In this regard, the Ombudsperson noted that the practice of untimely parliamentary discussions on the Ombudsperson's annual reports, which are conducted not in the year of submission, but with a couple of years' delay, diminishes the significance of the recommendations and has a negative impact on their effectiveness. In 2024, the Ombudsperson reported that the reports for 2022 and 2023 had not yet been discussed by the parliament.⁴⁸⁶ The report for 2022 was finally discussed by the Parliament in June 2025.

In her 2025 annual report, the Ombudsperson noted that the Croatian Parliament has not yet debated the 2023 and 2024 annual reports of the Ombudsperson while, at the same time, the annual reports of all other specialised ombudspersons for 2023 were debated, including those of the Ombudsperson for Children, the Ombudsperson for Gender Equality, and the Ombudsperson for Persons with Disabilities, as well as reports of other independent institutions, such as the Information Commissioner and the Commission for Deciding on Conflicts of Interest. In this regard, the Ombudsperson emphasised that her report is not a report on the work of the institution, as is the case with many other reports submitted to Parliament, but rather a report on the state of protection of rights and freedoms in the Republic of Croatia, prepared by the authorised representative of the Croatian Parliament for the promotion and protection of human rights. Given that, over time, the data and

⁴⁸⁵ People's Ombudsperson, <https://www.ombudsman.hr/hr/europska-komisija-pozvala-republiku-hrvatsku-da-poboljsa-provedbu-preporuka-pucke-pravobraniteljice/>.

⁴⁸⁶ [People's Ombudsperson \(2025\), Report for 2024.](#)

analyses contained in such reports lose relevance, it would be necessary for the report to be debated in the year in which it is submitted.⁴⁸⁷ Furthermore, during the accreditation process of the Ombudsperson institution, the Sub-Committee on Accreditation also recognised that delays in the timely consideration of the Ombudsperson's reports may affect its effectiveness in the protection and promotion of human rights, referring to the Paris Principles.

The Ombudsperson stated that, in order to improve the implementation of her recommendations, it is necessary that parliamentary discussion takes place in the year of the submission of the report, as the data and analyses contained in the annual report lose their relevance over time. It is therefore important, in order for the report to achieve its intended effect, that it be presented to the members of Parliament and that they have the opportunity to discuss it while the data, analysis and recommendations presented are current.

In 2024, the Ombudsperson reported that European Commission had once again recommended that the Republic of Croatia further improve implementation of recommendations and respond more systematically to the Ombudsperson's requests for information. The Ombudsperson pointed out that this is the third year in a row in which the European Commission has highlighted this need in its recommendations to the Republic of Croatia issued within the report on the rule of law, and that although some progress is recorded every year, further steps in this direction are still necessary.⁴⁸⁸

In their 2025 annual report, the Ombudsperson reported that competent authorities have acted or are currently acting upon 65.2 % of the recommendations, which represents an increase compared to the 2023 annual report, when the implementation rate stood at 60.96 %. Competent authorities have not implemented 33.5 % of the recommendations, while no information on implementation is available for 1.3 % of the recommendations addressed to them.⁴⁸⁹

On its website, the Ombudsperson regularly publishes its opinions regarding specific political and legal measures; participates in public discussions regarding specific legal acts within its scope of duties that are in the parliamentary procedure; and proposes appropriate legal and strategic solutions to the Government.⁴⁹⁰

In the author's opinion, the competence of the Ombudsperson to issue recommendations is exercised in an independent manner; however, recommendations are not being sufficiently followed and implemented in practice, which greatly diminishes and negatively impacts their significance.

d) Prevention, promotion and awareness-raising

The Ombudsperson has the competence to engage in the prevention of discrimination and in the promotion of equal treatment. It has the power to make the public aware of occurrences of discrimination.

The Ombudsperson regularly holds meetings with the representatives of groups at risk of discrimination, provides training and education, holds round-tables and seminars, publishes analyses in relevant areas, etc.

The Ombudsperson has developed cooperation with civil society associations through the anti-discrimination network of contact points, which consists of civil society organisations.

⁴⁸⁷ People's Ombudsperson (2026), Report for 2025.

⁴⁸⁸ People's Ombudsperson, 1 August 2024, <https://www.ombudsman.hr/hr/europska-komisija-ponovno-pozvala-rh-da-pobolji-a-provedbu-preporuka-pu-ke-pravobraniteljice/>.

⁴⁸⁹ People's Ombudsperson (2026), Report for 2025.

⁴⁹⁰ Information available on People's Ombudsperson website: <https://www.ombudsman.hr/hr/#>.

In addition, cooperation agreements between the Ombudsperson and civil society organisations are in force, meetings are held periodically, and there is cooperation in individual cases as well. Prior to the publication of the annual report, the People's Ombudsperson makes a public call to the civil society organisations to submit their reports on the occurrence of discrimination.⁴⁹¹

The Human Rights Council of the People's Ombudsperson as an advisory body has also been established with the purpose to propose strategic guidelines to the Ombudsperson in the field of promoting human rights and freedoms and enhance the cooperation with civil society, academia and the media. It meets at least twice a year, where, in addition to the above-mentioned tasks, it also discusses analytical and research work and proposes guidelines for strengthening the visibility of the institution.⁴⁹²

In the author's opinion, the cooperation between the Ombudsperson and civil society organisations is at a satisfactory level. The Ombudsperson is open to dialogue with civil society organisations, and civil society organisations recognise the Ombudsperson as an independent body.

e) Other competencies

The Ombudsperson has the competence to warn the public about the occurrence of discrimination and suggest appropriate legal and strategic solutions to the Government of the Republic of Croatia.⁴⁹³

7.I.7 Legal standing of the designated body

In Croatia, the designated body has legal standing to

- bring discrimination complaints (on behalf of identified victim(s)) and to intervene in legal cases concerning discrimination.

In Croatia, the designated body does not have legal standing to:

- bring discrimination complaints on behalf of non-identified victims to court;
- bring discrimination complaints *ex officio* to court;
- intervene in legal cases concerning discrimination as an *amicus curiae*.

The Ombudsperson's authority to bring discrimination complaints includes the authority to file criminal charges for discrimination with the State Attorney's Office.⁴⁹⁴ The Ombudsperson does not have the authority to institute civil anti-discrimination proceedings on its own.

The Ombudsperson has the authority to bring *actio popularis* proceedings which refers to the possibility of challenging discriminatory practices in abstract in order to protect the public interest and prevent discrimination, rather than acting on behalf of identifiable individuals or representing specific victims; however, so far it has not used this competence. The Ombudsperson also has the power to propose the institution of proceedings for a constitutionality assessment of laws and the assessment of constitutionality of other regulations and acts within its competence.⁴⁹⁵ According to available information, the Ombudsperson has not used this power in practice.

⁴⁹¹ Anti-discrimination Act, 9 July 2008, Article 15.

⁴⁹² People's Ombudsperson's Council: <https://www.ombudsman.hr/hr/savjet-za-ljudska-prava-puckog-pravobranitelja/>.

⁴⁹³ Anti-discrimination Act, 9 July 2008, Article 12(2)(4) and 12(2)(9).

⁴⁹⁴ Anti-discrimination Act, 9 July 2008, Article 12(2)(6).

⁴⁹⁵ People Ombudsperson's Act, 9 July 2012, Article 6.

The Ombudsperson can join civil proceedings in anti-discrimination cases as an intervener on behalf of the claimant.⁴⁹⁶ As an intervener, the Ombudsperson does not represent a claimant. Its role is restricted to helping the claimant by providing expert knowledge and experience during the court proceedings.

The cases in which the ombudspersons decide to join the proceedings as an intervener are carefully selected as strategic cases, with the aim of positively influencing the awareness of citizens about the prohibition of discrimination. So far, the Ombudsperson has joined several proceedings, alongside the specialised ombudspersons. The available data shows that court decisions have mostly been adopted in such proceedings, to which the Ombudsperson's expertise in the field of discrimination and protection of human rights in general has surely contributed.⁴⁹⁷ During 2025, the Ombudsperson participated as an intervener in proceedings concerning discrimination based on political belief and association, in which the claimant succeeded with his claim.⁴⁹⁸ The law does not provide for the possibility for the Ombudsperson to intervene in legal cases as *amicus curiae*.

For example, the Ombudsperson was involved in proceedings regarding discrimination against Roma students in vocational training, as well as in proceedings in connection with discrimination based on age in employment.⁴⁹⁹ The Ombudsperson was also involved in a court case in relation to discrimination based on sexual orientation filed by a joint action of civil society organisations in the case against the president of the Croatian Football Association regarding his public statements that gay people could not play in his national football team.⁵⁰⁰

The above-mentioned duties of the Ombudsperson are regulated by Articles 12(2) and 21(1) of the Anti-discrimination Act.

7.I.8 Dispute resolution

a) Quasi-judicial functions

In Croatia, the designated body is not a quasi-judicial institution.

In Croatia there is no separate quasi-judicial body/institution competent to decide on discrimination cases.

The People's Ombudsperson cannot issue binding enforceable decisions. The Ombudsperson can issue non-binding opinions, and it does not have the power to impose sanctions.

The opinions issued by the Ombudsperson regarding specific cases of discrimination contain an order of the Ombudsperson for the person or body involved to notify the Ombudsperson within a certain deadline about actions that have been taken in respect of the Ombudsperson's opinion.⁵⁰¹ The Ombudsperson forms opinions as a result of paper-based investigations. Upon receiving a complaint, the Ombudsperson asks the parties involved to submit their observations and all relevant documentation, after which it issues a recommendation.

⁴⁹⁶ Anti-discrimination Act, 9 July 2008, Article 21.

⁴⁹⁷ Kesonja, D. and Einwalter, T.S. (CMS) (2017), *Analysis of case law in Croatia regarding proceedings initiated for discrimination*, Zagreb, available at: https://www.cms.hr/system/publication/pdf/104/Analiza_sudske_prakse_u_postupcima_pred_hrvatskim_sudovima_pokrenutima_zbog_diskriminacije.pdf.

⁴⁹⁸ Proceedings before the Pazin Municipal Court, decision no. P-600/2022-61, 24 February 2025.

⁴⁹⁹ Kesonja, D. and Einwalter, T.S. (CMS) (2017), *Analysis of case law in Croatia regarding proceedings initiated for discrimination*, Zagreb.

⁵⁰⁰ For the information on the outcome of the case, please see Section 2.6. c of the 2022 Croatia Country Report on Non-Discrimination.

⁵⁰¹ Act on People's Ombudsperson, 9 July 2012, Article 27.

Although the Ombudsperson's opinions are not legally binding, it can be concluded that, through the power of its authority and reputation, its opinions are generally respected. However, there are no exact data on the percentage of individual recommendations that are implemented, and there is no information available about the effectiveness of the Ombudsperson's interventions in specific cases.

b) Amicable settlements

The Ombudsperson has the competence to offer the parties to a discrimination complaint the possibility to seek an amicable resolution to their dispute. There is no information available on the manner in which this process is conducted. The Anti-discrimination Act does not prescribe explicitly whether conciliation procedures can be carried out by a third party.

7.I.9 Procedural safeguards

There are no prescribed limitations/safeguards in the case of the designated equality body entrusted with several powers.

7.I.10 Data collection by the designated body

a) Registration of complaints and decisions

In Croatia, the designated body registers the number of inquiries received; complaints of discrimination made; and opinions (by ground, field, type of discrimination, etc.).

These data are available to the public through the Ombudsperson's annual reports, which are published on its website.⁵⁰² The Ombudsperson's annual reports from 2002 to 2024 are available on the website and are easily accessible to everyone.

In 2025, the Ombudsperson's office received a total of 378 discrimination complaints across different areas of life and on various discrimination grounds, reflecting both diverse patterns of discrimination and the persistence of long-standing trends. Together with 142 cases carried over from previous years, the Ombudsperson's Office handled a total of 520 discrimination-related cases in 2025.⁵⁰³ Multiple discrimination accounted for 24 % of all newly received complaints, highlighting the complexity of cases and the need to address discrimination through intersecting grounds. In 17 % of complaints, no discrimination ground under the Anti-Discrimination Act was identified, indicating the continued need to improve public awareness of the legal framework for protection against discrimination.

As in all previous years since the Anti-Discrimination Act entered into force in 2009, the most common complaints concerned discrimination based on race, ethnicity, skin colour, or national origin (15 %). These were followed by complaints related to marital or family status (8 %), disability (7 %), health status (6 %), and political or other beliefs (5 %). Discrimination based on sex and age each accounted for 4 % of complaints, while religion, property status, sexual orientation, gender identity, and trade union membership were represented to a lesser extent. More precisely, of the 378 complaints received, the largest number concerned discrimination based on race, ethnicity, skin colour or national origin (56), followed by marital or family status (29), disability (28), health status (21), political or other belief (19), age (17), sex (15), and education (13). Multiple discrimination was alleged in 90 complaints, while 65 complaints did not relate to any of the grounds protected under the Anti-Discrimination Act.⁵⁰⁴

⁵⁰² See People's Ombudsperson, [Official Web Page](#).

⁵⁰³ People's Ombudsperson (2026), Report for 2025.

⁵⁰⁴ People's Ombudsperson (2026), Report for 2025.

Also, as in previous years, the largest number of discrimination complaints related to the field of work and employment, accounting for 42 % of all complaints and confirming a long-standing trend. This was followed by complaints concerning access to goods and services (10 %) and public information and media (9 %). A smaller proportion of complaints concerned public administration, housing, healthcare, social welfare, education, and the judiciary. More precisely, the largest number of complaints concerned employment and occupation (157), followed by access to goods and services (39), public information and the media (35), public administration (22), and housing (15). Complaints also related to healthcare (12), social welfare (10), education (8), pension insurance (8), the judiciary (6), health insurance (6), membership in trade unions, civil society organisations or political parties (3), sports (3), cultural and artistic activities (2), and science (1). Twenty-four complaints concerned multiple areas of discrimination, while 28 concerned discrimination in general.⁵⁰⁵

b) Equality data collection

In Croatia, the designated body does not collect general equality data.

7.I.11 Roma and Travellers

The annual reports of the Ombudsperson give special attention to Roma issues. The Ombudsperson has made a number of recommendations to the relevant state authorities in order to resolve the housing needs of the Roma population, to prevent their segregation and to ensure that they have the basic amenities they need in respect of their living conditions.⁵⁰⁶

⁵⁰⁵ People's Ombudsperson (2026), Report for 2025.

⁵⁰⁶ [People's Ombudsperson \(2025\) Report for 2024](#).

7.II BODY FOR THE PROMOTION OF EQUAL TREATMENT FOR PERSONS WITH DISABILITIES⁵⁰⁷

No amendments have been adopted to specifically transpose Directive (EU) 2024/1499. The existing legal framework is largely in line with the Directive's requirements. However, certain aspects relating to guarantees of institutional independence, including provisions concerning dismissal, may warrant further assessment in light of the Directive.

7.II.1 Body for the promotion of equal treatment for persons with disabilities

In Croatia there is a separate disability equality body - Ombudsperson for persons with disabilities (Disability Ombudsperson). It was established by the Act on the Ombudsperson for Persons with Disabilities and started functioning on 1 July 2008.⁵⁰⁸ The Act on the Ombudsperson for persons with Disabilities regulates the scope and method of work and the conditions for the appointment and dismissal of the Disability Ombudsperson.

The accessibility of the services of the Disability Ombudsperson is high. In addition to central office located in Zagreb, the Disability Ombudsperson has separate regional offices in several other Croatian cities where complaints can be filed in person. Also, complaints can be filed through different means of communication which provides the possibility for every person to address their complaint to the Disability Ombudsperson. The Disability Ombudsperson is often present in the media and regularly comments and issues press releases on current issues related to discrimination of persons with disabilities which makes them visible to the public.

Therefore, services of the Disability Ombudsperson are accessible on an equal basis for all and without any costs for the victims.

Reasonable accommodation is an issue to which Disability Ombudsperson pays special attention to since it is one of the most significant problems faced with by the persons with disabilities in Croatia. To the author's knowledge, reasonable accommodation is provided by the Disability Ombudsperson to users with disabilities where necessary and I am not aware of any complaints regarding the lack of reasonable accommodation on behalf of the Disability Ombudsperson's Office.

7.II.2 Political, economic and social context of the body

The purpose of founding the separate institution for the protection of rights and interests of persons with disabilities was to establish a single expert body with a coordinating, supervisory and advisory role in the national system related to the protection of the rights of persons with disabilities which would exercise control over the realization of the rights of persons with disabilities and promote their active participation in society as well as raise awareness of the problems faced by persons with disabilities. Namely, it was determined that the population of persons with disabilities in the Republic of Croatia has grown, and there were high and justified demands for improving their legal and social position with the expectation that in the long term, the establishment of an Ombudspersons institution for persons with disabilities will contribute to improving their position in society with better and more effective protection of their rights. Also, it was considered that the establishment of such separate institution is in line with international trends and that it will contribute to better and more effective implementation of international regulations which deal with the protection and promotion of the rights of persons with disabilities.⁵⁰⁹

⁵⁰⁷ Assessments and views concerning compliance with EU law throughout section 7, notably regarding Directive 2024/1499, the transposition deadline for which is 19 June 2026 (after the cut-off date for this report), reflect the author's opinion.

⁵⁰⁸ Croatia, Act on Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12.

⁵⁰⁹ Reasoning of the Final Proposal of the Act on the Ombudsperson for persons with Disabilities, July 2007, available at: <https://www.sabor.hr/hr/konacni-prijedlog-zakona-o-pravobranitelju-za-osobe-s-invaliditetom-drugo-citanje-p-z-br-648>.

7.II.3 Institutional architecture

In Croatia the body does not form a part of a body with multiple mandates.

Although the Ombudsperson for Persons with Disabilities, unlike the People's Ombudsperson, is not expressly assigned multiple mandates, they exercise different powers entrusted to them by several laws.

The main scope of work of the Disability Ombudsperson is regulated by the Act on the Ombudsperson for persons with disabilities, according to which the basic task of the Ombudsperson is to protect, monitor and promote the rights and interests of persons with disabilities based on the Constitution, international treaties, and laws.⁵¹⁰

The Disability Ombudsperson is also responsible for combating discrimination on the ground of disability in accordance with the Act on the Ombudsperson for persons with disabilities and Anti-discrimination Act.

In this regard, the Act on the Ombudsperson for persons with disabilities stipulates that the Disability Ombudsperson takes care of the protection of human rights and fundamental freedoms of persons with disabilities and the suppression of all forms of discrimination on the ground of disability.⁵¹¹

Anti-discrimination Act, stipulates that the central equality body is the People's Ombudsperson, however, that certain tasks within the competence of the central body are performed by special ombudspersons, which includes the Ombudsperson for Persons with Disabilities, Gender Equality ombudsperson and Ombudsperson for children.⁵¹²

Also, the Ombudsperson for Persons with Disabilities has the powers under the Act on the Protection of Persons with Mental Disabilities in connection with taking actions to verify the justification of forced placement of a person with mental disabilities in a psychiatric institution.⁵¹³

7.II.4 Status of the body – general independence and resources

a) Status of the body

- Separate or other legal status or personality;

The Disability Ombudsperson has separate legal status guaranteed by the Act on the Ombudsperson for persons with disabilities. It is formed as a separate independent institution with its own legal personality, and it is not organizationally or in any other way connected or dependent to other state institution.

- Selection of governing body;

The Ombudsman for persons with disabilities is appointed to and relieved from their duties by the Croatian Parliament at the proposal of the Government of the Republic of Croatia.⁵¹⁴

⁵¹⁰ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 2.

⁵¹¹ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 6(4).

⁵¹² Croatia, Anti-discrimination Act, Official gazette 85/08, 112/12, Article 13.

⁵¹³ Croatia, Act on the Protection of Persons with mental disabilities, Official gazette 76/14, Article 26.

⁵¹⁴ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 4.

It has two deputies who are appointed and relieved of their duties by the Parliament on the proposal of the Disability Ombudsperson. The Ombudsperson for persons with disabilities and their deputies are officials of the Republic of Croatia, they are appointed for an eight-year mandate and may be reappointed.⁵¹⁵

- Sources of funding;

Funds for the work of the Ombudsperson for persons with disabilities Office, their deputies and expert service are provided for in the budget of the Republic of Croatia.⁵¹⁶

- Powers to recruit and manage staff;

The Ombudsperson for persons with disabilities has the authority to independently recruit and manage staff within the Ombudspersons' Office, however, the recruitment and hiring depends on the schedule and employment plan for civil servants and officials adopted by the Government and the funds provided in the state budget.

Employees are hired through public tender conducted by the Office of the Ombudsperson for persons with disabilities.

- Accountability.

The Disability Ombudsperson is responsible to the Croatian Parliament. The Ombudsperson is obliged to submit annual reports about their work to the Parliament.⁵¹⁷

If the Croatian Parliament does not accept (vote on) the annual report on the work of the Ombudsperson for persons with disabilities, the Ombudsperson and their deputies will be relieved of their duties.⁵¹⁸

b) Independence of the body

The Act on the Ombudsperson for Persons with Disabilities stipulates that the Ombudsperson acts independently, adhering to the principles of fairness and morality, that no one may give them instructions and orders in their work, and that they may not belong to any political party or participate in political activities.⁵¹⁹

To the author's knowledge, the Ombudsperson for Persons with Disabilities has not complained about any political or other pressures that could possibly affect their independence, and the general impression is that the Ombudsperson for Persons with Disabilities is considered to be independent in practice.

A situation that could be considered as an indirect interference in the independence of the Ombudsperson's institution concerns the dismissal of the Ombudsperson and their deputies from duties when the parliament does not vote on the Ombudsperson's annual report. Among experts (human rights professionals, CSOs, lawyers etc.) this situation is controversial and a great risk for the impartiality of the special ombudsperson's institutions, especially bearing in mind the situation from 2016, when the Ombudsperson for children

⁵¹⁵ Croatia, Act on Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 4.

⁵¹⁶ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 20.

⁵¹⁷ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 17.

⁵¹⁸ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 24.

⁵¹⁹ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 3.

was relieved of their duties in the aforementioned manner which was perceived as a direct political interference in the work of the Ombudsperson for children.⁵²⁰

The financial dependence of the Ombudsperson on the Government is also relevant in the terms of the Ombudsperson's independence, as there are no guarantees against arbitrary cuts, however, the issue of funding has not proven to be controversial so far.

c) Resources

- The annual budget of the body;

According to the information presented in the latest annual report of the Ombudsperson for persons with disabilities, of the total planned funds for 2025 in the amount of EUR 1 004 032 expenditures amounted to EUR 966 745.⁵²¹

- The share of the annual budget dedicated to the equality body mandate (if applicable);

N/A

- The total number of staff of the body;

According to the information presented in the latest annual report of the Ombudsperson for persons with disabilities, on 31 December 2025, 17 civil servants and 3 officials were employed in the office, i.e. a total of 20 people.⁵²²

- The number of staff dedicated to the equality body mandate (if applicable).

N/A

In their annual reports, the Ombudsperson for Persons with Disabilities did not complain about the lack of resources, as, for example, the People's Ombudsperson regularly does, following which it can be concluded that the allocation of human and financial resources is adequate.

7.II.5 Grounds and fields covered by the body

The Ombudsperson for persons with disabilities deals with the protection of human rights and fundamental freedoms of persons with disabilities and the suppression of all forms of discrimination due to disability in all areas of life.⁵²³

7.II.6 Competences of the body – and their independent exercise

a) Independent assistance to victims

According to the Act on the Ombudsperson for Persons with Disabilities, the Disability Ombudsperson provides assistance to persons with disabilities on how to exercise and protect their rights.⁵²⁴ The Ombudsperson also examines individual violations of the rights of persons with disabilities.

⁵²⁰ Press releases from relevant civil society organizations: <https://www.roda.hr/udruga/dokumentacijski-centar/reakcije/nedopustivo-gazenje-neovisnosti-pzd.html>; <https://fso.hr/djeca-zasluzuju-ozbiljnost-nezavisnost-i-strucnu-raspravu-a-ne-manipulaciju/>.

⁵²¹ Disability Ombudsperson (2026, *Report for 2025*, <https://posi.hr/izvjesca-o-radu/#single/0>).

⁵²² Disability Ombudsperson (2026), *Report for 2025*.

⁵²³ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 6(1)(4).

⁵²⁴ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 8.

Also, in accordance with the Anti-discrimination Act, the Ombudsperson for Persons with Disabilities has the authority to provide natural and legal persons who have filed a complaint due to discrimination with the necessary information about their rights and obligations. If court proceedings have not yet been initiated, the Disability Ombudsperson also has the right to examine individual complaints and take any action that falls under their competence, that is required to eliminate discrimination and protect the rights of the discriminated person.⁵²⁵ In practice this means that after examining an individual complaint, the Ombudsperson will issue their opinion on whether discrimination took place in the specific case or whether another violation of the rights of persons with disabilities had occurred. (Please see section 7.II.8).

In the author's assessment, these competences are effectively exercised in practice in an independent manner, and I am not aware of any complaints referred to the work of the Disability Ombudsperson in this area.

There is no information available on whether the execution of the aforementioned competences of the Ombudsperson for persons with disabilities can be/is entrusted to third parties.

b) Independent surveys and reports

The law does not explicitly determine the authority of the Ombudsperson for persons with disabilities to conduct independent surveys, however, the main competences of the Ombudsperson which include collection of information and informing the public about the rights of persons with disabilities and warning the public on occurrences of discrimination of persons with disabilities, are realised precisely through conducting researches and surveys with the purpose of collection of the relevant data.

The Anti-discrimination Act stipulates that central equality body has the power to conduct independent surveys and reports, and although certain powers of the central body are also assigned to special ombudspersons, this is not the case in relation to the competence of conducting independent surveys.⁵²⁶

The Act on the Ombudsperson for Persons with Disabilities prescribes the authority of the Ombudsperson to submit special reports to the Croatian Parliament when deemed necessary, in order to undertake measures of importance for the protection of the rights and interests of persons with disabilities.⁵²⁷

In their practice, the Ombudsperson regularly conducts surveys, for example, on accessibility of public institutions to persons with disabilities - premises of the social welfare centres, Institute for Pension Insurance, Institute for Health Insurance, theatres, libraries etc. Also, the Ombudsperson regularly publishes reports, for example, on reasonable accommodation duties and conducts various research concerning the rights of persons with disabilities, issues publications etc.⁵²⁸

In the author's assessment, this competence is effectively exercised in an independent manner, in practice.

The Disability Ombudsperson does engage in strategic planning by adopting a three-year strategic plan of work which sets out priorities and goals, means for their achievement, activities, method of achievement, indicators and initial and expected values for

⁵²⁵ Croatia, Anti-discrimination Act, Official gazette 85/08, 112/12, Articles 12 and 13.

⁵²⁶ Croatia, Anti-discrimination Act, Official gazette 85/08, 112/12, Article 13.

⁵²⁷ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 17(2).

⁵²⁸ Official website of the Ombudsperson for persons with disabilities <https://posi.hr/>.

measurement of the results. Currently, the strategic plan for the period 2023-2025 is in force.⁵²⁹

Also, every year, the annual plan and work programme of the Office of the Ombudsperson for Persons with Disabilities is adopted, which contains a detailed list of planned activities, performance indicators, the method of their execution, and the time frame for their achievement in accordance with the goals set by the strategic plan.⁵³⁰

c) Recommendations

The Ombudsperson for persons with disabilities has the competence to issue recommendations on discrimination issues.

As to the exact wording of the Act on the Ombudsperson for Persons with Disabilities, Disability Ombudsperson has the competence to warn, propose, inform, and give recommendations in the performance of their duties. The Ombudsperson is authorised to propose measures to improve the position of persons with disabilities to competent state administration bodies, local and regional self-government bodies, legal entities, and natural persons and to request reports on the measures taken.⁵³¹

The law does not clearly distinguish between general recommendations and the ones issued by the Ombudsperson in individual cases, using the same term 'recommendation'. In practice recommendations concern policy and legislation recommendations and other general recommendations aimed to improve the status of the persons with disabilities in various areas of everyday life. Upon individual complaints the Ombudsperson issues opinions.

The Ombudsperson for persons with disabilities regularly uses this competence in practice and makes recommendations to the Government, state bodies and other persons regarding the occurrence of discrimination and placing people with disabilities in a less favourable position in various areas of life due to their disability. For example, the Ombudsperson issued general recommendations on issues related to the participation and attendance of persons with disabilities in public life which was addressed to the Croatian Parliament, the Government, ministries and political parties; a recommendation on the participation and presentation of persons with disabilities in the media addressed to the Croatian Journalists' Association; a recommendation on accessibility of courts and public institutions to persons with disabilities, etc.⁵³²

In their annual reports, the Ombudsperson for persons with disabilities also issues general recommendations to the state authorities on appropriate legal and strategic measures, based on individual complaints and the general status of certain discrimination issues in the country noted by the Ombudsperson during the reporting period.⁵³³

In the author's assessment this competence is effectively exercised in practice in an independent manner. There are no known complaints on any kind of difficulties or problems regarding the Ombudsperson's duty to issue independent recommendations.

According to the information presented in the latest Ombudsperson's annual report, during 2025 out of a total of 336 recommendations, 173 were accepted (51 %), 52 (15 %) were

⁵²⁹ Ombudsperson for persons with disabilities, Strategic plan 2023-2025, available at: <https://posi.hr/godisnji-strateski-planovi/#single/0>.

⁵³⁰ Ombudsperson for persons with disabilities, Annual plan for 2023, available at: <https://posi.hr/godisnji-strateski-planovi/#single/0>.

⁵³¹ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 9.

⁵³² Ombudsperson for persons with disabilities, Recommendations available at: <https://posi.hr/preporuke-upozorenja/>.

⁵³³ Ombudsperson for persons with disabilities, Annual reports available at: <https://posi.hr/izvjesca-o-radu/>.

partially accepted, 42 (13 %) were not accepted, no response was received in relation to 43 (13 %), and 43 (13 %) remain under consideration. Compared with 2024, the number of recommendations issued increased (336 compared with 230 in 2024). The proportion of positively resolved recommendations (accepted and partially accepted combined) amounted to 66 %, compared with 13 % that were not accepted and 13 % for which no response was received.⁵³⁴

In this regard, it was noted that given that the effectiveness of the Disability Ombudsperson's work in protecting and promoting the rights and position of persons with disabilities and children with developmental difficulties across all areas of life and work largely depends on a positive response from the recipients of recommendations, the Disability Ombudsperson cannot be satisfied either with the overall ratio of issued recommendations to those accepted, rejected, or left unanswered in 2025, or with the attitude towards the Ombudsperson's recommendations compared with previous years. In the absence of more effective mechanisms for the direct implementation of recommendations and a stronger commitment to acting upon the recommendations and warnings issued by the Disability Ombudsperson, the institution's primary role continues to rely on its authority, as well as on documenting and reporting violations of disability rights. This often results in maintaining the status quo in the development of a comprehensive system of protection for persons with disabilities and in improving their quality of life.⁵³⁵

In connection to this, the Ombudsperson made a recommendation to the Government to exercise more intensive supervision over the fulfilment of the obligation to cooperate with the Office of the Ombudsperson for Persons with Disabilities and to give a stronger incentive to interdepartmental cooperation at the highest level, which is very often necessary when solving certain problems faced by persons with disabilities.⁵³⁶

d) Prevention, promotion and awareness-raising

According to the Act on the Ombudsperson for Persons with Disabilities, the Disability Ombudsperson has the authority to advocate for the protection and promotion of the rights of persons with disabilities, propose measures to build a comprehensive system of protection and promotion of the rights and interests of persons with disabilities, propose measures aimed at improvement the quality of life of persons with disabilities and their families, collect information and inform the public about the state of rights of persons with disabilities.⁵³⁷

Also, in accordance with the Anti-discrimination Act, Disability Ombudsperson has the duty to warn the public about occurrence of discrimination.⁵³⁸

On its website, the Ombudsperson regularly publishes recommendations regarding specific political and legal measures, participates in public discussions regarding specific legal acts within their scope of duties that are in the parliamentary procedure and proposes appropriate legal and strategic solutions to the Government. Also, Disability Ombudsperson has the duty to cooperate with associations of persons with disabilities, associations that work in favour of persons with disabilities and initiates and participates in public activities aimed at improving the position of persons with disabilities.

In connection to this, Disability Ombudsperson has developed cooperation with civil society associations and established an expert council whose members are experts of various profiles, who are actively involved in advocating for the rights of persons with disabilities

⁵³⁴ Disability Ombudsperson (2026), Report for 2025.

⁵³⁵ Disability Ombudsperson (2026), Report for 2025.

⁵³⁶ Disability Ombudsperson (2026, *Report for 2025*, <https://posi.hr/izvjesca-o-radu/#single/0>).

⁵³⁷ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 6.

⁵³⁸ Croatia, Anti-discrimination Act, Official gazette 85/08, 112/12, Article 12(2)(4) and Article 13.

in the Republic of Croatia. The Council consists of 15 members and 15 of their substitutes. The members of the first Council were appointed on the proposal of the Ombudsperson for a period of six months and were chosen based on their activities and previous cooperation in shaping proposals for changes to regulations and other initiatives in the field of protecting the rights of persons with disabilities.⁵³⁹

The Ombudsperson regularly holds meetings with the representatives of groups at risk of discrimination, provides training and education, holds round-tables and seminars, publishes analyses in relevant areas, etc.

e) Other competences

The Ombudsperson for persons with disabilities has the competence of monitoring the compliance of laws and other regulations in the Republic of Croatia which relate to the protection of the rights and interests of persons with disabilities with the provisions of the Constitution and international treaties. The Ombudsperson also monitors the implementation of policies, national strategies and programmes of the Republic of Croatia related to the protection of the rights and interests of persons with disabilities and proposes measures aimed at improving the quality of life of the persons with disabilities and their families.⁵⁴⁰

Also, the Ombudsperson participates in the process of drafting proposals for regulations concerning issues of importance for persons with disabilities and encourages the adoption and amendment of laws and other regulations relating to the protection of the rights and interests of persons with disabilities.⁵⁴¹

The Ombudsperson for persons with disabilities has the right to access the premises and have insight into the way care is provided for persons with disabilities who live, work or are temporarily or permanently housed with natural and legal persons and other legal entities based on special regulations.⁵⁴²

7.II.7 Legal standing of the body

In Croatia the body does not have legal standing to:

- bring discrimination complaints on behalf of identified victims to court;

The Ombudsperson for persons with disabilities does not have the authority to institute civil anti-discrimination proceedings on their own. The Ombudsperson has authority to file criminal charges for discrimination to the State Attorney's Office.⁵⁴³

In Croatia the body does have legal standing to:

- bring discrimination complaints on behalf of non-identified victims to court;

The Disability Ombudsperson has the authority to bring *actio popularis* proceedings.⁵⁴⁴ So far, the Disability Ombudsperson has not used this competence.

⁵³⁹ <https://posi.hr/strucni-savjet-posi/>.

⁵⁴⁰ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 6.

⁵⁴¹ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 6.

⁵⁴² Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 12.

⁵⁴³ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 13; Croatia, Anti-discrimination Act, Official gazette 85/08, 112/12, Article 12(6).

⁵⁴⁴ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 7.

In Croatia, the body does not have legal standing to

- bring discrimination complaints ex officio to court;

In Croatia the body does have legal standing to

- intervene in legal cases concerning discrimination, for example, as an amicus curiae.

The Ombudsperson for persons with disabilities can join civil proceedings in anti-discrimination cases as an intervener on behalf of the claimant. As an intervener, the Ombudsperson does not represent a claimant. Their role is restricted to helping the claimant with her expert knowledge and experience during the court proceedings.⁵⁴⁵ The law does not regulate the possibility for the Disability Ombudsperson to intervene in legal cases as amicus curiae.

The Disability Ombudsperson in practice uses their competence to intervene in legal cases concerning discrimination. The Ombudsperson acted as an intervenor in several court proceedings regarding the inaccessibility of public buildings to persons with disabilities as well as failure of reasonable accommodation duties. For example, the Disability Ombudsperson intervened in anti-discrimination proceeding initiated by a lawyer, person with disability who moves by using electric wheelchair, regarding the inaccessibility of the court building of Rijeka Misdemeanour Court.⁵⁴⁶ The Disability Ombudsperson also intervened in court proceedings regarding a case of a father who uses right to work half-time to care for a child with developmental difficulties and claimed that he was discriminated against on the basis of association and denial of reasonable accommodation on behalf of his employer.⁵⁴⁷ Furthermore, the Disability Ombudsperson acted as an intervenor in anti-discrimination proceedings initiated by parents of a child with developmental difficulties against a kindergarten which violated their child's right to inclusive preschool education.⁵⁴⁸ Also, the Ombudsperson intervened in anti-discrimination proceedings initiated by a person with disability who moves by using an electric wheelchair, against a company due to the inaccessibility of their store to persons in wheelchair regarding an architectural barrier (steps) located at the store entrance.⁵⁴⁹ During 2025, the Ombudsperson for Persons with Disabilities participated as an intervener in two court proceedings concerning discrimination due to failure to provide reasonable accommodation. In one case, the claimant succeeded, while in the other, the claim was rejected by the court.⁵⁵⁰

7.II.8 Dispute resolution

a) Quasi-judicial functions

In Croatia, the body is a quasi-judicial institution.

In Croatia, there is no separate quasi-judicial body/institution competent to decide on discrimination cases.

⁵⁴⁵ Croatia, Anti-discrimination Act, Official gazette 85/08, 112/12, Article 21.

⁵⁴⁶ Pula Municipal Court, decision no. P-1992/19; Zagreb County Court, decision no. Gž-652/2021.

⁵⁴⁷ Ombudsperson for persons with disabilities, Annual report for 2022, available at: <https://posi.hr/izvjesca-o-radu/#single/0>.

⁵⁴⁸ Ombudsperson for persons with disabilities, Annual report for 2021, available at: <https://posi.hr/izvjesca-o-radu/#single/0>.

⁵⁴⁹ Ombudsperson for persons with disabilities, Annual Report for 2020, available at: <https://posi.hr/izvjesca-o-radu/#single/0>.

⁵⁵⁰ Proceedings before the Rijeka County Court, decision no. Gž R-880/2022-7 and proceedings before the Požega Municipal Court, decision no. Pr-6/2025-10.

The separate disability body The Ombudsperson for persons with disabilities cannot issue binding enforceable decisions. It can issue non-binding opinions.

i) Power to impose sanctions

The Ombudsperson for persons with disabilities does not have the power to impose sanctions.

ii) Implementation of non-binding opinions

According to the Law on the Ombudsperson for Persons with Disabilities, Disability Ombudsperson is authorised to propose measures for improvement of the position of persons with disabilities to competent state administration bodies, local and regional self-government bodies, legal entities and natural persons and to request reports on the measures taken.

State administration bodies, units of local and regional self-government, legal entities and natural persons are obliged to cooperate with the Ombudsperson for persons with disabilities and, at their request, submit reports and respond to inquiries. They are obliged to report immediately, and within 15 days at the latest, to the Ombudsperson for persons with disabilities about the action taken upon their warning (opinion), proposal, or recommendation. If they do not act within the prescribed period, the Ombudsperson is authorised to notify the body that supervises the work of those bodies and legal entities within 30 days, and if that body does not report on actions taken within eight days, the Disability Ombudsperson will inform the Government about it.⁵⁵¹ The Anti-discrimination Act regulates that state administration bodies, units of local and regional self-government, legal entities and natural persons are obliged, upon the Ombudsperson's request, to provide all available information and data regarding discrimination in each specific case, however, it does not regulate the obligation to follow Ombudsperson's recommendations and opinions.⁵⁵²

Although the Ombudsperson's opinions are not legally binding, by the power of their authority and reputation to a certain but insufficient extent, they are respected.

From the annual reports of the Disability Ombudsperson, regarding individual cases in which the Disability Ombudsperson acted by addressing individual complaints to the competent authorities and other legal entities presented in annual reports, it follows that in most cases, after receiving an opinion, the situation changed for the better and that their recommendations were acted upon. For example, the Disability Ombudsperson has issued opinions in several cases concerning reasonable accommodation in the workplace where the persons themselves did not manage to obtain their right on reasonable accommodation with the employer, however, after the intervention of the Ombudsperson and recommendations made, the employers provided the necessary reasonable accommodation to their employees with disabilities.

There are no exact data on the percentage of individual opinions that are implemented since the data available is not divided on general recommendations and individual opinions. According to the statistical information presented in the latest Ombudsperson's annual report, during 2025, out of 336 recommendations and opinions issued, 173 (51 %) were accepted, 52 (15 %) were partially accepted, 42 (13 %) were not accepted, 43 (13 %) were not answered while 43 (13 %) recommendations are under consideration.⁵⁵³

b) Amicable settlements

⁵⁵¹ Croatia, Act on the Ombudsperson for persons with disabilities, Official gazette 107/07., 125/11., 20/12, Article 10.

⁵⁵² Croatia, Anti-discrimination Act, Official gazette 85/08, 112/12, Article 10.

⁵⁵³ Disability Ombudsperson (2026), Report for 2025.

The Ombudsperson for persons with disabilities, in accordance with the Anti-discrimination Act, has the competence to conduct a conciliation procedure with the consent of the parties involved with the possibility of conclusion out of court settlement.⁵⁵⁴

There is no information available on the way this process is carried out. The Anti-discrimination Act does not prescribe explicitly whether conciliation procedures can be conducted by a third party.

7.II.9 Procedural safeguards

There are no prescribed limitations/safeguards in the case of an equality body entrusted with several powers.

7.II.10 Data collection by the body

a) Registration of complaints and decisions

In Croatia the body registers the number of complaints of discrimination made and opinions (by ground, field, type of discrimination, etc). These data are available to the public.

The data are available to the public through the annual reports, which are published on Disability Ombudsperson's website and are easily accessible to everyone.

According to the information presented in the Disability Ombudsperson's latest annual report, in 2025, the Ombudsperson acted upon a total of 1698 complaints of discrimination on the basis of disability.

Areas to which complaints referred include public information and media (2), culture (7), education (27), sport (4), judiciary (3), administration (1), access to goods and services (56), work and working conditions (31), employment (7), social welfare (25), housing (13), and health protection (11), while one complaint concerned multiple areas. There were 10 complaints on discrimination in general.⁵⁵⁵

Therefore, the largest number of complaints about discrimination on the basis of disability in 2025 (as well as in previous periods) is related to the area of access to goods and services (most often due to the physical inaccessibility of spaces where various public and other services are provided to persons with disabilities, holding events in inaccessible facilities, inaccessibility of public transport, etc.). Also, there is still a large number of cases concerning suspected discriminatory actions in the field of education of children with developmental disabilities (most often when enrolling and including pupils with developmental disabilities in regular schools closest to the place of residence, ensuring the necessary reasonable accommodation and support, especially accessibility of schools, transportation, provision of adapted textbooks for pupils with visual impairments and provision of adequate support of teaching assistants/professional communication mediators, especially considering their poorly regulated labour law status and the absence of the necessary professional training).⁵⁵⁶

b) Equality data collection

In Croatia the body does not collect general equality data.

There is no information available on whether the equality body has access to data collected by other institutions.

⁵⁵⁴ Anti-discrimination Act, 9 July 2008, Article 12(5).

⁵⁵⁵ Disability Ombudsperson (2026), Report for 2025.

⁵⁵⁶ [Disability Ombudsperson \(2025\), Report for 2024.](#)

8 IMPLEMENTATION ISSUES

8.1 Dissemination of information, dialogue with NGOs and between social partners

- a) Dissemination of information about legal protection against discrimination (Article 10 Directive 2000/43 and Article 12 Directive 2000/78)

All four ombudspersons are active in this field.

The most publicly visible is the Ombudsperson's Office as the central body for protection against discrimination. Information about discrimination in general and the work of the Ombudsperson's Office is brought to the attention of persons concerned through various media (TV, radio, internet, social media etc.).

The Ombudsperson regularly reacts and comments on current events and issues and communicates with citizens through the media and social networks on which she is particularly active. This means that she is always involved in and aware of current problems, reactions and people's opinions and is active in relevant public debates.

In order to be more accessible, the Ombudsperson has set up a special anti-discrimination line on which people can receive advice on how to protect themselves from discrimination and if there is a suspicion of discrimination on one of the grounds within the competence of the Ombudsperson, information that needs to be provided in order that the Ombudsperson can initiate proceedings.

Furthermore, all the ombudspersons have been active in organising seminars, round-tables and training. This practice continued in 2025.⁵⁵⁷

- b) Measures to encourage dialogue with NGOs with a view to promoting the principle of equal treatment (Article 12 Directive 2000/43 and Article 14 Directive 2000/78)

Article 15 of the Anti-discrimination Act states that the Ombudsperson has to consult social partners, civil society organisations dealing with human rights, organisations dealing with the protection of the rights of various marginalised and minority groups, churches and religious organisations, as well as the National Council for National Minorities.

According to Article 15, the Ombudsperson has to consult the stakeholders mentioned when submitting his or her annual report to the Croatian Parliament, as well as when drafting his or her opinions and recommendations.

- c) Measures to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice, workforce monitoring (Article 11 Directive 2000/43 and Article 13 Directive 2000/78)

Article 15 of the Anti-discrimination Act obliges the Ombudsperson to consult not only with civil society organisations and other organisations dealing with the protection of human rights, but also with social partners. According to the Anti-discrimination Act, social partners are representative associations of trade unions and higher-level employers.⁵⁵⁸

The Ombudsperson occasionally holds meetings, consultations and training sessions for social partners.

- d) Addressing the situation of Roma and Travellers

⁵⁵⁷ People's Ombudsperson's website.

⁵⁵⁸ Anti-discrimination Act, 9 July 2008, Article 15(2).

The Government Office for Human Rights and Rights of National Minorities⁵⁵⁹ is a specific body appointed at the national level to address the issues facing national minorities.

8.2 Measures to ensure compliance with the principle of equal treatment (Article 14 Directive 2000/43, Article 16 Directive 2000/78)

a) Compliance of national legislation (Articles 14(a) and 16(a))

There are no explicit measures in the Anti-discrimination Act to ensure that any laws, regulations or administrative provisions that would be contrary to the principle of equality are abolished.

In general, laws, regulations and rules in Croatia seem to be non-discriminatory and in line with the principle of equal treatment.

In the event that some regulations are found to be discriminatory in practice, the general equality principles and measures contained in the Anti-discrimination Act and the Constitution are applicable. In particular, according to the Constitutional Act on the Constitutional Court of the Republic of Croatia, every individual or legal person has the right to bring proceedings to the Constitutional Court to review the constitutionality of the law and the legality and constitutionality of other regulations. The Constitutional Court itself may decide to institute proceedings to review the constitutionality of the law and to review the constitutionality and legality of other regulations.⁵⁶⁰

Some laws are problematic from an anti-discrimination perspective (e.g. provisions of the Family Act regulating the divesting of legal capacity of persons with disabilities).⁵⁶¹

Provisions of the Family Act regulating the divesting of persons with disabilities' legal capacity proved to be problematic in implementation and the system has been the subject of several cases before the European Court of Human Rights.⁵⁶²

Legislative amendments to certain laws have been adopted in order to ensure compliance with the principle of equality. For example, amendments to the Aliens Act were adopted according to the decision of the European Court of Human Rights in *Pajić v. Croatia*.⁵⁶³ The amendments included regulations on temporary residence for foreign citizens, which can now be approved for the purpose of a same-sex life partnership equally to different sex couples, whether they are married or not.⁵⁶⁴

In a landmark case, the Constitutional Court of the Republic of Croatia issued a decision on the constitutionality of the part of the Foster Care Act that does not mention same-sex couples as possible foster families, which received public attention. The Constitutional Court found that the Foster Care Act was discriminatory towards same-sex couples in this

⁵⁵⁹ In April 2012, the Government decided to merge the previous Office for Human Rights and the Government Office for National Minorities.

⁵⁶⁰ Constitutional Law on the Constitutional Court of the Republic of Croatia, 24 September 1999, Article 38, Official Gazette 99/1999, 29/2002, 49/2002.

⁵⁶¹ The current Family Act (Official Gazette 103/2015) has been in force since November 2015, but the Government mentions regularly that a new Family Act will be drafted.

⁵⁶² European Court of Human Rights, *Ivinović v. Croatia*, No. 13006/13, 18 September 2014; *X and Y v. Croatia*, No. 5193/09, 3 November 2011; *M.S. v. Croatia*, No. 36337/10, 25 April 2013. There have been no new developments in national law regarding this issue, except one mentioned in relation to the new Family Act, which enables only partial deprivation of legal capacity.

⁵⁶³ European Court of Human Rights, *Pajić v. Croatia*, No. 68453, 23 February 2016, available at: [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22%22CASE%20OF%20PAJI%20C4%86%20v.%20CROATIA%22%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-161061%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22%22CASE%20OF%20PAJI%20C4%86%20v.%20CROATIA%22%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-161061%22]}).

⁵⁶⁴ Aliens Act (Zakon o strancima), Official Gazette 130/11, 74/13, 69/17, 14 July 2017, Article 47 and Article 56b.

regard and instructed lower courts on how to interpret and apply the law in order to meet the principle of gender equality and the prohibition of discrimination.⁵⁶⁵

b) Compliance of other rules/clauses (Articles 14(b) and 16(b))

The Croatian legal system is based on the general principles of *lex specialis derogate legi generali* and *lex posterior derogate legi priori*.

A contract that is contrary to the Constitution, mandatory rules or the morals of society is null.⁵⁶⁶ Contracts can be subject to judicial review if the case is brought before court. When a contract, or part of a contract, is in conflict with the principle of equal treatment, a party to that contract is entitled to initiate court proceedings requesting the court to rule the contract or part of the contract null.

Internal rules of undertakings and the rules governing independent occupations, professions, workers' associations or employers' associations that conflict with the principle of equal treatment can be subject to a review of constitutionality and legality before the Constitutional Court if they can be considered regulations, i.e. if they are of a general nature and adopted by a relevant state body or local authority or a legal person with public authority.

⁵⁶⁵ Constitutional Court of the Republic of Croatia, No. U-I-144/2019, 29 January 2020, available at: <https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&documentId=C12570D30061CE54C12585060030E2EC>.

⁵⁶⁶ Civil Obligations Act, 25 February 2005, Article 322.

9 COORDINATION AT NATIONAL LEVEL

9.1 Coordination at the governmental level

The Government Office for Human Rights and Rights of National Minorities is responsible for the practical coordination of anti-discrimination activities and communication with experts and civil society stakeholders. The office is responsible directly to the Government of the Republic of Croatia.⁵⁶⁷

9.2 National Strategies and action plans

On 30 March 2023, the Government of the Republic of Croatia adopted the National Plan for the Protection and Promotion of Human Rights until 2027, and the two accompanying action plans for its implementation for 2023.⁵⁶⁸

The National Plan is a medium-term act of strategic planning that defines and sets special goals related to the exercise of human rights and the suppression of discrimination in the Republic of Croatia.⁵⁶⁹ The previous acts of strategic planning in this area were the National Programme for the Protection and Promotion of Human Rights for the period from 2013 to 2016 and the National Plan for Combating Discrimination for the period from 2017 to 2022.

In the National Plan, it is stated that when creating the plan, complementarity was sought with the principles of the European Pillar of Social Rights, as well as with the policies of the European Union aimed at combating discrimination and protecting the rights of citizens, such as the Action Plan of the European Union against racism for the period from 2020 to 2025, the European Union Strategy for Gender Equality 2020-2025, the EU LGBTIQ+ Equality Strategy 2020-2025, the European Union Strategic Framework for the Equality, Inclusion and Participation of Roma for the period from 2020 to 2030, the European Union Action Plan for Integration and Inclusion for the period from 2021 to 2027 and the European Union Action Plan for Human Rights and Democracy for the period 2020-2024.

The special objectives of the Plan in the area of protection and promotion of human rights are to improve the efficiency of public administration and the judiciary; raise the level of information of citizens and institutions about instruments for the protection and promotion of human rights; facilitate access to the judiciary and public law bodies; and strengthen the mechanisms for monitoring and implementing the Constitutional Law on the Rights of National Minorities. In the area of prevention and suppression of all forms of discrimination in accordance with the Anti-discrimination Act, the National Plan applies to the grounds covered by the Anti-discrimination act: race or ethnic origin or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, sexual orientation and gender identity and expression. The goals in these areas are to improve the prevention of discrimination and provide support to victims of discrimination and the mechanisms to suppress hate crimes, as well as to strengthen awareness of the importance of fighting racism, xenophobia and other forms of intolerance, and to encourage a culture of remembrance of victims of genocide. A special goal related to both priority areas is the improvement of cooperation with civil society organisations and the media in the protection of human rights and suppression of discrimination.

⁵⁶⁷ Act on the Government of the Republic of Croatia, 22 December 2011, Article 27, Official Gazette 150/2011, 119/2014, 93/2016.

⁵⁶⁸ See: https://narodne-novine.nn.hr/clanci/sluzbeni/2023_03_37_625.html, NN 37/2023.

⁵⁶⁹ Text available at: <https://vlada.gov.hr/sjednice/205-sjednica-vlade-republike-hrvatske-38059/38059> and <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Akcijski%20plan%20suzbijanja%20diskriminacije%202023.pdf>.

In addition to the National Plan, two one-year implementation plans have been adopted: the Action Plan for the Protection and Promotion of Human Rights for 2023⁵⁷⁰ and the Action Plan for the Suppression of Discrimination for 2023⁵⁷¹ which define and regulate measures, performance monitoring, deadlines, authority for and assessment of the necessary costs for implementation of the National Plan. Although implementation plans should be adopted periodically as operational documents to contribute to effective implementation of the National Plan, the draft of the Action Plan for the Suppression of Discrimination for 2024 and 2025 was referred to public consultation proceedings only in November 2024 and had not been adopted by the end of 2025.⁵⁷² This sparked heavy criticism from human rights activists who were involved in working group on action plans and who also complained that consensus achieved within the working group is compromised by arbitrary reducing of activities by the Government before referring the Draft to public consultation.

The Action Plan for the Suppression of Discrimination for 2025 was issued in January 2025. It focuses on preventing discrimination and supporting victims through awareness-raising, capacity-building and research on structural inequalities. Key planned activities include strengthening stakeholder roles in combating unequal treatment, monitoring multiple and structural forms of discrimination, providing free legal and psychological support to victims, raising public awareness in partnership with media and civil society, and enhancing mechanisms to prevent and respond to hate crimes and hate speech. The Plan also emphasises promoting equal participation in society and fostering cooperation across local authorities, civil society and international partners.⁵⁷³

At the same time, the 2025 Action Plan for the Protection and Promotion of Human Rights was also published. The Plan outlines activities under several key objectives, including: improving the efficiency of public administration and the judiciary in the field of human rights protection; raising awareness among citizens and institutions about instruments for human rights protection and facilitating access to justice and public authorities; strengthening monitoring and implementation mechanisms under the Constitutional Act on the Rights of National Minorities; and enhancing cooperation with civil society organisations and media in protecting human rights and combating discrimination.⁵⁷⁴

In 2021, the National Plan for Roma Inclusion (2021 to 2027) and the action plan for its implementation for 2021 and 2022 were adopted. The National Plan is a strategic framework for the development of equality, inclusion and participation of members of the Roma national minority in the Republic of Croatia.⁵⁷⁵ The objectives of the National Plan are to combat anti-Roma racism and discrimination; reduce Roma poverty and social exclusion in order to reduce the socio-economic gap; encourage Roma participation through empowerment, cooperation and trust of Roma in public institutions; guarantee effective and equal access of Roma to quality, inclusive education and to quality and sustainable employment; improve Roma health and achieve effective, equal access for Roma to quality health services; and achieve effective and equal access for Roma to adequate segregated housing and basic services.

⁵⁷⁰ Action Plan for the Protection and Promotion of Human Rights for 2023, available at: <http://pravamanjina.gov.hr/UserDocsImages/dokumenti/Akcijski%20plan%20zastite%20i%20promicanja%20ljudskih%20prava%202023.pdf>.

⁵⁷¹ Action Plan for the Suppression of Discrimination for 2023, available at: <http://pravamanjina.gov.hr/UserDocsImages/dokumenti/Akcijski%20plan%20zastite%20i%20promicanja%20ljudskih%20prava%202023.pdf>.

⁵⁷² Public consultation on the draft of the Action Plan for the Suppression of Discrimination for 2024 and 2025. <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=28748>.

⁵⁷³ [Action Plan for the Suppression of Discrimination for 2025](#).

⁵⁷⁴ [Action Plan for the Protection and Promotion of Human Rights for 2025](#).

⁵⁷⁵ [National Plan for Roma Inclusion \(2021 to 2027\)](#), June 2021.

For the purpose of monitoring the implementation of the overall operational part of the National Plan, the Government of the Republic of Croatia has established the Commission for Monitoring the Implementation of the National Roma Inclusion Plan.⁵⁷⁶

In 2023, the Action Plan for Implementation of National Plan for Roma Inclusion had been adopted for the period 2023-2025.⁵⁷⁷ In May 2025, the report on the implementation of the National Roma Inclusion Action Plan for 2024 was published containing the list of measures implemented during the reported period in the areas of education, health, housing, etc. The report notes progress in education, housing, employment and access to legal aid, as well as initiatives to preserve Roma culture and heritage. Despite improvements, challenges remain, including low secondary school participation, segregated classrooms, and gender disparities in employment. Total spending on the Action Plan in 2024 amounted to EUR 7.73 million, a 51 % increase compared to 2023, excluding local investments and EU-funded activities without ethnicity-specific data.⁵⁷⁸ The Action Plan for Implementation of National Plan for Roma Inclusion for the period 2026-2027, has not yet been adopted. According to available information, the working group tasked with preparing the Action Plan was established only at the end of 2025, and its third meeting took place in March 2026.

In August 2024, the Government adopted the Operational Programmes for National Minorities for the period from 2024 to 2028. This document outlines the mechanisms for protecting the rights of national minorities in accordance with the Constitutional Law on the Rights of National Minorities and other relevant regulations.⁵⁷⁹ The Operational Programmes specify a total of 209 activities. Of these, 56 activities are applicable to all national minorities, while the remaining activities are tailored to specific national minorities. These programmes are intended to establish mechanisms for implementing and realising the guaranteed rights of national minorities in the Republic of Croatia. This includes the use of their own language and script, education in their language, cultural autonomy, self-organization, and participation in public life. Additionally, the programmes promote tolerance, combat hate crimes, and improve the social status of members of national minorities in Croatia. For the Roma national minority, specific activities focus on enhancing employment, education, and living conditions. For the Serbian national minority, targeted activities include the reconstruction of infrastructure damaged during the war, improving living conditions, completing the electrification of settlements, and providing legal assistance for protection against discrimination.

In 2021, the Government adopted the National Plan for the Equalisation of Opportunities for Persons with Disabilities (2021-2027). The National Plan aims to ensure the equal participation of persons with disabilities in all areas of life. It focuses on three key priorities: inclusive education and employment, accessible and affordable health and social services, and improved accessibility of social infrastructure and public life, including safety in crisis situations. The Plan sets out six specific objectives implemented through 24 measures, covering inclusive education, improved employment opportunities, better access to healthcare and social services, deinstitutionalisation and prevention of institutionalisation, improved accessibility of the built environment and transport, and enhanced accessibility of public life. In 2025, the report on implementation of the National Plan for the Equalisation of Opportunities for Persons with Disabilities for 2024 was published, containing a list of measures implemented during the reporting period in the areas of

⁵⁷⁶ Decision of the Government of the Republic of Croatia, 23 June 2021, *Official Gazette* No. 70/21, available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2021_06_70_1339.html.

⁵⁷⁷ [Action Plan for the Implementation of the National Plan for Roma Inclusion for 2023-2025.](#)

⁵⁷⁸ [National Roma Inclusion Strategy Action Plan for 2024.](#)

⁵⁷⁹ Operational Programmes for National Minorities for the period from 2024 to 2028., <https://pravamanjina.gov.hr/vijesti/operativni-programi-nacionalnih-manjina-za-razdoblje-2024-2028/1243>.

education, employment, health etc. with the aim of improvement of the position and status of persons with disability in society.⁵⁸⁰

Civil society organisations and the equality body have been involved in the design and implementation of the national plans through the participation of their representatives in working groups, who are in charge of creating draft plans before their final conclusion and adoption as well as thorough public counselling.

In 2025, no action plans against racism and antisemitism and no action plans on LGBTIQ+ equality were adopted or planned for adoption, consultation or discussion on a national level.

In 2024, the City of Zagreb adopted the Programme for the Equality of LGBTIQ+ Persons, which will remain in effect until the end of 2026. This Programme addresses various areas of life, including social protection, health care, education, sports, and youth, safety of LGBTIQ+ individuals, combating discrimination, hate speech, and hate crimes, fostering an inclusive culture, strengthening inclusive capacities and promoting intercity and international cooperation. Thus, Zagreb became the first city in Croatia to adopt a strategic document aimed at protecting and promoting the rights of LGBTIQ+ persons.⁵⁸¹

In their Concluding Observations on the Fourth Periodic Report Concerning Implementation of the International Covenant on Civil and Political Rights in respect of Croatia, the Human Rights Committee expressed a concern regarding national strategies, policies and action plans in Croatia lacking goals and specific activities targeted towards the prohibition and prevention of discrimination, prejudice and hate crimes against lesbian, gay, bisexual and transgender persons.⁵⁸² The same concern was reiterated in ECRI's 2025 report on Croatia.⁵⁸³

⁵⁸⁰ [Report on the implementation of the National Plan for the Equalisation of Opportunities for Persons with Disabilities for 2024](#).

⁵⁸¹ City of Zagreb (2024), *Program Grada Zagreba za ravnopravnost LGBTIQ+ osoba za razdoblje do kraja 2026. godine* (City of Zagreb [Programme for the Equality of LGBTIQ+ Persons](#) for the period until 2026).

⁵⁸² UN Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Croatia, CCPR/C/HRV/CO/4, 11 September 2024.

⁵⁸³ European Commission against Racism and Intolerance (ECRI) (2025), ECRI Report on Croatia (sixth monitoring cycle).

10 CURRENT BEST PRACTICES

No specific best practices have been identified regarding (i) the use of Artificial Intelligence (AI) to improve the effective implementation of national legislation transposing the directives, or (ii) combating discrimination stemming from the use of AI systems. The use of AI in this area remains limited and no dedicated practices or initiatives addressing these issues have been reported.

Following years of recommendations by the Ombudsperson calling for the adoption of a National Artificial Intelligence Development Plan, the Ombudsperson reported in her 2025 annual report that the working group responsible for drafting Croatia's National AI Development Plan 2026–2032 and the accompanying Action Plan finally began its work in 2025, with the Ombudsperson's Office participating as a member. The Ombudsperson noted that the expert working group comprises 128 members from 55 institutions. However, while associations representing the business sector are included, civil society organisations working on digital rights are not represented. Within the working group, the Ombudsperson's Office advocated for the development of guidelines on the use of high-risk AI systems, including human rights and discrimination impact assessments in line with national legislation. Particular emphasis was placed on ensuring adequate safeguards, effective legal remedies, and meaningful human oversight in sectors such as employment, education, healthcare, justice, insurance, finance, security, and defence. The Ombudsperson also supported the establishment and public availability of a continuously updated register of AI systems, as well as transparent reporting on their operation, including information on identified biases, irregularities, and impacts on human rights. In addition, the Ombudsperson stressed the importance of independent expert evaluation of AI systems involving both technical and social science experts, independent third-party oversight with expertise in AI ethics and systemic risk analysis, and, where appropriate, the active participation of citizens and civil society organisations.⁵⁸⁴

People's Ombudsperson and Disability Ombudsperson Office

The People's Ombudsperson and the Disability Ombudsperson are good examples of equality bodies. They are very active and engaged in the execution of their competencies and can be considered reliable and available to provide adequate support to victims of discrimination. Both Ombudspersons are also very active in raising public awareness as well as in the education of the public and experts, improving the quality of protection against discrimination. They also participate in legislative proceedings, issue opinions, recommendations and proposals, publish annual reports and organise seminars, conferences, round-tables and similar educational events with the aim of sharing experiences and good practice in the field of discrimination.

Roma housing projects and projects for the inclusion of Roma children in education

Positive practices in supporting the Roma national minority include continued institutional coordination, targeted financial support, and investments aimed at improving living conditions in Roma communities. In April 2025, the Monitoring Commission for the Implementation of the National Roma Inclusion Plan 2021–2027 held its 25th meeting, during which financial support was approved for several initiatives, including adult education programmes for Roma participants and one-off assistance to individuals at risk of poverty. In addition, a decision was adopted on the selection of projects aimed at improving living conditions in Roma communities. A total of 27 projects across different local and regional self-government units were approved for funding. These projects include investments in local infrastructure such as public lighting, communal infrastructure, and transportation, as well as the construction or renovation of cultural centres, playgrounds and pedestrian pathways.

⁵⁸⁴ People's Ombudsperson (2026), Report for 2025.

Several programmes for housing solutions and the improvement of living conditions of the members of the Roma national minority are currently being implemented.⁵⁸⁵ The programmes include donations of building materials for the renovation, extension and completion of construction of family houses owned or co-owned by Roma or donations of building materials for the construction of a house to be built on land owned or co-owned by Roma, donations of household appliances and furniture, etc.

Furthermore, the Ministry of Science, Education and Youth continues to implement a range of measures aimed at supporting the education of children and students belonging to the Roma national minority within the framework of the National Plan for Roma Inclusion 2021–2027 and the related Action Plan 2023–2025. These measures include transportation, after-school programmes, additional and supplementary classes, extracurricular activities, summer schools, teacher training, support for educational staff, and the provision of educational equipment and teaching materials. The Programme of Support in Education for Persons Belonging to the Roma National Minority was introduced to facilitate the inclusion of Roma children and students at all levels of education and to improve their educational attainment and social integration.

⁵⁸⁵ Annual programme for housing solutions and improvement of living conditions of the members of the Roma national minority. Available at: <https://sduosz.gov.hr/UserDocsImages/dokumenti/20190516122657.pdf>.

11 SENSITIVE OR CONTROVERSIAL ISSUES⁵⁸⁶

11.1 Potential breaches of the directives at the national level

a) Sanctions

Although rules on sanctions are in line with the directives, often the sanctions offered in practice cannot be considered to be effective, proportionate and dissuasive.

Offences motivated by discrimination are usually prosecuted as misdemeanours and not as criminal offences, although the basis for criminal prosecution in the law exists. In misdemeanour cases, as a rule, judges mitigate the fines set by law, so that the amounts imposed are rather low in 2025 – with a range between EUR 130 and EUR 700 – and do not contribute to the specific and general prevention of discrimination.

In 2023, both the European Court of Human Rights and the Constitutional Court of the Republic of Croatia issued decisions in cases concerning homophobic verbal and physical assaults which were prosecuted as misdemeanours, ruling that misdemeanour proceedings were not appropriate for punishing violence motivated by hatred and discriminatory motives. The Courts determined that in the specific cases, the state had violated applicants' rights to prohibition of discrimination.⁵⁸⁷

Furthermore, although the law prescribes imprisonment as a punishment in misdemeanour cases, a financial fine remains the most common sanction and is imposed in 90 % of cases, while in the remaining cases the defendants are sentenced to community service.

In criminal proceedings, probation remains the most commonly imposed sanction, while prison sentences are regularly not imposed, meaning that the most severe sanctions, although provided for, are not used in practice.

Compensation, which is the main sanction in civil anti-discrimination cases, is usually set at amounts that are considered to be rather low. In the author's view, it is highly disputable whether they satisfy the criteria of being effective, proportionate and dissuasive sanctions, although this varies from case to case.

b) Potential discrimination on the basis of religion

The provision of the Act on holidays, remembrance days and non-working days in the Republic of Croatia, which stipulates that members of the three biggest religious minorities in the Republic of Croatia are entitled to an additional paid day off on the days of their main religious holidays, can be seen as discriminatory.⁵⁸⁸ The aim of this provision is to enable the members of religious minorities in Croatia the right to practice their religion on the same basis as the members of the majority Catholic population, which leads to a situation in which they have the right to a day off on all the main Catholic holidays that have been declared as non-working days by law for all persons, regardless of their religion, as well as to an additional day off. Bearing in mind the case law of the CJEU on this matter, this provision could potentially be discriminatory.⁵⁸⁹

11.2 Other issues of concern

Anti-discrimination protection in practice – possible barriers to litigation

⁵⁸⁶ The assessments and views expressed in both sections 11.1 and 11.2 reflect the author's opinion.

⁵⁸⁷ Constitutional Court, Decision no. U-III/18-2933/2018, 19 January 2023; European Court of Human Rights, *Beus v. Croatia*, No. 16943/17, 21 March 2023.

⁵⁸⁸ Act on holidays, remembrance days and non-working days (*Zakon o blagdanima, spomendanima i neradnim danima u Republici Hrvatskoj*), 15 November 2019, Official Gazette 110/19, Article 3.

⁵⁸⁹ CJEU, judgment of 22 January 2019, *Cresco Investigation GmbH v. Markus Aschatzi*, C-193/17, ECLI:EU:C:2019:43.

Anti-discrimination protection often does not work in practice. There is still an evident lack of understanding of anti-discrimination legislation, and it is notable that in some proceedings, the claimants failed to refer to any of the discrimination grounds provided by the Anti-discrimination Act.⁵⁹⁰ The case law shows that the courts took the position that the Anti-discrimination Act contains a closed list of anti-discrimination grounds. Therefore, if, during the proceedings, the claimant fails to invoke one of the grounds prescribed by the Anti-discrimination Act, the claim is rejected by the court.⁵⁹¹ In 2025, a notable case was recorded in which the court established the existence of discrimination even though the claimant had not invoked a specific protected ground of discrimination. In reaching its decision, the court relied on the Constitution of the Republic of Croatia, which does not contain an exhaustive list of discrimination grounds, unlike the Anti-Discrimination Act.⁵⁹²

The Ombudsperson reported that in 2024 it was also noticeable that in some proceedings the claimants invoked discrimination grounds that are not listed in the Anti-discrimination Act, such as 'academic activity', 'public activity', 'right to work and earnings', which indicates that education on the Anti-discrimination Act needs to continue.⁵⁹³

Although indirect discrimination is regulated by the Anti-discrimination Act and prohibited in the same way as direct discrimination, there is no case law available on this issue that might reveal whether indirect discrimination is still not sufficiently recognised.

A significant problem is the lengthy duration of the court proceedings, because of which the victims of discrimination are reluctant to seek court protection. Proceedings in Croatia rarely satisfy the standards of fairness in respect of reasonable time, since the proceedings usually last so long that remedies cannot be considered to be effective. There have been several cases regarding the violation of the right to a trial within a reasonable time in connection with anti-discrimination proceedings before the Constitutional Court as well as the European Court of Human Rights in which a violation of Article 6(1) of the Convention has been determined due to the excessive length of anti-discrimination proceedings before domestic courts.

In this regard, the amendments to the provisions of the Civil Procedure Code that refer to the right of filing an appeal on the points of law (revision) in anti-discrimination proceedings in a way that there is no longer an automatic right of parties in anti-discrimination procedures to submit a revision – as in all other procedures, however, the parties must first submit a proposal for permission for revision, and if it is approved, they can only apply to the Supreme Court after that – can be qualified as a certain setback, since that can potentially further extend the decision-making time for the parties in urgent anti-discrimination court proceedings.

The free legal aid system is also not functional, which means that, in reality, persons without sufficient financial means do not have the opportunity to address the court.

The potential high cost of court proceedings also has a deterrent effect on victims of discrimination in seeking court protection.

Case law of municipal and county courts, the main source of judicial interpretation of legal provisions that are often very broad, is only partially published and is therefore only partly accessible to potential claimants. Progress has been made in this area through the establishment of the ANON public search engine, a web application that enables users to search court decisions. Its database includes previously published court decisions from the former national case law portal, which have been transferred and made available in

⁵⁹⁰ People's Ombudsperson (2024), Report for 2023.

⁵⁹¹ Zagreb County Court, Decision no. Gž R-3240/2022, 17 November 2023.

⁵⁹² Osijek County Court, decision no. Gž R-232/2023-4, 13 February 2025.

⁵⁹³ [People's Ombudsperson \(2025\), Report for 2024.](#)

anonymised form.⁵⁹⁴ However, the published database does not yet provide comprehensive access to the case law of municipal and county courts.

Another concerning issue is the legal standing of the competent courts in a case from 2024 regarding a motion to refer a case for preliminary ruling to the CJEU. The lower courts rejected the motion, arguing that Croatia has transposed the relevant European directives. This decision was upheld by the Constitutional Court, which confirmed the lower court's ruling. In their dissenting opinions, two Constitutional Court judges found this legal standing to be unacceptable.⁵⁹⁵

Reasonable accommodation duties

The Disability Ombudsperson's reports as well as the case law indicate that reasonable accommodation duties have not been recognised as important and binding, primarily in the areas of education and employment of persons with disabilities, and are still largely interpreted solely as an obligation to remove architectural barriers.

There is no awareness that failing to comply with reasonable accommodation duties constitutes discrimination against persons with disabilities, and there is also a noticeable lack of understanding and willingness on the part of employers and educational institutions to make efforts and enable persons and children with disabilities to participate on an equal basis in working and educational environments.

Everything mentioned above has a significant negative impact on the position of persons with disabilities in society and leads to their social exclusion from an early age, bearing in mind that the problems regarding reasonable accommodation duties are, in most cases, apparent in preschool institutions, although early inclusion mechanisms are vital for the successful integration of persons with disabilities in society.

In addition, because of the inability to find employment, failure to meet reasonable accommodation duties also affects the material status of persons with disabilities, who often live in poverty and are financially dependent on others or are welfare beneficiaries. Quota employment measures for persons with disabilities have so far not been proven to be overly effective, since employers under this obligation in many cases prefer to pay a penalty rather than meet the quota.

No issues have been raised with regard to the possible obligation of having a formal proof of disability (assessment of the Institute for Medical Assessment) in order to achieve certain disability rights, including the right to reasonable accommodation. It is still not clear whether that kind of proof represents a condition for achieving reasonable accommodation rights. The Disability Ombudsperson does not have a clear standpoint on the matter. In order for an employer to be entitled to financial help to fulfil their reasonable accommodation duties, the employee must be registered in the register of employed persons with disabilities.

Roma national minority

Research continues to show that negative attitudes and prejudices about Roma are deeply rooted and persistent. A 2024 survey points to a number of challenges that are still present in the perception of the Roma national minority. In particular, as many as 47 % of respondents agreed with the statement: 'It is dangerous for non-Roma to live near Roma settlements', 43 % believe that the state should reduce the assistance it provides to Roma, and 39 % that Roma themselves are to blame for the problems they face. Furthermore, 82 % of respondents believe that Roma are not well integrated into Croatian society, 54 %

⁵⁹⁴ Tražilica odluka sudova RH (Croatian Court Decisions Search Engine) <https://www.vsrh.hr/trazilica-sudskih-odluka-anon.aspx>.

⁵⁹⁵ Constitutional Court of the Republic of Croatia, decision no. U-III-249/2023, 5 March 2024.

of respondents believe that Roma often steal, 51 % that they are not adapted to Croatian culture, 50 % believe that Roma do not value education, and 40 % that Roma are purposely unemployed and do not wish to find work. Meanwhile residents of Northern Croatia (where the Roma population is largest) show a lower degree of tolerance towards Roma than residents of the City of Zagreb.⁵⁹⁶

Although progress has been made in general regarding the position of the Roma minority in Croatia, Roma still face discrimination on an everyday basis in all areas, but particularly in education, employment, housing and healthcare. School segregation remains a major problem and continues to constitute a serious obstacle to the enjoyment of the right to education, while the State's approach to addressing this issue remains unsatisfactory.⁵⁹⁷ In this regard, in May 2025, the UN Committee on the Elimination of Racial Discrimination reviewed Croatia's follow-up report on the implementation of its recommendations. The Committee considered the State's response unsatisfactory and reiterated its recommendation to eliminate de facto school segregation and strengthen efforts to ensure Roma children have access to quality and inclusive education, with the aim of increasing enrolment and reducing dropout rates.⁵⁹⁸

In their 2025 annual report, the Ombudsperson noted that Roma continued to face deeply rooted discrimination in nearly all areas of life, including education, employment, access to social rights and services, housing, and public discourse. Despite substantial public investment through the National Plan for Roma Inclusion and EU funding, as well as certain positive developments, many of the key challenges identified over previous years remain unresolved, while some negative trends have intensified. In particular, the Ombudsperson reported that many Roma families continue to live in spatially segregated settlements that remain infrastructurally neglected. Roma also continue to face significant barriers in the labour market. Despite the persistent demand for labour, complaints received by the Ombudsperson indicate that Roma applicants are still subjected to discriminatory treatment during recruitment procedures. For example, they are informed that advertised positions have already been filled when this is not the case, or are explicitly told that they will not be hired because of their Roma origin.⁵⁹⁹

The Roma national minority has also been exposed to hateful, inciting and provocative public speech, which promotes intolerance and calls for action against 'them'. For the most part, the entire Roma community is still attributed with mostly unfavourable, unwanted and bad traits.

Of great concern is the fact that discriminatory treatment of Roma in society is understood as something normal that happens on an everyday basis, and not much attention is paid to this problem. In the eyes of the majority, Roma are considered second-class citizens who are violent, uneducated and unemployed by their own choice. Therefore, continuous action by and collaboration between the relevant bodies is necessary in order to eradicate such stigmatisation in the future.

Serbian national minority

Members of the Serbian minority are also more exposed to discrimination based on ethnicity or national origin, and there is a long-standing trend of deteriorating relations between the majority of the public and some political and public figures in the Serb community. Serb returnees to their pre-war residences are particularly affected by discrimination. They face discrimination based on national origin, age and property status, as most of them are elderly persons with exceptionally low incomes, living in

⁵⁹⁶ Survey conducted by the Association for the Protection and Promotion of Human Rights Sofia, September 2024.

⁵⁹⁷ People's Ombudsperson (2026), Report for 2025.

⁵⁹⁸ People's Ombudsperson (2026), Report for 2025.

⁵⁹⁹ People's Ombudsperson (2026), Report for 2025.

underdeveloped rural areas, where basic services, including water and electricity, are often not available.

The poor economic and social position of Serb returnees in war-affected regions came to light in particular as a result of the earthquake that hit Sisak-Moslavina County.

Members of the Serbian national minority in Croatia are also often victims of ethnically motivated violence because of the dominant nationalistic narrative about the war in Croatia in the 1990s, which casts the members of the Serbian national minority as the aggressors and the ones to blame for the war and the atrocities.

There is also an ongoing issue in relation to the current models of minority education in war-affected regions, where Serbian and Croatian children attend separate classes and are separated even in kindergartens. Although this model of education is in line with the law, it does not contribute to intercultural dialogue between the two communities.

Increasing levels of hate speech and hate crime

In recent years, there has been an increase in the number of hate crimes, mostly against members of national minorities (Serbs and Roma). The number of hate crimes motivated by the victim's sexual orientation has also increased. In their annual reports, the relevant ombudspersons constantly warn of the continued inadequate prosecution of such crimes and the mild penal policy that does not achieve the goals of specific and general prevention of hate crime.⁶⁰⁰

In their Concluding Observations on the Fourth Periodic Report Concerning Implementation of the International Covenant on Civil and Political Rights in respect of Croatia in 2024, the Human Rights Committee expressed concern about reports of the continued prevalence of hate speech and hate crimes, in particular against members of the Roma and Serbian minorities, non-citizens and LGBTIQ+ persons, stating that it is problematic that hate crime and hate speech violence are mainly prosecuted as misdemeanours and therefore inadequately punished, that the number of convictions is low and that incidents are often not reported owing to a lack of trust in the relevant law enforcement agencies and judicial authorities.⁶⁰¹ The European Commission against Racism and Intolerance (ECRI) of the Council of Europe, within the framework of its sixth monitoring cycle on the situation in Croatia, in March 2025, among other things, recommended that Croatia strengthen efforts to raise public awareness of the harmful effects of hate speech, particularly among children and young people.⁶⁰²

Throughout 2025, negative attitudes toward the Serbian community in Croatia persisted at their highest levels to date, reflected in multiple incidents targeting cultural events, public displays, and community participation.

A broader context of these incidents in 2025 shows a worrying trend in Croatia, where symbols and salutes associated with the Independent State of Croatia (NDH) and Ustasha ideology began to appear more openly, including within the Parliament. This trend intensified notably after a large mass concert held in July 2025 in Zagreb by a singer known for openly promoting Ustasha ideology and NDH-related symbols. Of particular concern is the apparent support for such displays among younger members of the population. The Ombudsperson reported on this issue and faced significant criticism from certain political actors.⁶⁰³

⁶⁰⁰ People's Ombudsperson (2024), Report for 2023; Gender Equality Ombudsperson Reports.

⁶⁰¹ Concluding Observations of the Human Rights Committee on the Fourth Periodic Report of Croatia on Implementation of International Covenant on Civil and Political Rights.

⁶⁰² European Commission against Racism and Intolerance (ECRI) (2025), Report on Croatia (sixth monitoring cycle).

⁶⁰³ People's Ombudsperson (2026), Report for 2025.

A negative trend of hate speech and hate crimes directed towards foreign workers on the basis of their race and ethnic origin has also been noticed, and the Ombudsperson has highlighted this as an issue of particular concern, bearing in mind the increasing proportion of foreign workers in Croatia.

The Ombudsperson regularly reports about such incidents, strongly condemning them and inviting the public to voice their disapproval and deem them unacceptable, and encouraging everyone who has had similar experiences to report them.

In 2024, research was conducted on the topic of attitudes towards foreigners in Croatian society. The research found that the proportion of citizens who perceive immigration of foreigners to Croatia as a threat has generally increased. In total, 42 % respondents agree that increased immigration will change their lives for the worse, 47 % express concern that foreign immigrants will become the majority population in Croatia in coming decades, and 48 % express fear that foreigners will take jobs away from Croatians, although foreign workers come to Croatia precisely to fill jobs that Croatians do not show interest in. The largest proportion of respondents (81 %) agree that Croatia should be open to tourists, returnees from the diaspora (71 %) and people coming for educational purposes (69 %), while 34 % of respondents express support for asylum seekers and refugees. Arabs and Muslims face the largest proportion of respondents with negative attitudes while Ukrainians face the least fear and concern.⁶⁰⁴

This negative trend and attitudes toward foreign workers continued during 2025 when a number of physical assaults and robbery incidents affecting foreign workers in Croatia were reported, particularly in Zagreb where several delivery workers were attacked and robbed. These events contributed to a climate of insecurity among migrant workers and raised concerns about racial or xenophobic motives. Hate-related attacks, threats and insults have been documented, with victims including workers of Filipino, Nepalese, Indian and other non-EU origins. Moreover, misinformation about alleged crimes by foreign workers has circulated widely on social media, further fuelling prejudice and hostility.

A relevant case from 2025 concerned an incident involving the defendant working as a train conductor on train operating on the Split–Zagreb route. Upon arrival at the Plaški railway station, the defendant refused entry to fourteen foreign nationals from Pakistan, Afghanistan, Morocco and India who possessed official certificates of registration issued by the competent police authorities after expressing their intention to apply for international protection. Despite the fact that they had sufficient funds to purchase tickets, the defendant insisted that they leave the train, refused to sell them tickets, and prevented the train from departing until they exited the train, which they ultimately did (for more on the judgment, please see section 12.2).⁶⁰⁵

There was also a case involving a bus driver accused of publishing a video on the social media platform TikTok during a work break while the bus was parked. In the video, she walked holding a spray and displayed text insulting people of certain national backgrounds and the state for accepting them. The court noted that her conduct was offensive and unacceptable in a civilized society, however, due to procedural deficiencies, the defendant was ultimately acquitted (for more on the judgment, please see section 12.2).⁶⁰⁶

Finally, in the summer of 2025, the media reported an incident in Split, where a female tourist of Asian origin was verbally attacked by a passerby, who called her a 'yellow piece of shit'. The tourist recorded the incident and shared it publicly on TikTok. The perpetrator was convicted under the Anti-Discrimination Act, and the court noted that her behaviour

⁶⁰⁴ [Centre for Peace Studies \(2024\) Attitudes towards foreigners and minorities in Croatian society in 2024: threat, encounter, coexistence?](#)

⁶⁰⁵ Karlovac Municipal Court, Ogulin Permanent Service, decision no. Pp-219/2024.

⁶⁰⁶ Zagreb Misdemeanour Court, decision no. Pp-11192/2025.

had the consequence of placing the city of Split and Croatia in a negative light regarding the treatment of foreign nationals and tourists, which was considered as an aggravating circumstance.⁶⁰⁷

AI-Related Developments

Regarding the potential issues of concern that can be identified in connection with the use of artificial intelligence in relation to the implementation of the national legislation transposing the directives, the People's Ombudsperson pointed to the fact that the Republic of Croatia still does not have a strategic document that would regulate the development and use of artificial intelligence, and stressed the importance of artificial intelligence and its impact on everyday lives alongside the potential for it to have new discriminatory effects.⁶⁰⁸

In May 2025, the Government adopted a decision to initiate the development of the National Artificial Intelligence Development Plan for the period up to 2032, as well as the Action Plan for the Implementation of the National AI Development Plan covering the period 2026–2028 with the aim of setting out long-term objectives, policy priorities, and implementation measures for the responsible development and deployment of artificial intelligence in Croatia, across public administration, industry, and research sectors.⁶⁰⁹

In 2025, the Working Group tasked with preparing Croatia's National Artificial Intelligence Development Plan 2026–2032 and the accompanying Action Plan began its work, with the Ombudsperson's Office participating as a member. The group comprises 128 members from 55 institutions; however, civil society organisations working on digital rights are not represented, while business sector associations are included. Within the Working Group, the Ombudsperson's Office advocated for guidelines on high-risk AI systems, including human rights and discrimination impact assessments, as well as safeguards, legal remedies, and human oversight in key sectors such as employment, education, healthcare, justice, insurance, finance, security, and defence. It also supported a public register of AI systems and transparent reporting on their functioning, including biases and human rights impacts.⁶¹⁰

The Ombudsperson regularly points to the importance of a policy framework for the use of artificial intelligence, which has an impact in various areas of life – employment, work, health, public administration, the fight against misinformation and hate speech, and others, in both the private and public sectors – and again highlighted today's problems with the application of artificial intelligence in the field of employment.⁶¹¹

In connection with this, the Ombudsperson drew attention to discriminatory treatment of workers on digital platforms (specifically in the area of transport) based on their health condition; if the algorithm of the worker's platform records him/her as absent because of sick leave, he/she is then assigned less desirable routes or work tasks with lower earnings.⁶¹²

In 2024, in accordance with the Artificial Intelligence Act, under which Member States had to determine and publish a list of public authorities or public bodies competent to supervise and implement obligations related to the protection of fundamental rights in the use of

⁶⁰⁷ Osuđena Splićanka koja je Azijatkinji govorila "yellow piece of sh*t" (Woman from Split Convicted for Calling an Asian Woman a "Yellow Piece of Sh*t"), Index.hr, 5 June 2025, https://www.index.hr/vijesti/clanak/osudjena-splicanska-koja-je-azijatkinji-govorila-yellow-piece-of-sh-t/2677642.aspx?index_ref=naslovnica_vijesti_ostalo_d_0.

⁶⁰⁸ People's Ombudsperson (2024), Report for 2023.

⁶⁰⁹ Decision on the development of the National Artificial Intelligence Development Plan for the period up to 2032, as well as the Action Plan for the Implementation of the National AI Development Plan for 2026–2028.

⁶¹⁰ People's Ombudsperson (2026), Report for 2025.

⁶¹¹ People's Ombudsperson (2025), Report for 2024.

⁶¹² People's Ombudsperson (2022), [Report for 2021](#).

high-risk artificial intelligence systems, the Government decided to assign those competences to all of the Ombudspersons, the Personal Data Protection Agency, the Electronic Media Agency and the State Electoral Commission. On that occasion, it was again announced that the Government would adopt a national framework for the development of artificial intelligence in the upcoming period.⁶¹³

⁶¹³ [People's Ombudsperson \(2025\), Report for 2024.](#)

12 LATEST DEVELOPMENTS IN 2025

12.1 Legislative amendments

During 2025, there were no legislative amendments in the area of anti-discrimination law nor discussions or changes that would address discrimination stemming from the use of artificial intelligence or automated systems.

12.2 Case law

During 2025, there was no case law addressing discrimination stemming from the use of artificial intelligence or automated systems.

Relevant discrimination ground(s): Age

Name of the court: Zagreb Municipal Labour Court

Date of decision: 27 February 2025

Name of the parties: D.O. v. HEP d.o.o.

Reference number: Pr-402/2024

ECLI reference: N/A

Link: https://odluke.sudovi.hr/Document/View?id=babbabc8-cfd3-4673-82c9-fe5dc8458fe5&q=Pr-402_%2f2024

Brief summary: In this case, the court determined that the provisions of the Collective Agreement for Hrvatska elektroprivreda, which stipulate that employees over the age of 63 years and 6 months cannot be dismissed for business-related reasons, thereby excluding the possibility for the employee to choose a more favourable option (termination with a severance package), constitute age-based discrimination against the claimant. The employer's failure to offer the claimant the option to terminate the employment contract with an amended agreement and an appropriate severance payment violated the claimant's right to equal treatment. The court found that these provisions discriminated against the claimant in accordance with Article 2 of the Anti-Discrimination Act, as he was placed in a less favourable position compared to employees under 63 years and 6 months. The court referred to the decision of the Constitutional Court of Croatia, U-III-1098/2023, of 14 November 2023, which stated that '...unlike younger employees, the applicant did not have the choice between two options (accepting a severance package or continuing employment under an amended contract), both of which are generally designed to protect employees in the event of dismissal for business-related reasons...' Accordingly, the court concluded that the claimant should have been given the same choice as younger colleagues, i.e., whether to accept termination with a severance package or remain employed until retirement eligibility. The employer was ordered to compensate the claimant for material damages caused by the violation of the right to equal treatment in the amount of EUR 71 369.54. The judgment did not address issues of justification or proportionality. It focused solely on finding that the claimant had been treated less favourably on grounds of age.

Relevant discrimination ground(s): Age

Name of the court: Rijeka Administrative Court

Date of decision: 23 April 2025

Name of the parties: O.Z. v. Ministry of Interior

Reference number: UsI-1125/2024

ECLI reference: N/A

Link: https://odluke.sudovi.hr/Document/View?id=e7d7365f-d188-4b68-9473-acdd1a402d7a&q=Us+I-1125_%2f2024

Brief summary: In this case, the Ministry of the Interior as the employer, rejected the claimant's request for early termination of service with entitlement to an old-age pension, citing service needs. The Ministry argued that her departure would significantly disrupt the organisation of the workplace to which she was assigned (shift supervisor at the Police

Station Rovinj), given the experience required for the position, which the claimant possessed, having served in the Ministry of the Interior since 23 May 1994. The claimant initiated administrative proceedings, arguing that at the time of her request she had over 40 years of total pensionable service and that, in the past, the Ministry had regularly granted identical requests from other police officers, resulting in unequal treatment. The court annulled the challenged decision and returned the case for reconsideration, noting that the Ministry had failed to address the claimant's allegation of age discrimination compared to her colleagues in a similar situation. While the right to early termination with a pension under Article 6, paragraph 1 of the Act on Police Officers (ZPMO) does not constitute a subjective right, the case cannot be considered lawfully resolved if the employee is placed in a less favourable position than comparable colleagues, in violation of Articles 1(2), 2, and 9 of the Anti-Discrimination Act.

Relevant discrimination ground(s): Religion

Name of the court: Osijek Administrative Court

Date of decision: 25 March 2025

Name of the parties: T.Ć v. Croatian Health Insurance Institute

Reference number: Us I-329/2024-10

ECLI reference: N/A

Link: <https://odluke.sudovi.hr/Document/View?id=e2ca05e4-a871-404e-af65-d725ec2b6907>

Brief summary: In this case, the court annulled the decision of the Croatian Health Insurance Institute rejecting the claimant's request for referral for treatment abroad at the expense of mandatory health insurance, and the case was returned for reconsideration. The claimant, a member of the Jehovah's Witness community, who suffers from a malignant disease, argued that, under the Patient Rights Act, the Religious Communities Act, the Constitution of the Republic of Croatia, and the European Convention on Human Rights, he had the right to medical treatment without the use of blood transfusions. Medical practitioners in Croatia determined that the required surgical procedure could not be performed without blood products. However, the claimant obtained opinions from doctors in Hungary and Germany who were willing and able to perform the procedure without blood transfusions, in accordance with his religious beliefs. The claimant then requested the University Hospital Centre Zagreb to complete the necessary form ('Request and Proposal for Referral for Treatment Abroad'), a prerequisite for health insurance approval. Zagreb Hospital refused to fill out the form, preventing the claimant from submitting a formally valid application. The Health Insurance Institute subsequently rejected the request on strictly formal grounds, disregarding the fact that the claimant was unable to provide the form due to the hospital's refusal to sign it. The claimant argued that the refusal to complete the form violated professional medical standards and constituted discrimination based on religion, placing him in an impossible situation: either violate his deeply held religious convictions regarding the sanctity of blood or pay for treatment abroad out of his own pocket. During the proceedings, due to tumour growth threatening irreversible nerve damage, the claimant independently financed surgery in Germany, which was successfully performed without blood transfusions. The court found that this was a case of excessive formalism, referencing the CJEU judgment of 29 October 2020, C-243/19, EU:C:2020:872, which held that Member States must not refuse authorisation for cross-border treatment that is medically effective but conflicts with a patient's religious beliefs, unless such refusal is objectively justified by legitimate aims such as maintaining treatment capacity or professional expertise, and is appropriate and necessary to achieve that aim.

Relevant discrimination ground(s): Disability

Name of the court: Rijeka County Court

Date of decision: 26 February 2025

Name of the parties: A.B.C. and J.S. v. Emergency Medical Institute

Reference number: Gž R-880/2022-7

ECLI reference: N/A

Link: <https://odluke.sudovi.hr/Document/View?id=459edb88-d97a-4525-987c-9a0f08bdea9e&q=G%c5%be+R-880%2f2022-7>

Brief summary: In this case, the court addressed the claim of a father seeking reasonable accommodation to adjust his work schedule to enable him to care for his young daughter with a severe disability. The proceedings were initiated by the father, on his own behalf and on behalf of his three-year-old daughter, who has tuberous sclerosis complex, a rare genetic disorder causing epilepsy, brain and heart tumours, and other health complications requiring frequent medical appointments, rehabilitation and kindergarten, mostly in the mornings. The father requested a modified work schedule consisting of four to five 12-hour weekend shifts per month and two to three 12-hour night shifts per week, as well as reassignment to a different workplace, to allow him to provide continuous care for his daughter. The employer, the Emergency Medical Institute, rejected the request. The first-instance court found that the employer's refusal was discriminatory, unlawful, and contrary to the principle of reasonable accommodation, as defined under Article 1(2) and Article 4 of the Croatian Anti-Discrimination Act and Article 1(2) and Article 4 of the UN Convention on the Rights of Persons with Disabilities. The court emphasised that discrimination includes placing not only the person with a disability but also those closely associated with them in an unfavourable position. The court concluded that the father's inability to adjust his working hours directly impeded his daughter's access to kindergarten and necessary medical care. The court ordered the employer to adjust the father's work schedule to 12-hour shifts, ensuring he works the equivalent of half full-time hours per month and assigning him to a different workplace location. The county court confirmed the first instance ruling and additionally recognised that the daughter, as the first claimant, had active legal standing, since the employer's decisions on her father's schedule directly impacted her rights to care, education, and healthcare. The Ombudsperson for Persons with Disabilities participated in the proceedings as an intervener. The judgment did not explicitly address whether the duty to provide reasonable accommodation extends to employees caring for a child with disabilities, nor did it contain a detailed analysis of this issue. In the author's opinion, the court did not identify an explicit duty to provide reasonable accommodation to the claimant as a parent of a child with disabilities. Rather, it interpreted the relevant provisions of the Anti-Discrimination Act and the UN Convention on the Rights of Persons with Disabilities as prohibiting discrimination by association and as requiring equal access to services necessary for persons with disabilities.

Relevant discrimination ground(s): Disability

Name of the court: Rijeka Municipal Court, Mali Lošinj Permanent Service

Date of decision: 20 March 2025

Name of the parties: State Inspectorate v. Social Welfare Institute

Reference number: Pp-1852/2023-3

ECLI reference: N/A

Link: <https://odluke.sudovi.hr/Document/View?id=6ab5e6c7-a575-4e90-817f-3247384f3e32&q=Pp-1852%2f2023-3>

Brief summary: In this case, the State Inspectorate initiated misdemeanour proceedings against the Social Welfare Institute, Mali Lošinj office, for failing to give priority to a qualified applicant with a disability in the recruitment process for an administrative officer position. Despite meeting all formal requirements, the applicant with a disability was not invited to a motivational interview, while another candidate without a disability was interviewed and subsequently hired. The Inspectorate argued that this constituted a violation of both the Law on Professional Rehabilitation and Employment of Persons with Disabilities and Article 4(2) of the Anti-Discrimination Act. An indictment was filed against the Institute and the responsible official. However, the charge was dismissed since the court concluded that the indictment did not satisfy the legal elements required to constitute a misdemeanour. In particular, the factual description contained in the indictment failed to allege that the defendant had acted intentionally, as required by the relevant statutory provision. The court therefore found that a constitutive element of the misdemeanour

under Article 28 of the Anti-Discrimination Act was missing and that the conduct described in the indictment did not, as a matter of law, constitute a misdemeanour.

Relevant discrimination ground(s): Disability

Name of the court: Varaždin County Court, Koprivnica Permanent Service

Date of decision: 29 May 2025

Name of the parties: F.Č. v. Ministry of Justice

Reference number: GŽ-118/2025-2

ECLI reference:

Link: <https://odluke.sudovi.hr/Document/View?id=66a48a91-f8bd-4a7d-a7ff-3e00352d6e6e&q=G%c5%be-118%2f2025>

Brief summary: This case involves a claimant, an attorney who is a quadriplegic and uses a powered wheelchair, who filed an anti-discrimination complaint against the Republic of Croatia for the inability to access the Administrative Court in Rijeka independently because of architectural barriers. These barriers included a single step at the entrance bridged by a plank, six steps in the lobby with a vertical platform lift that was too narrow for his wheelchair and lacked weight-limit information, and a lift to upper floors that was out of service. The first-instance court had rejected the claim, reasoning that the claimant had not demonstrated that the court failed to take necessary measures for reasonable accommodation. The court relied on the testimony of the President of the Administrative Court in Rijeka, who stated that the claimant had not personally requested access since 2021, and noted that the claimant had in the past accessed court primarily as a party rather than as a legal representative. The court also considered prior compensation awarded to the claimant in other cases for non-pecuniary damages due to similar accessibility issues, concluding that the present claim was inconsistent with the purpose of the compensation of damages. On appeal, the higher court overturned this approach, holding that the burden of proof rests on the defendant and remitted the case for retrial. The appellate court determined that the claimant had made it plausible that discrimination occurred and that it was the defendant's responsibility to prove that all appropriate measures had been taken to remove architectural barriers. This includes ensuring that the claimant can access the court independently, whether as a party or as a legal representative. The court emphasised that the existence of multiple other claims by the claimant related to architectural barriers does not negate the possibility of non-pecuniary harm in the present case if discrimination is found.

Relevant discrimination ground(s): Disability

Name of the court: Požega Municipal Court

Date of decision: 27 August 2025

Name of the parties: G.J. v. Croatia

Reference number: Pr-6/2025-10

ECLI reference:

Link: <https://odluke.sudovi.hr/Document/View?id=efe02f20-8526-463b-b00e-677c075faa9e&q=Pr-6%2f2025-10>

Brief summary: This case concerns a claim by the claimant alleging discrimination due to lack of reasonable accommodation at the Office of the County State Attorney in Slavonski Brod. The claimant has psoriatic arthritis, a chronic autoimmune condition causing persistent joint pain and severe limitations in walking, standing, climbing stairs, and carrying loads. The Criminal Department of the office had been relocated to a third-floor building with over sixty stairs and no elevator, making access impossible for the claimant. The claimant requested to be transferred to a building in which the civil state attorney department is located, with an elevator, while continuing to handle criminal cases in which she has expertise and experience. The defendant offered temporary accommodations, allowing the claimant to continue working in the Criminal Department while avoiding court appearances or alternatively working in the Civil-Administrative Department. The claimant argued that this would constitute direct discrimination by preventing her from performing

the work she is qualified for. The Ombudsperson for Persons with Disabilities participated in the proceedings as an intervener. The court found that the claimant's request for reasonable accommodation was legitimate, however, the court also considered that temporary measures offered by the defendant, such as limited duties in the Criminal Department avoiding court appearances, were reasonable under the circumstances. Ultimately, the court concluded that there was no evidence of discrimination. The court also found that, bearing in mind that the claimant had been largely on sick leave, her right to access the workplace was not violated. The decision is not yet final.

Relevant discrimination ground(s): Disability

Name of the court: Zagreb Municipal Labour Court

Date of decision: 29 August 2025

Name of the parties: I.S. v. Croatian Lottery

Reference number: Pr-361/2024-18

ECLI reference: N/A

Link: <https://odluke.sudovi.hr/Document/View?id=1485a6f3-8fbf-41d5-b2f6-203c2dc999ef&q=Pr-361 %2f2024-18>

Brief summary: This case concerns a claim by the claimant alleging discrimination due to disability following his dismissal from the position of sales clerk. On 30 March 2023, the claimant was late to work by over three hours, resulting in the store opening at 11:28 a.m. instead of 8:00 a.m. The employer argued that this delay constituted a serious breach of work obligations under the employment contract and the company's work regulations, which disrupted business operations and prevented customers from receiving services. The claimant has a chronic autoimmune disease of the central nervous system, relapsing-remitting multiple sclerosis, which causes neurological episodes, cognitive impairments, and progressive disability. His condition had been officially recognised by the Croatian Pension Insurance Institute on 9 January 2012 as causing permanent consequences for life and work, and the employer was aware of his diagnosis at the time of hiring. At the time of the incident, the claimant was participating in a clinical trial of a drug, which may cause side effects including memory loss, impaired thinking, difficulties with walking, vision problems, and speech changes. The claimant argued that his late arrival to work was a result of his medical condition, including cognitive impairment and disorientation caused by multiple sclerosis and possible drug side effects. The employer did not attempt to implement any reasonable accommodations, such as adjusting work duties, schedules, or workplace organisation to align with the claimant's disability, as required by the Law on Professional Rehabilitation and Employment of Persons with Disabilities. Expert examination confirmed that the plaintiff's behaviour could be linked to his medical condition or to possible side effects of the clinical trial medication. The court found that the claimant had made it probable that he was placed at a disadvantage due to his disability, and the employer failed to demonstrate any justifiable reason for the dismissal based on the alleged misconduct. The court ordered the defendant to reinstate the claimant to his position within 15 days and to reimburse the costs of the proceedings in the amount of EUR 1 375.

Relevant discrimination ground(s): Disability

Name of the court: Osijek Municipal Court

Date of decision: 9 September 2025

Name of the parties: K.V. v. Croatian National Theatre in Osijek

Reference number: Pr-3745/2021-10

ECLI reference: N/A

Link: <https://odluke.sudovi.hr/Document/View?id=05b222d0-372e-4070-b752-56a9bbb222c0&q=Pr-3745 %2f2021-10>

Brief summary: In this case, the court determined that the Croatian National Theatre in Osijek, as an employer, harassed and violated the dignity of the claimant at work. The claimant was verbally insulted and humiliated by a superior, being called a 'mentally ill person' and a 'crazy woman who did not take her medication', due to her health condition.

Discriminatory practices in the organisation of work and working hours compared to other employees were also found. The court ordered the employer to pay the claimant EUR 9 954.21. The judgment was based on acknowledgment by the employer and does not include detailed reasoning.

Relevant discrimination ground(s): Disability

Name of the court: Zagreb Municipal Civil Court

Date of decision: 20 September 2025

Name of the parties:

Reference number: Pn-29/2024-1

ECLI reference: Zagreb Electric Tram d.o.o

Link: <https://odluke.sudovi.hr/Document/View?id=13c7bf73-987b-4dc4-813b-625e75a5e673&q=Pn-29 %2f2024-11>

Brief summary: This case concerns a claimant who was denied access to a tram because the driver refused to deploy the ramp for wheelchair entry. The court determined that the company Zagreb Electric Tram (ZET), as the owner of the tram and operator of passenger transport in the City of Zagreb, violated the claimant's constitutional, convention-based, and statutory rights to accessibility, equality, equal access, reasonable accommodation, and personal dignity which constitutes direct discrimination on the basis of disability. The court ordered ZET to ensure that every low-floor tram in operation is equipped with a ramp suitable for wheelchair users, and that all drivers are instructed on their obligation to deploy the ramp at doors other than the driver's cab. ZET was also ordered to pay the plaintiff EUR 9 954.21 with interest from 4 January 2024, and litigation costs of EUR 1 000.

Relevant discrimination ground(s): Ethnicity

Name of the court: Zagreb Municipal Misdemeanour Court

Date of decision: 25 September 2024

Name of the parties: Zagreb Police Administration v. F.A.

Reference number: Pp-11192/2025

ECLI reference: N/A

Link: <https://odluke.sudovi.hr/Document/View?id=1f8b7c8e-ad01-43c6-9dc8-2a40729c17a9&q=Pp-11192 %2f2025>

Brief summary: In this case, the defendant, a bus driver, was accused of publishing a video on the social media platform TikTok during a work break while the bus was parked at a stop. In the video, she walked while holding an atomising spray and displayed text insulting persons of certain national backgrounds and the state for accepting them. The court determined that the factual description of the offence in the indictment did not state that the defendant's conduct resulted in a violation of another person's dignity. Therefore, the court found that the legal elements of the misdemeanour had not been fully established. The court nevertheless noted that the defendant's conduct was offensive and unacceptable in a civilised society but concluded that it did not legally constitute discrimination under the Anti-Discrimination Act.

Relevant discrimination ground(s): Ethnicity

Name of the court: Karlovac Municipal Court, Ogulin Permanent Service

Date of decision: 16 May 2025

Name of the parties: Karlovac Police Administration v. E.Č.Ž.

Reference number: Pp-219/2024

ECLI reference:

Link: <https://odluke.sudovi.hr/Document/View?id=7381400f-f5e4-4c2b-b1d2-2747ab545a24&q=Pp-219 %2f2024>

Brief summary: In this case, the defendant was found guilty of creating a hostile, degrading, and offensive environment based on race, ethnic origin, language or religion, thereby violating the dignity of foreign nationals. The incident occurred in Plaški, while the defendant was working as a train conductor on train no. 522 operating on the Split–Zagreb

route. Upon arrival at the Plaški railway station, the defendant refused entry to fourteen foreign nationals from Pakistan, Afghanistan, Morocco and India who possessed official certificates of registration issued by the competent police authorities after expressing their intention to apply for international protection. Despite the fact that they had sufficient funds to purchase tickets, the defendant insisted that they leave the train, refused to sell them tickets, and prevented the train from departing until they exited the train, which they ultimately did. The court found that such conduct constituted discrimination under the Anti-Discrimination Act. The defendant was therefore convicted of a misdemeanour and fined EUR 663.61.

Relevant discrimination ground(s): Ethnicity

Name of the court: Osijek Municipal Court

Date of decision: 17 June 2025

Name of the parties: N/a

Reference number: Pp-664/2023

ECLI reference:

Link:

Brief summary: In this case, the defendant verbally attacked her neighbours, shouting insults and threats referring to the neighbours as 'Chetniks' and questioning where they had been during the 1991 war. The court found that this conduct violated the neighbour's dignity and constituted discrimination under the Anti-Discrimination Act. The defendant was found guilty of a misdemeanour and fined EUR 350.

Relevant discrimination ground(s): Ethnicity

Name of the court: Zlatar Municipal Court, Krapina Permanent Service

Date of decision: 13 November 2025

Name of the parties: N/a

Reference number: Pp-1011/2025

ECLI reference:

Link:

Brief summary: In this case, the defendant, dissatisfied with the delivery of a package, shouted insults at the delivery worker, calling him 'monkey' and 'gypsy', and subsequently physically assaulted him by grabbing him by the neck with both hands and pushing him against the side of the delivery van. The victim did not sustain any physical injuries. The court found that this conduct violated the victim's dignity on the basis of skin colour and constituted a misdemeanour under the Anti-Discrimination Act. The defendant was fined EUR 240.

Relevant discrimination ground(s): Ethnicity

Name of the court: Sesvete Municipal Court

Date of decision: 14 February 2025

Name of the parties: Zagreb Police Administration v. Z.Ć.

Reference number: Pp-1521/2024

ECLI reference:

Link: <https://odluke.sudovi.hr/Document/View?id=e2f42c90-4a12-482e-9ee0-58d2392159ba>

Brief summary: In this case, the defendant verbally abused and insulted several individuals on the basis of their nationality and religion, using highly offensive and threatening language, including statements denying well-known acts of genocide and expressing violent intent towards the victims. The court concluded that this conduct violated the victims' dignity and constituted a misdemeanour under the Anti-Discrimination Act. The defendant was fined EUR 663.61.

Relevant discrimination ground(s): Ethnic origin

Name of the court: Zadar Municipal Court

Date of decision: 18 March 2025

Name of the parties: Zadar Police Administration v. C.B.

Reference number: Pp-1474/2025

ECLI reference:

Link: https://odluke.sudovi.hr/Document/View?id=2c669649-ba1b-4ee8-baa8-caf294997d19&q=Pp-1474_%2f2025

Brief summary: This case concerns an incident in which the defendant disrupted public order by shouting inside a public catering establishment and verbally insulting Albanian nationals in a discriminatory and offensive manner, including statements questioning the legality of their work and calling for their expulsion. The court found that this conduct violated the victims' dignity and constituted a misdemeanour under the Anti-Discrimination Act. The defendant was fined EUR 450.

Relevant discrimination ground(s): Sexual Orientation

Name of the court: Zagreb Municipal Court

Date of decision: 12 December 2025

Name of the parties: S.N.L. v. Vigilare

Reference number: Pn-703/2024

ECLI reference:

Link: https://odluke.sudovi.hr/Document/View?id=5fa093b7-6d16-401e-a793-db003fb9c924&q=Pn-703_%2f2024

Brief summary: The claimants filed a lawsuit against Vigilare, a conservative Catholic organisation, requesting the permanent removal of an article published on 11 December 2023 on the website *Vigilare.info*, entitled '*Scandal in Špansko: Childcare Business Run by Two Lesbians*'. The claimants argued that the article contained discriminatory, offensive and harmful statements, raising questions about whether children were exposed to 'LGBTIQ+ ideology' in their daycare. The court found that the article represented a value judgment from the perspective of the organisation Vigilare rather than harassment or discrimination against the plaintiffs. The court concluded that the content of the article concerned matters of public interest, childcare services, and that similar debates occur in other countries. The court determined that, in this case, the right to freedom of expression prevailed over the plaintiffs' claims to honour and reputation and that ordering the removal of the article would constitute an unnecessary restriction on the defendant's freedom of expression, potentially banning public discussion on or criticism of matters of public interest. Consequently, the claim was rejected as unfounded.

Relevant discrimination ground(s): Sexual orientation

Name of the court: Bjelovar Municipal Court

Date of decision: 3 February 2025

Name of the parties: Bjelovar Police Administration v. B.V.

Reference number: Pp-3359/2024

ECLI reference:

Link: https://odluke.sudovi.hr/Document/View?id=4fca73be-32c9-48c3-826f-bd7b080c39bd&q=Pp-3359_%2f2024

Brief summary: The defendant, using a Facebook profile under the name 'BV', commented on a post published on the Večernji list Facebook page concerning a report on religious ceremonies involving blessings of same-sex couples. In the comments, the defendant expressed highly offensive and threatening views towards individuals based on their sexual orientation, and responded to another user in a further insulting manner. The court determined that the conduct in question constituted a misdemeanour under the Anti-Discrimination Act and the defendant was fined EUR 360.

Relevant discrimination ground(s): Sexual orientation

Name of the court: Zagreb County Court

Date of decision: 18 March 2025

Name of the parties: Rainbow Families v. Vigilare

Reference number: P-18/2023

ECLI reference:

Link: https://odluke.sudovi.hr/Document/View?id=3b040755-b31f-4ac7-8ca0-cab7620b78e2&q=P-18_%2f2023

Brief summary: In this case the court found that the defendant, who had launched petitions entitled 'For Christ and the Homeland' and 'Protect Children from Same-Sex Adoption' on the website *kristidomovina.hr*, discriminated against, encouraged discrimination against, and harassed LGBTIQ+ persons and their families. The defendant was ordered to remove the website and all discriminatory content within eight days, prohibited from publishing similar discriminatory content in the future, and required to publish the judgment at its own expense in the online editions of *Jutarnji list* and *Večernji list*. The defendant was also ordered to reimburse the costs of the civil proceedings in the amount of EUR 1 875. The court acknowledged that advocating conservative views and encouraging public debate on foster care and adoption is a legitimate exercise of freedom of expression in a democratic society. However, it held that such expression is not protected when it targets vulnerable groups in a discriminatory manner. By claiming that same-sex couples cannot provide an adequate family environment and that adoption by such couples would have 'very harmful consequences for children' and lead to 'demoralisation', the content contributed to the stigmatisation of same-sex families and created a hostile environment towards them. The court concluded that the petitions placed same-sex couples at a disadvantage solely on the basis of sexual orientation and also constituted encouragement of others to discriminate. Applying the burden-of-proof rule under the Anti-Discrimination Act, the court found that the claimant had made discrimination plausible, while the defendant failed to prove otherwise.

Relevant discrimination ground(s): Sexual orientation

Name of the court: Zagreb Administrative Court

Date of decision: 27 May 2025

Name of the parties: N.K. v. Ministry of Labour, Pension System, Family and Social Policy

Reference number: UsI-3471/2024

ECLI reference:

Link: https://odluke.sudovi.hr/Document/View?id=802ffc22-db78-4109-ade6-8333b0af9979&q=Us+I-3471_%2f2024

Brief summary: This case concerns the annulment of decisions of the Ministry of Labour, Pension System, Family and Social Policy and the Croatian Institute for Social Work rejecting the claimant's request to be entered into the Register of Prospective Adoptive Parents. The authorities reasoned that, under the applicable legislation, life partners could not establish adoption and that the claimant therefore could not be registered. The claimant argued that she had been placed in a less favourable position compared to other persons in a comparable situation solely on the basis of her sexual orientation and family status. She sought to adopt a specific child, namely the child of her life partner. She emphasised that the child had been conceived through medically assisted reproduction using an egg donated by the claimant herself, meaning that the child carries her genetic material. The child had also already been placed under her partner's care pursuant to the Life Partnership Act. The Administrative Court found the claimant's complaint well-founded and held that discrimination on the grounds of sexual orientation had occurred. While married and unmarried heterosexual couples who successfully complete the suitability and eligibility assessment may be entered into the Register, the claimant was excluded from this possibility. The court noted that the Republic of Croatia is bound, under domestic law and ratified international treaties, to ensure the prohibition of discrimination on the ground of sexual orientation. The claimant therefore rightly relied on the Anti-Discrimination Act, Articles 8 and 14 of the European Convention on Human Rights, and Articles 2–7 of the UN

Convention on the Rights of the Child. The court also referred to the judgment of the European Court of Human Rights in *E.B. v. France* (2008), which established that refusal of adoption based on sexual orientation constitutes discrimination in relation to the right to respect for private and family life. Finally, the court emphasised that the claimant had been assessed in the adoption suitability procedure as highly suitable to adopt and capable, together with her life partner, who is the child's mother, of providing the child with a warm and supportive family environment. The proceedings did not concern the adoption itself, but rather the claimant's exclusion from the Register of Prospective Adoptive Parents, which constitutes a precondition for participation in subsequent adoption procedures. The court was therefore only called upon to review the lawfulness of the administrative decisions refusing her registration. Nevertheless, the court emphasised that the claimant had been assessed in the adoption suitability procedure as highly suitable to adopt and capable, together with her life partner, who is the child's mother, of providing the child with a warm and supportive family environment. It was therefore recommended that she be allowed to establish legal parenthood through adoption.

Relevant discrimination ground(s): Political belief

Name of the court: Pazin Municipal Court

Date of decision: 24 February 2025

Name of the parties: J.T. v. Motovun Municipality

Reference number: P-600/2022-61

ECLI reference:

Link: <https://odluke.sudovi.hr/Document/View?id=3bedf2ad-d579-4dbe-8b93-c436b24c75d9&q=P-600 %2f2022-61>

Brief summary: This case concerns a claimant who argued that he was treated less favourably because of his marital association based on political belief, since his wife was the only opposing candidate for mayor representing an opposition political party. The municipality rejected the claimant's request to lease a public space of 15 m² in front of his catering establishment for a terrace. The court prohibited the municipality from taking any further actions that would place the claimant at a disadvantage based on political affiliation or violate his dignity and ordered it to pay the plaintiff EUR 1 500 for non-pecuniary damages and EUR 25 805.42 for pecuniary damages. The People's Ombudsperson participated in the proceedings as an intervener.

Relevant discrimination ground(s): Belief

Name of the court: Zagreb County Court

Date of decision: 29 April 2025

Name of the parties: Vigilare v. City of Zagreb

Reference number: P-10/2024

ECLI reference:

Link: <https://odluke.sudovi.hr/Document/View?id=fbdd737c-bab2-410f-9464-e191ee0b46c4&q=P-10 %2f2024-9>

Brief summary: This case concerns a claim by the association Vigilare against the City of Zagreb. Vigilare argued that the City discriminated against the association and its supporters by refusing consent to display flags for the 'Walk for Life', a public event organised by civil society groups and religiously affiliated organisations that advocate for the protection of unborn life and the promotion of anti-abortion policies, held on 14 May 2022. The association claimed that the refusal was based on the mayor's personal and political beliefs, as the values promoted by the event allegedly conflicted with those of the mayor. Vigilare sought a declaration of discrimination and a prohibition on the City taking similar actions in the future. The court found that the mayor acted with a legitimate objective: ensuring the lawful and proper functioning of municipal administrative bodies, including the regulation of the use of public spaces. The court emphasised that the City's decision did not aim to place Vigilare or its supporters at a disadvantage, but rather to regulate the use of public infrastructure in a consistent and lawful manner. Furthermore,

the court noted that the City had granted Vigilare access to public spaces without any fee, allowing the event to take place successfully. While the City granted permission for other events, such as the Pride Month, to display their flags, this did not constitute discriminatory treatment, as the instruction applied equally to all requests for public space and to display flags, and the differences in approval did not prevent the 'Walk for Life' event from occurring. The court concluded that the City's actions, which had objective and reasonable justification and sought to achieve a legitimate public interest, did not constitute direct or indirect discrimination. The rights of Vigilare, its supporters, and the public to participate in the event and exercise freedom of belief and expression were not infringed.

Relevant discrimination ground(s): Political belief

Name of the court: Zagreb Municipal Labour Court

Date of decision: 22 July 2025

Name of the parties: Environmental Protection and Energy Efficiency Fund

Reference number: Pr-2023/2019

ECLI reference:

Link:

Brief summary: This case concerns the claim brought by the claimant against her employer, the Environmental Protection and Energy Efficiency Fund. The court established that the claimant was subjected to harassment, intimidation, unequal treatment and discrimination by the Fund, which violated her personal rights, including her dignity, honour and reputation, and her right to personal and family privacy. The court ordered the defendant to take measures to prevent further harassment, intimidation and discrimination and to ensure that the claimant could perform her duties as Head of the Financial Affairs Sector without obstruction, in accordance with her employment contract. The defendant was also ordered to reimburse the claimant's procedural costs. In her claim, the claimant described multiple instances of workplace harassment by the Fund's director. She stated that she was repeatedly told she could not maintain her position because she did not belong to the political party of the director and was not affiliated with any political party. Subsequently, the claimant received a notice of termination and initiated a labour dispute against her employer. The court found that the director consistently belittled, discriminated against and insulted the claimant, treating her in a manner that violated her dignity. The court emphasised that the director's conduct was not merely a result of disagreements over specific work tasks but was a systematic effort to pressure the claimant and place her in a less favourable position compared to other employees, including heads of other sectors. This unfavourable treatment was based on discriminatory grounds, specifically her lack of political affiliation and her personal background..

Relevant discrimination ground(s): N/a

Name of the court: Constitutional Court

Date of decision: 12 March 2025

Name of the parties: Z.C.G.

Reference number: U-III A-1010/2024

ECLI reference:

Link:

<https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&documentId=C12570D30061CE54C1258C4D002A259D>

Brief summary: This case concerns a constitutional complaint alleging a violation of the right to a trial within a reasonable time. In 2014, the applicant initiated civil proceedings seeking protection from discrimination and compensation for damages. In 2024, he lodged a constitutional complaint claiming that the excessive length of the proceedings had violated his right to a trial within a reasonable time. The Constitutional Court found that, at the time the constitutional complaint was lodged, the proceedings had a priori lasted an unreasonably long time, specifically 9 years, 5 months and 11 days. The Court also established that the applicant had not contributed to the length of the proceedings. The

Constitutional Court therefore upheld the constitutional complaint and awarded the applicant compensation for the violation of his right to a hearing within a reasonable time in the amount of EUR 2 700.

Relevant discrimination ground(s): N/a

Name of the court: Constitutional Court

Date of decision: 12 March 2025

Name of the parties: C.G.

Reference number: U-III-567/2023

ECLI reference:

Link:

<https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&documentId=C12570D30061CE54C1258C4C0034002A>

Brief summary: This case concerns a constitutional complaint alleging a violation of the right to a trial within a reasonable time. In 2011, the applicant initiated civil proceedings seeking protection from discrimination and compensation for damages. In 2023, she lodged a constitutional complaint claiming that the excessive length of the proceedings had violated her right to a trial within a reasonable time. The Constitutional Court found that, at the time the constitutional complaint was lodged, the proceedings had a priori lasted an unreasonably long time, specifically 11 years, 1 month and 4 days. The Court also established that the applicant had not contributed to the length of the proceedings. The Constitutional Court therefore upheld the constitutional complaint and awarded the applicant compensation for the violation of her right to a hearing within a reasonable time in the amount of EUR 3 300.

ANNEX 1: INTERNATIONAL INSTRUMENTS

Country: Croatia
Date: 1 January 2026

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
European Convention on Human Rights (ECHR)	06.11.1996	05.11.1997	no	yes	yes
Protocol 12, ECHR	06.03.2002	03.02.2003	no	yes	yes
Revised European Social Charter	06.11.2009	not ratified	N/A	Ratified collective complaints protocol? N/A	N/A
International Covenant on Civil and Political Rights	succession	12.10.1992	no	yes	yes
Framework Convention for the Protection of National Minorities	06.11.1996	11.10.1997	no	N/A	yes
International Covenant on Economic, Social and Cultural Rights	succession	12.10.1992	no	N/A	yes
Convention on the Elimination of All Forms of Racial Discrimination	succession	12.10.1992	no	N/A	yes
ILO Convention No. 111 on Discrimination	succession	08.10.1991	no	N/A	yes

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
Convention on the Rights of the Child	succession	12.10.1992	no	N/A	yes
Convention on the Rights of Persons with Disabilities	30.03.2007	15.08.2007	no	yes	yes

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