

Brief profile

Contact details

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Overview

As a National Equality Body the Ombudsman/woman is responsible for promotion of equality and reporting to the Parliament on the basis of 17 grounds (Anti-discrimination Act) and for handling complaints on the basis of all of these grounds, except gender, gender identity and expression and sexual orientation (Ombudsman/woman for gender equality), disability (Ombudsman/woman for persons with disabilities) and discrimination complaints which concern children (Ombudsman/woman for children).

Type of equality body

The *Office of the Ombudsman* is a predominantly promotion-type and legal support body¹.

Grounds and fields of discrimination covered

Grounds	Fields	
	Employment	Beyond employment (education, goods & services, housing, etc.)
Gender		
Race and ethnic origin	◆	◆
Age	◆	◆
Disability		
Sexual orientation		
Religion and belief	◆	◆
Other *	◆	◆

* Language, political or other belief, national or social original, property, trade-union membership, education, social status, marital or family status, health status, genetic heritage.

¹ According to a [European Commission study on Equality Bodies](#), predominantly promotion-type equality bodies “spend the bulk of their time and resources on a broader mix of activities that include supporting good practice in organisations, raising awareness of rights, developing a knowledge base on equality and non-discrimination, and providing legal advice and assistance to individual victims of discrimination” (page 44).

Detailed profile

Brief history

The institution of the Ombudsman is established by the Constitution of the Republic of Croatia as an independent and autonomous institution. The Ombudsman reports to the Croatian Parliament. Professional and administrative services for the Ombudsman are provided by the Office of the Ombudsman. The allocation of funds necessary for the functioning of the Office of the Ombudsman is apportioned in the annual budget of the Republic of Croatia.

The Office of the Ombudsman is mentioned in the Constitution as the protector of human rights. The institution was established in 1992 as an Ombudsman type institution and has since been changing and receiving additional duties:

- In its core ombudsman mandate (since 1992, based on the Croatian Constitution and the Ombudsman Act), the Ombudsman protects constitutional and legal rights of citizens in cases before the state administration and bodies vested with public powers; in cases before the Ministry of defence, including the Army forces and security services; before the local and regional self government units. The Ombudsman also protects the right to local and regional self government.
- In 2008 the Ombudsman was accredited as an „A“ status national human rights institution for protection and promotion of human rights by the International Coordinating Committee for Human Rights as an institution which meets to high extent the criteria of the Paris Principles (these are: independence guaranteed by constitution or law, autonomous status regarding the government, pluralistic membership, a broad mandate for protection and promotion of human rights, sufficient means for independent work and investigative powers).
- Based on the Anti-discrimination Act on January 1st 2009 the institution became the Central Equality Body. In order to liaise and cooperate with similar bodies within the European Union the Office of the Ombudsman was accepted as a member of EQUINET on January 1st 2009.
- In 2011 the Ombudsman also became the National Preventive Mechanism for the UN Convention Against Torture (based on the Act on this matter from 2011).

The Ombudsman's institution became the Central Equality Body by the entry into force of the Anti-discrimination Act on January 1st 2009.

The Anti-discrimination Act provides for the protection and promotion of equality as one of the highest values of the constitutional order of the Republic of Croatia, creates prerequisites for the realization of equal opportunities and regulates protection against discrimination on the grounds of race or ethnic affiliation or color, gender, language, religion, political or other belief, national or social origin, property status, trade union membership, education, social status, marital or family status, age, health status, disability, genetic heritage, gender identity and expression or sexual orientation.

According to this Act the Ombudsman/woman is the Central Equality Body. In this capacity the Office of the Ombudsman has the responsibility to collect and analyze statistical data on discrimination concerning all of the grounds stated in the Anti-discrimination Act as well as to inform the Croatian Parliament on the occurrences of discrimination on the basis of these grounds in his/her annual report (and when required, special reports), to conduct surveys concerning

discrimination, to give opinions and recommendations, and to suggest appropriate legal and strategic solutions to the Government of the Republic of Croatia.

The responsibility for dealing with complaints on certain specific grounds lies with the specialised ombuds: dealing with complaints on the grounds of gender, gender identity and expression and sexual orientation lies with the Ombudsman/woman for gender equality; responsibility for dealing with complaints on the ground of disability lies with the Ombudsman/woman for persons with disabilities. When a complaint concerns a child the case is being handled by the Ombudsman/woman for children.

For dealing with complaints on all of the other grounds stated above the Office of the Ombudsman/woman has sole responsibility.

Based on the Anti-discrimination Act when handling discrimination complaints the Ombudsman/woman has the power to:

- receive reports of all the natural and legal persons referred to in Article 10 of the Anti-discrimination Act;
- provide necessary information to natural and legal persons that have filed a complaint of discrimination with regard to their rights and obligations and to possibilities of judicial and other protection;
- if the court proceedings have not yet been initiated, examine individual reports and take actions falling within his/her competence required for elimination of discrimination and protection of rights of discriminated persons;
- with the parties' consent, conduct mediation with a possibility of reaching an out-of-court settlement;
- file criminal charges related to discrimination cases to the competent state attorney's office;

Also, based on the Anti-discrimination Act, the Ombudsman/woman has the power to intervene in the court proceedings on behalf of the party that has been discriminated against and, under specific circumstances, to bring proceedings in his/her own name when the right to equal treatment of a larger group of persons has been violated and to start misdemeanour proceedings.

Mandate

- **Powers:** The *Office of the Ombudsman* is a predominantly promotion-type and legal support body;
- **Litigation powers:**
 - Bringing proceedings in own name;
 - Intervening before the court;
 - Formally deciding on complaints (decision or recommendation) – *not legally binding*.
 - Starting and being a party in misdemeanour proceedings.
 - Possibility to file criminal charges related to discrimination cases to the State Attorney's Office.
- For **other powers** please also see previous section.

Grounds and fields of discrimination covered

Grounds	Fields				
	Employment	Education	Housing	Social protection	Goods and Services
Gender					
Race and ethnic origin	♦	♦	♦	♦	♦
Age	♦	♦	♦	♦	♦
Disability					
Sexual orientation					
Religion and belief	♦	♦	♦	♦	♦
Other *	♦	♦	♦	♦	♦

* Language, political or other belief, national or social original, property, trade-union membership, education, social status, marital or family status, health status, genetic heritage.

Activities

- Promotional activities aimed at duty bearers (by way of trainings, guidance material, etc.);
- Promotional activities aimed at potential victims (trainings, awareness raising, etc.);
- Communication activities;
- Publications and research projects;
- Number of inquiries / complaints lodged and cases handled per year: **146** for 2011.

Structure

1. Management structure

- Type: single headed equality body (led by director or ombudsman/commissioner);
- Details: the institution is headed by the Ombudsman/woman and his/her 3 Deputies.

2. Institutional structure

- Type: the organisation is part of other structures (offices of ombudsmen and a national human rights institution);

3. Nomination of senior staff and board: the Ombudsman/woman and his/her 3 Deputies are elected by the Parliament for a term of eight years and may be re-elected.

4. Number of staff: 33 people all together, 6 dealing with equality issues.

Operating budget (for the parts of the organization dealing with equality issues)

For 2011 the budget amounted to 139.519,60 €.

Accountability (reporting to)

The Ombudsman reports to the Parliament (by producing a general annual report and an annual report on non-discrimination).

Contact details (address, key contact person, website)

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