



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Comments of Croatia on the recommendations and
observations addressed to it in connection with the
Subcommittee visit undertaken from 2 to 8 July 2023^{*}, ^{**}**

[Date received: 2 January 2025]

^{*} The present document is being issued without formal editing.
^{**} On 20 January 2025, the State Party requested the Subcommittee to publish its comments, in
accordance with article 16 (2) of the Optional Protocol.



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I. Introduction

1. Further to the submitted Report of the UN Subcommittee against Torture (SPT), on the visit to the Republic of Croatia of the members of the SPT from 2 to 8 July 2023, which includes recommendations or requests to the Croatian side, in terms of fulfilling the obligations under the Optional Protocol to the Convention against of Torture (OPCAT), please find below comments, measures and activities taken by Croatian competent authorities:

II. Ministry of Justice, Public Administration and Digital Transformation

2. In connection with the Introductory part of the Report related to the prison system (points 72 to 78), which mentions the overcapacity of penal institutions, we note that the most significant challenges that the prison system of the Republic of Croatia has been facing recently is the excessive number of persons deprived of their liberty compared to the accommodation capacity (closed conditions) that the prison system has, that is, overcrowding, which is a consequence of significant population migrations and the security situation in the wider international area. In particular, the number of persons deprived of liberty compared to last year increased by 232%, with a large number of persons deprived of liberty in the prison system due to the criminal offense under Article 326 of the Criminal Code ("Official Gazette", Nos. 125/11, 144 /12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23 and 36/24) – Illegal entry, movement and stay in the Republic of Croatia, another member state of the European Union or a signatory of the Schengen Agreement.

3. Solving the above-mentioned overcrowding and consequently ensuring a minimum standard for personal living space for persons deprived of liberty in the prison system for the last few years is ensured by the construction of standardized additional facilities in addition to the existing penitentiary/prison facilities with the aim of increasing accommodation capacity, which reduces overcrowding and some existing facilities are adapted (material conditions are regulated and improved). Steps and actions are being taken to build such additional facilities in addition to the existing ones in Zagreb Prison, Zagreb Prison Hospital, Požega Prison and Varaždin Prison.

4. Also, as part of the short-term plan to solve overcrowding, solutions (market analysis, location information, concept design) are being considered for the so-called modular architecture that enables a rapid increase in capacity while ensuring adequate conditions for the accommodation of persons deprived of liberty (from 240 to 270 accommodation capacities). The latter approach also enables flexibility and speed of implementation.

5. In order to improve the material conditions in the prison system, adaptation and expansion of the existing facilities of penitentiaries/prisons of the prison system were undertaken, and energy renovation works were successfully completed on a total of seven (7) buildings in the Penitentiary in Požega and the Penitentiary in Lipovica-Popovača, (they were carried out according to Operational agreement for the National Resilience and Recovery Plan 2021–2026, specifically investment C2.5 R1-I5, with the aim of reducing energy consumption for heating and cooling, as well as primary energy, by at least 50% compared to consumption before renovation and contribute reducing CO2 emissions). Specifically, the facilities of the closed and semi-open department for persons deprived of liberty, the facility of the ambulance and the facility of the administrative part of the Penitentiary in Požega, the facility for accommodation of persons deprived of liberty, the facility for the day care of persons deprived of liberty and the facility of the administrative part of the Penitentiary in Lipovica-Popovača, for which a total of around 3.5 million EUR was allocated. In addition to energy renovation, interior decoration (adaptation) works were carried out in the facility of the closed ward for women deprived of liberty in the Požega Penitentiary. Before the energy renovation of the facilities of the Penitentiary in Požega, the old facility was successfully reconstructed in the so-called closed ward for the

accommodation of adult males, which increased the total capacity of the Penitentiary by 130 places.

6. It is planned to carry out further energy renovations and reconstructions of other penitentiaries/prisons of the prison system, primarily the Prison in Split and the Prison in Zagreb, within the framework of which works aimed at improving material conditions would be carried out. Also, comprehensive renovations of the penitentiary/prison kitchens, where food is prepared for persons deprived of their liberty, are planned.

7. In relation to long-term plans, we highlight the construction of new penitentiaries/prisons in the prison system in Lika-Senj, Sisak-Moslavina and Osijek-Baranja Counties, which would significantly increase the accommodation capacity (1200 places) of the prison system of the Republic of Croatia and improve accommodation conditions.

8. All the mentioned measures and projects demonstrate the continuous commitment of the Republic of Croatia in improving conditions in the prison system, reducing overcrowding, improving material conditions and ensuring safety for persons deprived of their liberty. The aforementioned activities are aligned with international standards on human rights, and contribute to a more humane and efficient prison system despite the challenges caused by migration pressures and the increased number of persons deprived of liberty in the prison system.

9. Also, as part of measures to alleviate the overcrowding of closed conditions for the accommodation of persons deprived of their liberty, the minister responsible for judicial affairs adopted in August 2023 new Framework criteria for the referral and classification of prisoners to serve prison sentences. The framework standards prescribe the criteria and standards based on which prisoners from the Diagnostic Centre in Zagreb are sent to serve their sentences in a penitentiary or prison, or based on which prisoners are transferred from one penal body to another while serving their sentence.

10. Additionally, we would like to point out that in the recent period, electronic monitoring was introduced into the legal system of the Republic of Croatia (parole with electronic monitoring and pretrial detention in a home with electronic monitoring), which work in practice and will have a positive effect on reducing overcrowding. Also, there is a professional probation service operating in the Republic of Croatia, which in 2019 received the CEP (Confederation of European Probation) award for the best development of the probation service and which marked 10 years of professional work in 2021. The law foresees a number of alternative sanctions that, in relation to deprivation of liberty, provide the possibility of effective social rehabilitation and reintegration of perpetrators of criminal acts with a positive effect on preventing repeated criminal behaviour and promoting public safety. Adequate application of alternative sanctions directly affects the reduction of overcrowding in prisons and penitentiaries and the conditions in them.

In relation to the recommendation contained in paragraph 45 of the report (CAT/OP/HRV/ROSP/R.1)

11. The Directorate for the Prison System and Probation of the Ministry of Justice, Administration and Digital Transformation has established a Training Centre that provides education and professional training for all officers of the prison system and probation depending on the needs and specifics of work in penal institutions and probation offices. The Centre performs professional tasks related to the planning, development of new and improvement of existing training programs, as well as the implementation of basic and supplementary specialist training for all prison system and probation officers. It also cooperates with national and international institutions and NGOs in the preparation and implementation of educational and other training programs in the form of workshops, courses and seminars for acquisition of judicial police ranks and for independently performing the duties of judicial police trainees.

12. Mandatory professional training programs (both contain topics related to the Convention on the Prevention of Torture and ill-treatment) which the Centre conducts several times a year, are:

(a) The initial training program entitled Specifics of working in the prison and probation system and improvement of cooperation, is a mandatory professional training for all newly employed officials of the Directorate for the Prison System and Probation, including medical staff, with the aim of familiarizing them with general tasks within the jurisdiction of penitentiaries, prisons, juvenile correctional institutions, Diagnostic centre and probation offices. Officials get to know the specifics of working with persons deprived of their liberty and their rights. This training covers the topic of International recommendations in the field of human rights, international protection of the rights of convicts/prisoners and supervision over the system of enforcement of (institutional), criminal sanctions and measures, and also includes the Convention on the Prevention of Torture and Inhumane Treatment;

(b) The basic course is a mandatory training course for all judicial police officers who perform duties in penitentiaries, prisons and correctional institutions, and are required to attend it after being admitted to the civil service and assigned to security duties, during the traineeship, in order to undertake the judicial police exam. The basic course includes topics such as criminal law regulations, regulations relevant to the treatment of prisoners, International regulations for the treatment of prisoners, which includes CPT recommendations on the prohibition of torture and ill-treatment.

13. In addition to the mandatory professional training programs mentioned above, the Training Centre also conducts specialized programs and other lifelong learning programs. In relation to training for medical personnel, a training entitled “Health protection in prisons – examinations, injuries and reporting, infectious diseases (prevention and treatment) and mental health in prisons (interventions and treatments for mental disorders of prisoners)” was conducted. It is planned to continue this training to ensure continuous gender-specific training for medical staff working with prisoners, especially pre-trial detainees, to identify signs of torture and ill-treatment in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

In relation to the recommendation contained in paragraph 79 of the report

14. Electronic monitoring was introduced into the legal system of the Republic of Croatia as part of the project “Strengthening the protection of human rights and public safety through improving the capacity of the probation service” and equipment for electronic monitoring was acquired. This created the main technical prerequisite for its permanent implementation. In addition to the above, two ordinances were adopted: The Ordinance on parole with electronic monitoring (“Official Gazette”, No. 78/22) and the Ordinance on the method of enforcement of pretrial detention in the home (“Official Gazette”, No. 5/24) with electronic monitoring, which the legal prerequisites for the permanent implementation of electronic monitoring have been created and the Supervisory Centre for electronic monitoring has been organized and equipped, which operates 0–24 hours within the Electronic Monitoring Service of the Directorate for the Prison System and Probation, Ministry of Justice, Administration and Digital Transformation.

15. The Service for Electronic Monitoring, in cooperation with the Judicial Academy, agreed to conduct several training sessions under the name “Pretrial detention in the home with electronic monitoring” in order to promote electronic monitoring. Subject trainings will be conducted at the beginning of 2025 regionally in the judicial bodies and are intended for judges and other judicial experts. Also, previously, the Service for Electronic Monitoring, in cooperation with the Training Centre, conducted training on electronic monitoring for penal institutions of the prison system, in which officials of the prison

system and probation were familiarized with the news related to electronic monitoring and the duties arising from the determination of electronic monitoring.

16. In addition to the problem of overcrowding in prisons and penitentiaries, it should be emphasized that in the Republic of Croatia there is a professional probation service, which in 2019 received the CEP (Confederation of European Probation) award for the best development of the probation service and which marked 10 years of professional work in 2021. The Penal Law foresees a number of alternative sanctions that, in relation to deprivation of liberty, provide the possibility of effective social rehabilitation and reintegration of perpetrators of criminal acts with a positive effect on preventing repeated criminal behaviour and promoting public safety. Adequate application of alternative sanctions directly affects the reduction of overcrowding in prisons and penitentiaries and the conditions in them.

In relation to the recommendation contained in paragraph 80 of the report

17. As part of measures to alleviate the overcrowding of closed conditions for the accommodation of persons deprived of their liberty, the minister responsible for judicial affairs adopted in August 2023 the new Framework criteria for the referral and classification of prisoners to serve prison sentences. The Framework criteria prescribe the criteria and standards based on which prisoners from the Diagnostic Centre in Zagreb are sent to serve their sentences in a penitentiary or prison, or based on which prisoners are transferred from one penal institution to another while serving their sentence. The new Framework criteria are primarily based on the assessment of the type and level of criminogenic and security risks and on the needs of the individual programme of the enforcement of the prison sentence, which facilitates the classification of prisoners into semi-open or open conditions/regime, in accordance with expert assessment.

18. In addition, the new Framework criteria provide that prisoners with the reduced risk of escape, due to their old age and/or significant impaired health, can also be transferred to semi-open or open conditions/regime.

19. The application of the new Framework criteria directly improved the housing and living conditions for certain categories of prisoners who were sent to semi-open or open conditions (low to medium risk, elderly persons, persons with significantly impaired health), and indirectly the housing and living conditions in closed penal institutions and closed departments of penal institutions, by reducing their overcrowding.

In relation to the recommendation contained in paragraph 85 of the report

20. It is of great importance to the Ministry of Justice, Administration and Digital Transformation that the tasks performed by authorized officials in the prison system are in accordance with international and domestic standards, that they are carried out in a professional and legal manner, respecting fundamental human rights and the rights of persons deprived of their liberty and in accordance with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

21. The Ministry of Justice, Administration and Digital Transformation, on the basis of the new Act on the Enforcement of Prison Sentences ("Official Gazette", No. 14/21 and 155/23), also adopted a new Ordinance on Professional Supervision in the Prison System ("Official Gazette", No. 137/ 21) in which the implementation of professional supervision in the prison system is prescribed in a better way, and professional supervision includes supervision of the legality and regularity of the work of penitentiaries, prisons and centres, their civil servants and employees, and the treatment of persons deprived of their liberty. Previously, the Internal Control Service was established as an independent organizational unit within the Directorate for the Prison System and Probation of the Ministry of Justice, Administration and Digital Transformation, which in the meantime has been further

strengthened by filling vacant positions, thus ensuring all prerequisites for professional and independent action.

22. All officers of the judicial police are aware that when using means of coercion, the means that least endanger the health and life of individuals, which successfully overcome resistance, and are proportionate to the threat, are chosen. This normative principle is incorporated into the basic course for trainees as well as all additional training for officers. Also, all officers of the judicial police are familiar with the disciplinary and possible criminal consequences of exceeding their authority in their actions.

23. The director of the penal institution must submit a written report with an assessment of the legality of the use of coercive measures to the Head Office for the Prison System and the competent enforcement judge, i.e. the court conducting the criminal proceedings, within 48 hours at the latest. The aforementioned method of reporting enables fully independent judicial control of the use of coercive means. After the use of coercive measures, a medical examination of the person deprived of liberty is mandatory, which is repeated after 12 hours. Therefore, in this way, the origin of injuries caused to a person deprived of liberty is assessed. The provisions of the Law on Medicine oblige the doctor to submit a report to the police or the state attorney's office when, during the performance of medical activities, he suspects that a person's physical injury was caused by a punishable offense.

24. In addition to all of the above, the Head Office for the Prison System, acting on the recommendation of the SPT, will send a clear and unequivocal message during the upcoming working meetings with the heads of the Security Department of Penal Institutions about how this Ministry continues to maintain the practice of zero tolerance for physical abuse, excessive use of force and disproportionate use of coercive means by the judicial police and other officials of the prison system. Executive officers are obliged to communicate this message further during the performance of regular work and official tasks in the penal institution, with each officer being clearly aware of the sanctions that follow in case of contrary behaviour.

25. In the part of the recommendations relating to persons with mental disorders, we note that persons who have been declared uncountable in criminal proceedings, based on Article 53 of the Act on the Protection of Persons with Mental Disorders ("Official Gazette", number 76/14), are referred to a psychiatric institution for the purpose of implementing the court decision on forced accommodation. The aforementioned institutions do not fall under the jurisdiction of the Ministry of Justice, Administration and Digital Transformation, but rather the Ministry responsible for health affairs.

26. In the prison system, pre-trial detention is carried out, which is imposed on the basis of Article 551 of the Criminal Procedure Act ("Official Gazette", Nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, 130/20, 80/22 and 36/24) when pre-trial detention is ordered if there is a probability that the defendant who is in the time of committing the illegal act was uncountable, could have committed a more serious crime due to serious mental disorders. The aforementioned persons deprived of liberty are placed in the Prison Hospital in Zagreb.

27. We emphasize that all officers of the judicial police of the Prison Hospital in Zagreb have undergone basic and additional training, which includes national and international regulations on the treatment of prisoners, and which clearly include provisions on the inadmissibility and illegality of physical abuse, excessive use of force and unjustified recourse to coercion and security measures for the purpose of punishment. The same message is regularly conveyed by the managing officers of the Security Department during their daily rounds, as well as at regular meetings with judicial police officers. Through regular visits, the director and other management officers of the Prison Hospital in Zagreb talk to the prisoners, who can always complain about the actions of the officers that are not in accordance with the regulations. Prisoners can also complain to the court and other competent institutions in writing, with letters whose content is not checked or censored. All potential complaints of prisoners are acted upon and their basis is determined.

28. All complaints about possible abuse of prisoners by the judicial police are always thoroughly investigated, with priority given to the department's management officers, and

the results are reported to the management of the Prison Hospital in Zagreb, the Head Office for the Prison System and other competent authorities.

29. The equipment of corridors and common areas with surveillance cameras (with a total of 32 cameras) gives an additional possibility of checking the correctness of work and legality in the actions of judicial police officers.

30. Please note that the officers of the Prison Hospital in Zagreb, in addition to all the above-mentioned trainings, also participate in additional ones related to the specificity of work with psychiatric patients. Thus, in 2023, officials were involved in training: An approach to assessing cognitive impairment; Alzheimer's disease; timely recognition and treatment of depression in the elderly. Also, three bachelor's degrees in nursing and the head of the Department of Treatment completed a one-year education in Reality Therapy, with the aim of strengthening the capacity to implement group and individual modalities of work with psychiatric; or forensic patients.

31. In addition to above training, we note that the Training Centre continuously conducts a series of trainings for prison staff that emphasize the prohibition of torture and ill-treatment, such as:

(a) Training "Improving the prison security duties" is training for all judicial police in almost all penitentiaries, prisons and correctional institutions. The goal of this training is the continuous improvement of daily work in order to become better acquainted with the legal regulations that regulate the scope and manner of operations as well as the rules of conduct of judicial police officers in their daily work;

(b) Training "Communication with prisoners who are engaged in work activities" is intended for prison staff who work directly with prisoners engaged in work;

(c) Training "Application of ethical principles in the daily work of prison staff" – the goal is to promote official ethics, morals, integrity, creation and strengthening of teams, mutual relations and appropriate communication;

(d) Training "Incidents while working with young offenders" – basic and advanced level – the goals of this training are rising awareness and recognition of own patterns at work, strategies for dealing with stress, defining roles, functions and expectations at work, recognition and adoption of strategies in conflict and incident situations specific to work with young people, suicide prevention, care for oneself and others;

(e) Training "Communication skills of the judicial police in working with young people" – basic and advanced level – the goals are rising awareness of the role of judicial police in the process of resocialization of young people in the prison system, familiarization with the characteristics of adolescence and the characteristics of young people in penal institutions, awareness and recognition of their own communication patterns and the importance of developing communication skills and cooperation in the team.

32. Furthermore, within the framework of the Training Centre, the issue of human resources and the preservation of the well-being and quality of work of officials who are in daily direct contact with persons deprived of their liberty, is one of the most important issues for the functioning of the probation and prison system. Therefore, during the years 2021–2023, research was conducted on the topic Impacts of rewards on motivation in the work of employees. The research tried to find out how to encourage and motivate employees with rewards. Since motivated workers, satisfied in their workplaces, influence a positive psychosocial climate, this directly builds a positive relationship with prisoners and convicts and fosters a better relationship at work. The collected data is a valuable tool for managing employee motivation, increasing job satisfaction, realizing the full potential of employees and preserving professional integrity.

33. Also, the Training Centre supports the regular holding of a large number of supervision meetings for prison and probation staff. Nowadays, supervision represents one of the forms of support in working with experts and has the purpose of improving professional competences, and is also important as one of the forms of support in

preserving mental health. Such care for officers is one of the ways in which the system can influence the building of better relations between staff and prisoners/convicts.

In relation to the recommendation contained in paragraph 89 of the report

34. All officials of the penal institutions are aware of the duty to respect all prescribed rights of persons deprived of their liberty, as well as the consequences of non-respect of said rights.

35. All persons deprived of liberty upon admission to the penal institution are provided with parts of the relevant legal regulations and the House Rules of the penal institutions. The job description of the Department of Administrative Affairs includes, among other things, the provision of legal assistance.

36. Prisoners have the right to complain to the president of the court about the procedure and decision of the employee of the prison in which he is serving pretrial detention, and the right to file a request for judicial protection against procedures or decisions that illegally restrict or limit his right. They also have the right to submit an unlimited complaint to the Ombudsman.

37. Remand prisoners have the right to complain to the president of the court about the procedure and decision of the employee of the prison in which he is serving pretrial detention, and the right to submit a request for judicial protection against procedures or decisions that illegally restrict or limit his right. They also have the right to submit an unlimited complaint to the Ombudsman.

38. In addition to the large number of training programs for judicial police and prison officers listed under points 45 and 85 conducted by the Training Centre, it is worth highlighting the excellent cooperation that the Centre has been achieving with all four Ombudsman's offices in the Republic of Croatia for many years during the implementation of the basic course. It was assessed that through the lectures of the Ombudsman's office the level of overall competencies for the work of judicial police officers in penal institutions is significantly raised. The mentioned cooperation with all 4 Ombudsmen's offices was also expanded through online lectures, which were held for prison system and probation officers by representatives of the offices, as follows: Office of the Ombudsman for Gender Equality: "Gender equality and the authority and jurisdiction of the Ombudsman for Gender Equality", People's Office Ombudsperson: "Elimination of Discrimination", Office of the Ombudsperson for Persons with Disabilities: "Specificities and Ways of Communication with People with Different Types of Disabilities", Office of the Ombudsperson for Children: "Needs and Rights of Children Whose Parents Are in Prison".

In relation to the recommendation contained in paragraph 93 of the report

39. All penal institutions plan and have secured funds for ongoing and investment maintenance, and the emphasis is on regular maintenance, so that disinfection, disinsection and pest control are regularly carried out in penal institutions. Sheets, pillowcases and covers are replaced with clean ones every fifteen days, towels every eight days, and more often if necessary.

40. The air temperature in the room where prisoners stay during the heating season must not be lower than 22 °C during the day and 15 °C at night.

41. Three meals a day are provided, the quantity and quality of which meet hygienic and nutritional standards, and are appropriate for age, health, and religious and cultural requirements, with a caloric value of at least 3,000 kcal. Daily meals for prisoners are planned and prepared in accordance with public health guidelines and nutrition standards. There are several special menus in penal institutions (vegetarian, religious, and for prisoners with medically established indications, the diet is determined and carried out according to the recommendations of the competent doctor). Prisoners who are engaged in

work receive a supplementary meal. During treatment in the Prison Hospital in Zagreb, food is provided in accordance with the Decision on the standard of food for patients in hospitals issued by the minister responsible for health.

42. Prisoners are provided with freedom of movement in the open air in the designated area for at least two hours a day or more. Most penal institutions have exercise equipment outdoors, and some penal institutions have them in closed common areas as well. Activities in free time are offered according to the possibilities of a certain penal institution, in common areas and in areas outside the accommodation room (sports field, sports hall, day room, library, etc.). Activities are organized to meet physical, spiritual and cultural needs in art, technical, musical, literary, IT, sports and similar workshops.

43. Pursuant to the Act on Limiting the Use of Tobacco Products (Official Gazette, No. 45/17 and 114/18), smoking is permitted in penitentiaries and prisons in special rooms designated for smokers. These rooms must be marked with a special sign that smoking is allowed in them. In the closed conditions of prisons and penitentiaries where prisoners do not have the possibility of going to a common room for smokers, persons deprived of their liberty are accommodated in smoking and non-smoking rooms. In open and semi-open conditions, inmates are not allowed to smoke in the rooms, but there are special rooms for smokers (day rooms for smokers, etc.).

44. In particular, we emphasize that in order to improve the material conditions in the prison system, adaptation of the existing penitentiaries/prisons of the prison system was started, and energy renovation works were successfully completed on a total of seven (7) buildings in the Penitentiary in Požega and the Penitentiary in Lipovica-Popovača. They were implemented according to the Operational Agreement for the National Resilience and Recovery Plan 2021–2026, specifically investment C2.5. R1-I5, with the aim of reducing energy consumption for heating and cooling, as well as primary energy, by at least 50% compared to consumption before the renovation and contributing to the reduction of CO2 emissions. Specifically, the facilities of the closed and semi-open department for persons deprived of liberty, the facility of the ambulance and the facility of the administrative part of the Penitentiary in Požega, the facility for accommodation of persons deprived of liberty, the facility for the day care of persons deprived of liberty and the facility of the administrative part of the Penitentiary in Lipovica-Popovača, for which a total of around EUR 3.5 million was allocated. In addition to energy renovation, interior decoration (adaptation) works were carried out in the facility of the closed ward for women deprived of liberty in the Penitentiary in Požega.

45. It is planned to carry out further energy renovations and reconstructions of other penitentiaries/prisons of the prison system, primarily the Prison in Split and the Prison in Zagreb, within the framework of which works aimed at improving material conditions would be carried out. Also, comprehensive renovations of the penitentiary/prison kitchens, where food is prepared for persons deprived of their liberty, are planned.

46. If the mentioned measures and projects demonstrate the continuous commitment of the Republic of Croatia in improving conditions in the prison system, improving material conditions and ensuring safety for persons deprived of their liberty. The aforementioned activities are aligned with international standards on human rights, and contribute to a more humane and efficient prison system despite the challenges caused by migration pressures and the increased number of persons deprived of liberty in the prison system.

In relation to the recommendation contained in paragraph 104 of the report

47. In relation to the provision of health care to prisoners within the prison system, in accordance with the Act on Enforcement of Prison Sentences (Chapter XVI.), we point out that prisoners are provided with treatment and health care measures and activities of the quality and scope determined in the public health system for insured persons from compulsory health insurance. A prisoner who does not have health insurance is provided with health insurance at the expense of the Ministry of Justice, Administration and Digital Transformation while serving a prison sentence, while a prisoner who for any reason cannot

have health insurance in the territory of the Republic of Croatia is provided with medical treatment at the expense of the penitentiary or prison where he is staying, which exceeds the scope of health insurance of the insured person from the mandatory health insurance.

48. In the event that adequate health care cannot be provided to the prisoner in the penitentiary or prison where he is staying (serving a prison sentence/remand prison), at the suggestion of the doctor, the prisoner is taken to another penitentiary or prison where the prisoner can be provided with adequate health care, i.e. to the Prison hospital in Zagreb, and if it is not possible to provide the prisoner with adequate health care within the prison system, (which is decided by the doctor) he is taken to the nearest appropriate public health facility and is further treated in accordance with the doctor's recommendations.

49. Furthermore, the mandatory health examination of prisoners in the prison system is carried out upon admission to serving a prison sentence, upon release from serving a prison sentence. Also, a doctor must examine a prisoner who is sick or injured, or who, based on his appearance or behaviour, can be assumed to be physically or mentally ill, and take all necessary measures in accordance with the rules of the health profession. At the suggestion and recommendation of the doctor, the Individual prison sentence program is adjusted to the prisoner's health condition. In emergency cases, when the prisoner's life is directly threatened or the prisoner's health condition is severely impaired, and it is not possible to provide him with adequate health care in the penitentiary or prison without delay, the Emergency Medical Service is called. In other cases, the prisoner applies for medical examinations on his own in writing, which he puts into the box in the ward for prisoners where he is housed, or he reports the same orally to the official of the penitentiary/prison where he is staying. At the same time, the prison system allows the prisoner to request a specialist medical examination on his own, if such a specialist examination has not been ordered by the doctor of the penitentiary, that is, the prison or the Prison Hospital in Zagreb. Approval for a specialist examination is given by the director and determines the place of the examination (depending on security reasons).

50. Also, it is important to point out that in the period from 2022, the salary of civil servants in the health professions was increased twice, and by introducing salary promotions through salary classes, an effort is being made to create a motivating work environment in order to influence the employment of young people and the attraction of professional staff. For the sake of example, we point out an example of incentives for work in the prison system, the head of the Prisoner's Health Care Department in the Split Prison was sent to specialist training in occupational medicine and sports for the needs and at the expense of the Ministry.

51. The attempts to prevent suicidal behaviour in the prison system of the Republic of Croatia include measures of increased caution and professional assistance in order to identify suicidal persons deprived of liberty and situations that increase the risk of suicide, by implementing special procedures for the prevention of suicide and by adopting operational plans on all activities aimed at preventing suicide for each person identified as potentially suicidal. Although the number of attempted and committed suicides in Croatian penal institutions is relatively low and constant, the Directorate for the Prison System and Probation is of the opinion that suicide prevention is one of the basic activities of the prison system, which, among other things, should protect the life and body of every person deprived of their liberty. Therefore, during the implementation of the project "Improving the quality of justice through strengthening the capacity of the prison and probation system and the system for supporting victims and witnesses", co-financed by the European Social Fund, the need to create an Action Plan for the prevention of suicide and self-harm in the prison system was determined, based on the Resolution of the European Parliament of October 5, 2017 on prison systems and conditions in prisons (2015/2062(INI) – point 27). In collaboration of experts from the Faculty of Education and Rehabilitation, the officials of the Head Office for the Prison System and experts in penal institutions, the first draft of the Action Plan for the prevention of suicide and self-harm was prepared. The final draft of the Action Plan will be submitted to penal institutions by the end of 2024, and on the basis of this document, it is planned that each prison and penitentiary will create its own protocol of action, which will improve the development of individual suicide and self-harm prevention plans.

In relation to the recommendation contained in paragraph 106 of the report

52. Referral to solitary confinement for up to 14 days during free time or throughout the day and night is one of the disciplinary measures that are imposed for committed disciplinary offences. The disciplinary measure in question is carried out in accordance with Article 155 of the Act on Enforcement of the Prison Sentence (“Official Gazette”, No. 14/21 and 155/23), while the possibility of imposing it is regulated by Article 154 of the cited Act with the emphasis that it can be imposed on a prisoner only for committing a serious disciplinary offence.

53. Furthermore, separation from other prisoners is one of the special measures for maintaining order and security, provided for in Article 143 of the Act on Enforcement of Prison. It is applied to a prisoner who endangers order and security or threatens to endanger order and safety, as well as the disciplinary measure of solitary confinement, it is carried out under the supervision of medical staff, with the fact that it can also be applied to remand prisoners. The prejudicial measure, by decision, is determined by the director of the penal institution (or a person authorized by the director). In accordance with Article 143, paragraph 9 of the Act on Enforcement of Prison Sentences, on the proposal of the director, with the prior opinion of the doctor, the enforcement judge decides on the measure of solitary confinement within 15 days from the date of receipt of the proposal. The prisoner and director have the right to appeal against the decision made within three days of receiving the decision. The appeal is decided by the court panel in the manner prescribed by Article 53, Paragraph 2 of this Act.

54. The measures in question are imposed, and implemented, on the persons who have been deprived of their freedom, excluded as a last resort in a series of available tools for maintaining order and security and/or disciplinary measures for serious disciplinary offenses committed, of course, to the extent necessary and with appropriate legal mechanisms for the protection of persons according to which they were pronounced and/or ordered.

55. We draw attention to the fact that compared to 2022, the total number of ordered special measures to maintain order and security in 2023 is 408 less than the total number of ordered measures in 2022.

In relation to the recommendation contained in paragraph 110 of the report

56. Please see answer under points 45 and 85.

In relation to the recommendation contained in paragraph 112 of the report

57. All actions regulated by the Law, by-laws and strategic documents apply equally to women prisoners, while respecting their specificities and vulnerabilities. Prison officers and other prison staff in the Penitentiary in Požega were additionally trained to work with female offenders, and in dealing with them, the UN Rules for the Treatment of Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) are applied. The planned and realized adaptations and reconstructions of the accommodation facilities in the Požega Penitentiary, in which the facility for the accommodation of female prisoners was completely renovated and adapted, shows that special attention is paid to the improvement of the conditions of serving the sentence for women. After the adaptation is completed, in cooperation with civil society organizations, it is planned to refine and humanize the space again with fine art, i.e. painting the walls.

58. Given that the Penitentiary in Požega is still the only penitentiary where women prisoners serve prison sentences longer than 6 months (with the planned construction of new penal institutions mentioned in the introduction, enabling enforcement of prison

sentences for women is also planned in Ličko-senjska County). For some women prisoners, despite additional efforts of the prison system, it is not possible to facilitate contact with family members to a significant extent, so video-visits are also regularly made possible, which helps female prisoners whose family members are located in more distant areas to preserve as high-quality family contacts as possible in order to strengthen family ties and reduce the harmful consequences of separation (especially from minor children) as well as better preparation for life in freedom.

59. In order to equalize opportunities for male and female prisoners, and considering that female prisoners do not have the possibility of being transferred to a semi-open or open penitentiary, the Ordinance on the Treatment of Prisoners prescribes that the benefits of more frequent contact with the outside world in the semi-open ward of the penitentiary where female prisoners are serving their prison terms are granted under the same conditions and in the same type and scope as in a semi-open penitentiary, and the benefits of more frequent contact with the outside world in the open ward of the penitentiary where female prisoners serve their prison sentences are granted under the same conditions and in the same type and scope as in an open penitentiary.

60. In the Penitentiary in Požega and the Correctional Institution in Požega, where prison sentences, sentence of juvenile imprisonment, and the educational measure of being sent to an correctional institution are carried out for women prisoners, minors and younger adults, various activities are carried out aimed at empowering women and girls to live independently in freedom. Psychosocial and social-pedagogical interventions are carried out through individual and group work, such as special treatment programs, educational and developmental programs, psychoeducation, motivational interviewing, psychotherapy counselling and cognitive-behavioural interventions. General treatment interventions are also available, which include counselling and guidance of the women prisoners and minors in relation to the organization of daily life and functioning in the penitentiary, i.e. correctional institution, and general treatment programs, which cover the areas of work and work-occupational activities, education and creative, cultural, artistic, sports-recreational and other leisure activities. Regular religious rites, Catholic, Islamic, Orthodox faiths are facilitated, along with additional rites on the occasion of holidays, film screenings of films by Croatian authors, animated film workshops are held, events and European campaigns (Night of Books, Children's Rights) are organized, where workshops and lectures are organized, and additional minutes of phone calls and visits are enabled. Books are collected from donations for the purpose of enriching the library fund with new content, post-penal acceptance workshops for female prisoners are conducted in cooperation with the Croatian Employment Service.

61. Part of the activities aimed at empowering women and girls for the labor market, in order to contribute to their economic independence, are carried out in cooperation with civil society organizations (for example, preparation workshops for the labor market). To the greatest extent, women deprived of their liberty are assigned to work in the Penitentiary, in accordance with their health capabilities, expressed readiness for and consent to work, the possibilities of the penitentiary and available workplaces, and they are allowed to do sports during their daily stay in the fresh air.

In relation to the recommendation contained in paragraph 114 of the report

62. The Law on the Enforcement of the Prison Sentences strictly prohibits any form of discrimination and specifically stipulates that the enforcement of prison sentences must not put prisoners in a disadvantageous position with regard to race or ethnicity or skin color, gender, language, religion, political or other belief, national or social origin, property status, education, social position, marital or family status, age, health status, disability, genetic inheritance, gender identity, expression or sexual orientation. All officials have the obligation not only to act in accordance with these provisions, but also to undertake activities and measures to protect persons deprived of their liberty who, due to one of the aforementioned characteristics, could experience discrimination by other persons deprived of their liberty or third parties.

63. In addition to the previously mentioned trainings under points 45, 85 and 89, in cooperation with the Office of the Ombudsman, the Training Center implemented the training program “Elimination of Discrimination” held by the Deputy Ombudsman and a consultant from the Office of the Ombudsman. The topics of the lectures were: application of the Law on Elimination of Discrimination, with examples focused on the basics of age, ethnicity, religion and health conditions. For probation officers, additional emphasis was placed on combating stereotypes and prejudices against ex-prisoners, along with examples of discrimination based on social status.

64. Furthermore, accordingly to the recommendations of the Ombudsperson for Gender Equality, a training course entitled “Rights and specifics of working with transgender, transgender and gender non-normative persons” was conducted in the organization of the Training Centre. The goal of this program was to sensitize all officials and familiarize them with the legal framework, treatment and the specifics of working with transgender and gender non-normative people. Training was performed by external lecturers; adviser to the Ombudsperson for Gender Equality, representatives from the Trans Aid Association for the Promotion and Protection of the Rights of Trans, Inter and Gender Variant Persons and a clinical psychologist from the Psychiatry Clinic, an expert in the field of working with gender variant, transgender and transsexual persons and with persons of different sexual orientations.

65. According to the Annual Report on the work of the Training Centre for the year 2023, 29 different types of trainings were conducted in 2023 in different durations – from half a day to 4 months, and with different number of repetitions – from 1 to 15 times. A total of 1,393 officers were trained, which means that more than half of the total number of officers of the Directorate for the Prison System and Probation were trained.

In relation to the recommendation contained in paragraph 116 of the report

66. The Directorate for the Prison System and Probation of the Ministry of Justice, Administration and Digital Transformation recognized the need to improve communication with prisoners, which is one of the key factors for safe and legal behaviour in penal institutions. It helps in the provision of medical services and treatment to prisoners and ultimately contributes to the implementation of the main purpose of serving the prison sentence.

67. Artificial intelligence (AI) in translation tools has significantly improved the quality of text and speech translation in recent years to the point that the use of such tools has become an acceptable aid in everyday communication.

68. Through the Project “Effective human resources” of the European Social Fund for the improvement of the quality of justice through the continuation of the modernization of the judicial system in the Republic of Croatia, translation devices were acquired. 25 tablets with associated software for speech translation (speech to speech – Google Translate) and protection against misuse (Soti Mobicontrol) were purchased. After that, due to the great need to facilitate communication between officials and prisoners, an additional purchase of a translation device, Vasco Translator, was also made.

69. Additionally, we would like to note that through the Training Centre, officers of the penal institutions undergo training under the name “Using modern technologies in communication with persons deprived of their liberty who are foreigners”.

70. Upon admission to the prison/penitentiary, the prisoner of a foreign citizen is informed of the right to contact the consular or diplomatic representative of the country of which he is a citizen or the country that protects his rights in accordance with international law. Consular representatives regularly communicate with their national prisoners through visits, telephones and/or letters. All persons deprived of liberty upon admission to the penal institution are provided with parts of the relevant legal regulations and the House Rules of the penal institutions. The job description of the Department of Administrative Affairs includes, among other things, the provision of legal assistance.

71. The prison system of the Republic of Croatia, within its jurisdiction, participates in the proceedings according to the provisions of the Council's Framework Decision EU 2008/909/JHA, and thus informs foreign national prisoners of the possibility of serving the prison sentence in question in the state of their citizenship in which they have residence and/or stay. Prisoners, foreign nationals are informed about the mentioned possibility by the officials of the penitentiary/prison, where the person is serving a prison sentence, in oral form – during the interview and in written form – they are handed “Handbooks for prisoners” which, in addition to containing various information about the way of life while serving prison sentences, also contain information on the possibility of serving a prison sentence in the country of their citizenship and how to initiate the procedure. Prisoners and foreign nationals are provided with (professional and legal) assistance and support to the greatest extent possible, including with regard to transfer procedures according to Council's Framework Decision EU 2008/909/JHA.

In relation to the recommendation contained in paragraph 118 of the report

72. Due to the recommendation of the Ombudsman, in 2018, the Head Office for the Prison System issued instructions for the actions of penal institutions for the purpose of protecting persons deprived of their liberty with mental health problems or difficulties in intellectual functioning. The aforementioned instruction was supplemented in detail in 2023 and contains the procedure for assessing the risk of increased exposure to violence, abuse and manipulation by other prisoners, the procedure for adopting an individual plan for the protection of persons deprived of their liberty from violence, abuse and manipulation, and the mandatory elements that such a plan must contain, including procedures, measures and activities that will be implemented with the aim of preventing inter-prisoner violence, abuse and manipulation.

73. Furthermore, the Law on Enforcement of the Prison Sentence provides for the possibility for the enforcement judge to initiate proceedings in accordance with the provisions of the law prescribing the protection of persons with mental disorders, if the prisoner becomes mentally ill or shows serious mental disorders while serving the prison sentence. If treatment is completed before the end of the sentence, the enforcement judge takes actions to enforce the prison sentence. In accordance with the aforementioned provisions, three prisoners were placed in external psychiatric institutions for treatment in the past two years. The time spent in treatment is included in the prison sentence.

In relation to the recommendation contained in paragraph 120 of the report

74. When referring and transferring prisoners, care is taken to the greatest extent possible to ensure that elderly prisoners are housed in penal institutions where housing conditions are adapted for this population and where a greater presence of doctors and medical staff is ensured. Furthermore, the above-mentioned Framework criteria allow that prisoners who, due to their old age and/or significant impaired health, reduced risk of escape. In accordance with the above, elderly prisoners are most often sent to the Penitentiary in Lipovača-Popovača, where, in addition to adequate accommodation and medical supervision, they are also provided with additional activities appropriate to their health condition.

III. Ministry of the Interior

75. Regarding point 47 of the Report, please note that a criminal investigation is conducted wherever abuse or other inhuman or degrading treatment by the Police against detainees is suspected. In all of these cases, the State Attorney's Office is informed, irrespective of whether the allegations on ill-treatment have been confirmed or not.

76. Moreover, each use of force against a person, arrested person or detainee is examined by police managers, who evaluate the legality of the use of force against the person.

77. All cases involving the use of force which resulted in bodily harm to the person against whom the force has been used, mandate a comprehensive criminal investigation conducted by a professional team of police officers of various lines of work and from different organizational units, who most frequently do not know one another, in order to ensure institutional impartiality in criminal investigations when suspects are police officers.

78. Furthermore, please note that a detainee's allegations of excessive use of force, in the context of criminal investigation, cannot be considered credible until supported by further evidence. Namely, the same rules of criminal investigation apply, whether the victim is a detainee or not, and they imply, among other things, the application of the principle of scepticism and the principle of verification.

79. In view of the above, we consider the abovementioned recommendation superfluous, and therefore do not plan to take action to comply with the recommendation referred to in point 47 of the Report.

80. Regarding points 52 and 58 of the Report, please note that the right of arrested and detained persons to see a doctor is exercised in all cases involving the use of police powers, and is absolutely mandatory in each individual case of the use of coercive measures during arrest, regardless of whether the arrested/detained person requests it or not. Regarding all detained persons in police custody, medical examinations are conducted in separate rooms and in the absence of police officers and custody supervisors, with usual precautions to prevent assaults on medical staff or escape of the detainee. When medical examination is requested or necessary to be conducted outside the detention unit (at hospitals and other health institutions), the provision of medical services is ensured while implementing appropriate procedure (with the approval of the State Attorney, and on rare occasions with the approval of the investigative judge).

81. All persons deprived of liberty are provided, if necessary, with Emergency Medical Service (EMS) assistance, and if, during the examination, the EMS personnel determines that appropriate medical care is needed, such care is provided at a competent medical facility. The presence of police officers during the examination depends on the request of the doctor and the person deprived of liberty. In accordance with Art. 110(1) of the Criminal Procedure Act (OG 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, 130/20, 80/22 and 36/24), the custody supervisor may order a medical examination of the arrested person, if necessary.

82. Furthermore, Art. 20 and Art. 21 of the Rules on admission and treatment of arrested and detained persons and the Records of detainees in the police detention unit (OG 88/09, 78/14, 123/16, 50/19 and 111/20), ensure that detainees have their health care needs met in accordance with the general health care regulations. Achievement of health care is usually carried out by EMS teams, which, after examination, will determine any potential need to provide health care to the detainee at a specific health facility.

83. Provisions of the Rules on admission and treatment of arrested and detained persons and the Records of detainees in the police detention unit, also ensure that detainees continue under medical supervision the medical therapy which they had started before the measure for detention had been taken. In addition, detainees may, with the approval of the competent State Attorney or investigative judge, obtain at their own expense, other medicines which may be administered under the supervision and instructions of a doctor.

84. Furthermore, the detainee and their counsel may request additional medical examinations from the competent State Attorney's Office. Surgical and other medical interventions for the detainee may only be carried out with their prior consent, or their parent or guardian, if the detainee is a minor. Exceptionally, in urgent cases when the detainee's life is in danger, surgical and other medical interventions may be carried out without their prior consent, if the person is in such a state that the person cannot make the decision on their own, or if it is not possible to obtain the consent of the parent or guardian due to urgency.

85. In urgent cases, the detainee is referred to the appropriate medical facility by the custody supervisor, who immediately informs the competent State Attorney's Office and the organizational unit that carried out the arrest. The detainee, subject to the approval of the competent State Attorney or the investigative judge, may be visited and examined by a doctor of their choice.

86. Special medical care is provided to detained pregnant women. Moreover, if there is suspicion that the detainee suffers from an acute or infectious disease requiring treatment or isolation, general regulations apply.

87. Data on the treatment related to the provision of health care are entered by the detention supervisor into the detainee's personal file. The manner of exercising these rights and the implementation of measures are organized and supervised by the detention supervisor.

88. Regarding points 54 and 59 of the Report, please note that all special rooms accommodating persons deprived of liberty have video surveillance installed, where imaging in restrooms is either blurred, or the camera does not record the restroom itself to protect privacy of the person deprived of liberty. Cameras also cover the areas in front of these special rooms. In accordance with Art. 53 of the Rules on admission and treatment of arrested and detained persons and the Records of detainees in the police detention unit, video surveillance footage is kept for 15 days from the date they were made, unless the footage contains facts that can be used as evidence in further proceedings, in which case they are kept until the proceedings are completed.

89. Regarding points 60 and 61 of the Report, please note that during the admission and stay of the person deprived of liberty under the supervision of the detention supervisor, all medical treatment of the detainee are recorded in both their personal file and the Records of arrested and detained persons in the Ministry of the Interior Information System (MoI IS), while taking care of protecting the confidentiality of medical information (description of injuries, possible medications they are using).

90. Regarding point 62 of the Report, please note that from the moment of arrest of the person deprived of liberty, as well as during their admission and stay under the supervision of the detention supervisor, all medical treatment related to them are entered in the Report on the police treatment of the arrested person from their arrest through bringing them in to the detention supervisor to their release, as well as in their personal file and the MoI IS Records of arrested and detained persons, while taking care of protecting the confidentiality of medical information (description of injuries, possible medications they are using, etc.).

91. Regarding point 63 of the Report, please note during the arrest of a person, and the admission and stay of the person deprived of liberty under the supervision of the detention supervisor, all medical treatment of the person deprived of liberty is entered in the Report on the police treatment of the arrested person from their arrest through their bringing them in to the detention supervisor to their release, in their personal file and in the Records of arrested and detained persons in the MoI IS, while taking care of protecting the confidentiality of medical information (description of injuries, possible medications they are using, etc.). On the other hand, regarding marking of medical conditions and injuries by tick boxes only, we believe that this is a standard form of the EMS, which is within the competence of the Ministry of Health.

92. Regarding point 64 of the Report, please note the Ministry of the Interior invests material resources on a yearly basis to ensure that special rooms for the accommodation of persons deprived of liberty meet the prescribed standards referred to in the Rules on admission and treatment of arrested and detained persons and the Records of detainees in the police detention unit. In none of the special rooms is the person accommodated there subject to torture or degrading treatment.

93. Regarding point 65 of the Report and its sub-points a) and c) we would like to reiterate that the Ministry of the Interior invests material resources on a yearly basis to ensure that special rooms for the accommodation of persons deprived of liberty meet the prescribed standards referred to in the Rules on admission and treatment of arrested and

detained persons and the Records of detainees in the police detention unit. In none of the special rooms is the person accommodated there subject to torture or degrading treatment.

94. Regarding sub-point b) please note that all special rooms for the accommodation of persons deprived of liberty are under video surveillance, with surveillance monitors installed in the operations room, so that police officers can monitor the behaviour of the person deprived of liberty and come to help in case of need. In addition, a bell is installed in all special rooms, with an audio or light signal being activated in the operations room of the organizational unit where the special room is located, in order to alert police officers to help the person deprived of liberty.

95. Regarding point 66 of the Report, please note that provision of food to arrested and detained persons is implemented in accordance with Art. 10a (from the arrest through bringing them in to the detention supervisor), and Art. 25 (during the stay of the person in the police detention unit) of the Rules on admission and treatment of arrested and detained persons and the Records of detainees in the police detention unit. The data on the food provided to the arrested person are entered into the Report on the police treatment of the arrested person from their arrest through bringing them in to the detention supervisor to their release, into their personal file, and the Records of arrested and detained persons in the MoI IS, listing the day and time of offered and consummated meals. In addition, competent managers in Police Districts and police stations are obliged to ensure on a daily basis that the right of arrested persons to food is exercised.

96. All persons accommodated in the police premises are offered a meal that they can accept or refuse (which is recorded in appropriate forms, as well as in the Records of arrested and detained persons in the MoI IS). They are provided with a packed lunch if a meal is not possible to provide in any other way at that particular moment.

97. Regarding point 67 of the Report and its sub-point a) please note that all persons accommodated all day in special rooms are provided with three meals, one of which is a full, warm meal. If the person refuses the meal, this is recorded, and the detainees themselves certify it with their signature on an appropriate form (it is recorded in appropriate forms from the Records of arrested and detained persons in the MoI IS). Regarding sub-point b) please note that all police officers are familiar with the obligation to provide food to persons deprived of liberty. In addition, operations rooms in police stations and operational communications centres in Police Districts avail of operational food funds, or a packed lunch is ensured. Moreover, all persons deprived of liberty are offered a meal in police premises, which they can accept or refuse, and in either case certify with their signature in an appropriate form (which is recorded in appropriate forms, as well as in the Records of arrested and detained persons in the MoI IS).

98. Regarding point 68 of the Report, please note that the competent services treating, transporting and accommodating persons deprived of liberty will make user requests specifying with which safety equipment the police vans are currently fitted (including seatbelts, headrests, and the seats installed). Then, in cooperation with the competent professional traffic and police equipment departments, involving also the competent financial departments, after they determine the justifiability of investing in the currently operational and functional police vans, they will draw up an appropriate plan to remove the identified deficiencies. The plan will then be implemented in the next four-year financial period starting in 2025, with indicated priorities, both by type of work needed to install the safety equipment, and by organizational units in Police Districts and police stations. The plan will also indicate the dynamics of the procurement of new police vans with all the necessary safety equipment for the transportation of persons deprived of liberty.

99. Regarding point 69 of the Report and its sub-point a) please note that all special police vans for transportation of persons deprived of liberty are fitted with air-condition and ventilation systems, with a window by the cabin of the vehicle, and an artificial light, so that they could be protected from public view, while taking into account the fact that persons transported therein are not in the vehicle for a long period of time.

100. Regarding sub-point b), we would like to reiterate that the competent organizational units will make user requests specifying with which safety equipment the police vans are currently fitted (including seatbelts, headrests, and the seats installed). Then, in cooperation

with the competent professional traffic and police equipment departments, involving also the competent financial departments, after they determine the justifiability of investing in the currently operational and functional police vans, they will draw up an appropriate plan to remove the identified deficiencies. The plan will then be implemented in the next four-year financial period starting in 2025, with indicated priorities, both by type of work needed to install the safety equipment, and by organizational units in Police Districts and police stations. The plan will also indicate the dynamics of the procurement of new police vans with all the necessary safety equipment for the transportation of persons deprived of liberty.

101. Furthermore, regarding sub-point c) please note that during the transportation, persons deprived of liberty are not chained to the vehicle floor unless there is danger to their life, or lives of police officers escorting them, or in order to prevent detainees harming themselves or the police officers, with special attention to avoid any injuries.

102. Regarding point 125 of the Report, please note that Art. 212 of the Aliens Act (OG 133/20, 114/22 and 151/22) provides that, for the purpose of restricting freedom of movement in order to ensure forced removal and return, a third-country national may be accommodated in a reception centre for foreign nationals, if the forced removal and return cannot be ensured by milder measures. The accommodation in reception centres may only last the shortest period of time required for forced removal, and while the forced removal activities are still being carried out with due diligence.

103. As far as detention of migrant minors is concerned, Art 221 of the Aliens Act (the Article has been fully aligned with the Returns Directive (2008/115)), provides that an unaccompanied minor third-country national will, as a rule, be accommodated in facilities of the ministry responsible for social welfare. An unaccompanied minor third-country national and minor third-country national accompanied by their family members, may only be accommodated in reception centres if forced removal cannot be ensured by any other means, and only for the shortest time necessary. They will be accommodated in a reception centre separate from other third-country nationals. Family members in the centre will be provided with separate accommodation that ensures adequate privacy. Strict police supervision cannot be imposed on a minor. Minors in the reception centre are provided with opportunities to engage in leisure activities, including age-appropriate play and recreation.

104. Regarding point 126 of the Report, please note that Art. 5 of the Rules on stay in reception centres for foreign nationals and the method of calculating forced removal costs (OG 145/21, 155/22 and 137/23) provides that, upon arrival at the reception centre, the foreign national will be informed of the right to contact their country's diplomatic mission or consular post, as well as on all other rights, obligations and prohibitions, in a language that they are reasonably supposed to understand.

105. The Rules have been translated into English and French, and are displayed on the notice board and other places in the reception centre to make it accessible to foreign nationals. Please note that upon arrival at the reception centre, foreign nationals are provided with a notice informing them of the Rules on stay in reception centres, which has been translated into Turkish, Arabic and Ukrainian, and is posted on notice boards of the reception centre for foreign nationals.

106. Finally, regarding point 127 of the Report, please note that during medical examination of a migrant, no police officers are present, unless explicitly requested by medical staff for their own safety. The police officer is present near the room where the examination is conducted, and will not be present during the examination unless their presence has been requested. Many years of operating the reception centre saw individual cases of foreign nationals being aggressive in requesting medications that the doctor refused to prescribe, resulting in verbal assaults on medical staff. These facts should also be taken into account when obtaining an objective picture of the whole situation.

IV. Ministry of Labour, Pension System, Family and Social Policy

107. The Sub-Committee recommends ensuring that the handling of complaints in social care homes is carried out promptly, confidentially, impartially and effectively by bodies empowered to investigate and initiate appropriate safeguards and corrective actions, subject to independent review. The Subcommittee further recommends that the State party ensure that those making such complaints are not subject to any form of retaliation or sanctions, including physical, disciplinary or administrative sanctions. Records of all complaints received and related decisions must be kept.

108. The aforementioned recommendations of the Subcommittee are already contained in the Ordinance on quality standards of social services, which prescribes the quality standards of social services and guidelines for their introduction. The quality standards of social services include seventeen quality standards that apply to social services.

109. Among others, the Complaints and appeals standard is covered. The stated standard stipulates that users of services, families and other interested people can complain about decisions made by competent authorities or individual employees and demand and receive a solution to complaints about the provision of services, without fear of consequences and with full confidence that all their complaints will be answered.

110. Furthermore, the service provider has the responsibility to create a complaint and appeals procedure. The procedure must be clear and transparent, including a reasonable time limit for resolving objections and appeals. The service provider should ensure that all service users are well informed about the procedures and procedures for objections and appeals, and the staff must be familiar with the procedures and procedures, as well as the rights of users.

111. The Ministry intends to additionally acquaint all social care homes with the obligations from the Ordinance on quality standards of social services and SPT recommendations, request their statement on their implementation and highlight the importance of monitoring and analysing objections and appeals so that systemic problems can be identified and eliminated in a timely manner.

V. Ministry of Defence

112. Although during the visit the Subcommittee on Prevention of Torture (SPT) did not visit the premises for the detention of the Military Police, we consider it expedient to propose the implementation of certain recommendations of the SPT, primarily in the part concerning the standards and conditions of the premises in which persons deprived of their liberty are held, in accordance with the fact that persons deprived of their liberty are considered persons who have been determined to have any detention, imprisonment or placement in a place under public supervision and which cannot leave that place at will (Article 4 of the Law on the National Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Official Gazette 18/11, 33/15).

113. In the part of the Report that refers to the work of the police, (V. "Situation of persons deprived of liberty", A. "Police") in point 59 it is stated that the SPT recommends that CCTY monitoring be systematically used in places of deprivation of liberty, notably in rooms where individuals are detained, questioned and/or interviewed.

114. Also, in the part of the Report, which refers to "Conditions of detention", in point 65, the SPT recommends that in all police stations, all detention cells are equipped with windows that let in natural light, running water, and bedding and that they are equipped with infrastructure or otherwise designed in a way that allows detainees to easily initiate communication with, or draw the attention of police officers and ensure that all institutions with dilapidated infrastructure undergo renovations, including by retrofitting any cells that fail to meet the above requirements to meet international standards.

115. Furthermore, in point 71 of the Report, the SPT states that encourages the State party to ensure that the educational programs for police officers include international standards relating to the prevention and prohibition of torture and ill treatment and that all professionals involved in the documentation and investigation of torture and ill-treatment receive adequate training on the Istanbul Protocol.

116. In accordance with the aforementioned recommendation, we believe that it is necessary to include in the Plan and program of education, training, and evaluation of the Course for authorized officers of the Military Police of the Armed Forces of the Republic of Croatia a part that refers to the required international standards, Human Rights and the Istanbul Protocol.

117. In accordance with the other recommendations of the SPT, we consider it expedient to point out the need to adopt standards for accommodation facilities for persons deprived of liberty (detained persons) located within military locations, which would be in accordance with the recommendations of the SPT and the international standards referred to by the SPT, and arrangement of premises in accordance with the required standards.

118. There is also a need to regulate the actions of the organizational units of the Military Police of the Ministry of Defence and the Armed Forces regarding complaints of the detained person, as well as the regulation of the investigation of the merits of submitted complaints by an oversight body that is genuinely independent and adequately resourced to carry out effective investigations of these recommendations listed in points 38 and 47 of the Report.

VI. Office of the Ombudsperson

In relation to the recommendations contained in paragraphs 19, 20 and 24 of the report

119. In accordance with the Constitution of the Republic of Croatia, the Ombudsperson is a commissioner of the Croatian Parliament responsible for the promotion and protection of human rights and freedoms enshrined in the Constitution, laws and international legal instruments on human rights and freedoms ratified by the Republic of Croatia. The constitutional position of the institution of the Ombudsperson, and the fact that the Ombudsperson is accredited as an independent National Human Rights Institution with the highest possible A status according to the so-called Paris Principles, are a guarantee of the high criteria regarding independence in its activities. The independence of the institution is a necessary precondition for the establishment and functioning of the NPM (Article 17 and Article 18, paragraph 1 of the OPCAT), with which the institution of the Ombudsperson fully complies. The SPT recommends allocating sufficient funds to the NPM and we are of the opinion that compliance with this recommendation should be ensured by the State. Namely, in order for the NPM's tasks envisaged by the OPCAT to be carried out efficiently, it is necessary to ensure the conditions for recruiting additional advisors to the Ombudsperson, a minimum of three persons, and to increase other funds dedicated for the work of the NPM, primarily for visits, hiring of external experts, costs of training, as well as for activities directed towards increasing the visibility of the NPM. Although the SPT recommends that a separate budgetary line within the Ombudsperson's budget should be set up, covering all the NPM's costs including compensation for employees working on the NPM's tasks, taking all circumstances into account, we consider it acceptable to reply that this is not viable due to the manner in which the State budget functions. A separate budgetary line already exists, providing for all funds required for the NPM's activities, except for employee expenditures.

In relation to the recommendations contained in paragraphs 25 and 26 of the report

120. The Ombudsperson submits regular annual reports to the Croatian Parliament, by the end of the first trimester for the previous calendar year at the latest. These annual reports include information about the work of the NPM. Based on that information, a special report is drawn up, translated into English and submitted to the SPT, which then publishes it on its website. In order to strengthen the visibility of the NPM, in accordance with the SPT's recommendation, we intend to propose that a discussion be held about the work of the NPM at the Croatian Parliament's Committee for Human and National Minority Rights, including presentations on the work of the NPM and discussions on the contents of the report and the recommendations.
