



– Croatia and the European Social Charter –

Ratifications

Croatia ratified the European Social Charter as well as the Additional Protocol to the Charter on 26/02/2003. It has accepted 40 of the Charter's 72 paragraphs, and 3 of the 4 articles of the Additional Protocol.

Croatia ratified the Amending Protocol to the Charter and the Additional Protocol providing for a system of collective complaints on 26/02/2003. It has not made a declaration enabling national NGOs to submit collective complaints.

Croatia signed the Revised European Social Charter on 6 November 2009, but has not yet ratified it.

Table of Accepted Provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	3.1	3.2	3.3
4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	6.4	7.1	7.2
7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	8.2	8.3	8.4
9	10.1	10.2	10.3	10.4	11.1	11.2	11.3	12.1	12.2	12.3	12.4
13.1	13.2	13.3	13.4	14.1	14.2	15.1	15.2	16	17	18.1	18.2
18.3	18.4	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	19.10
AP1	AP2	AP3	AP4	AP= Additional Protocol				Grey = Accepted provisions			

The Charter in domestic law

Automatic incorporation based on Article 134 of the Constitution " *International agreements concluded and ratified in accordance with the Constitution and made public shall be part of domestic legislation of the Republic of Croatia and shall prevail over national laws. Their provisions may be changed or repealed only under the conditions and in the way specified therein, or in compliance with the general rules of international law*".

Reports*

Between 2006 and 2010 Croatia submitted 5 reports on the application of the Charter.

The [4th report](#) submitted on 22 January 2010 concerns the provisions accepted by Croatia relating to Thematic Group 3 "Labour Rights (Articles 2, 5, 6 of the Charter and Articles 2 and 3 of the 1988 Additional Protocol to the Charter). Conclusions in respect of these provisions were published in December 2010.

The [5th report](#), submitted on 20 December 2010, concerns the provisions accepted by Croatia relating to Thematic Group 4 "Children, families and migrants", ie

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19).

Conclusions in respect of these provisions will be published in December 2011.

* Following a decision taken by the Committee of Ministers in 2006, the provisions of both the 1961 Charter and the Revised Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Situation of Croatia with respect to the application of the Revised Charter

Examples of progress achieved in the application of social rights under the Social Charter ¹

Non-Discrimination (sex)

- ▶ Government decision to withdraw a biology textbook, which had been found to contain discriminatory statements, from the national curriculum relating to sexual and reproductive health education. *Interights v. Croatia, collective complaint no. 45/2007, Article 11§2 ESC (Right to protection of health), see also Committee of Ministers Resolution Res(2009)7.*
- ▶ New labour legislation which repeals the prohibition on women performing night work with certain exceptions relating to maternity entered into force on 1 January 2010. *Governmental Committee Report concerning Conclusions XIX-1 (2008), Article 1 of the Additional Protocol (Right to equal opportunities and treatment in employment and occupation without sex discrimination).*

Social Protection

- ▶ The Act on Amendments to the Social Welfare Act (Official Gazette, no. 79/07) provides that in addition to social welfare rights, beneficiaries are also entitled to other forms of assistance free of charge, including counselling and help to overcome special difficulties.

Cases of non-conformity

Thematic Group 1 "Employment, training and equal opportunities"

- ▶ *Article 1§1– Right to work - Policy of full employment*
The Government's efforts to secure full employment are still inadequate.
([Conclusions XIX-1](#))
- ▶ *Article 1 of the Additional Protocol to the Charter – Right to equal opportunities and treatment in employment and occupation without sex discrimination*
Night-work and access to dangerous occupations is prohibited to women in general.
([Conclusions XIX-1](#))

Thematic Group 2 "Health, social security and social protection"

- ▶ *Article 13§1 – Right to social and medical assistance - Adequate assistance for every person in need*
 - The level of social assistance is manifestly inadequate.
 - Foreign nationals in Croatia are subject to an excessive length of residence requirement to be eligible for social assistance.([Conclusions XIX-2](#))
- ▶ *Article 13§2 – Right to social and medical assistance - Non-discrimination in the exercise of social and political rights*
It has not been established that persons receiving social and medical assistance do not suffer from a diminution of their political or social rights.
([Conclusions XIX-2](#))
- ▶ *Article 13§4 – Right to social and medical assistance - Specific emergency assistance for non-residents*
It has not been established that all legally and unlawfully present foreigners in need are entitled to emergency medical and social assistance.
([Conclusions XIX-2](#))

¹ « 1. The [European Committee of Social Rights] ... rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).

Thematic Group 3 "Labour rights"

► *Articles 2§1 – Right to just conditions of work - Reasonable working time*

Regulations permit daily working time of 14 hours over long periods in various seasonal occupations.
([Conclusions XIX-3 \(2010\)](#))

► *Articles 2§2 – Right to just conditions of work - Public holidays with pay*

It has not been established that the right to public holidays with pay is guaranteed.
([Conclusions XIX-3 \(2010\)](#))

► *Article 6§1 – Right to bargain collectively – Joint consultation*

It has not been established that joint consultation covers all matters of mutual interest.
([Conclusions XIX-3 \(2010\)](#))

► *Article 6§2 – Right to bargain collectively – Negotiation procedures*

It has not been established that civil servants are entitled to participate in the processes that result in the determination of the regulations applicable to them.
([Conclusions XIX-3 \(2010\)](#))

► *Article 6§3 – Right to bargain collectively – Conciliation and arbitration*

It has not been established that arbitration procedures exist in the public sector.
([Conclusions XIX-3 \(2010\)](#))

► *Article 6§4 – Right to bargain collectively – Collective action*

The right to call a strike is reserved only to trade unions the formation of which may take up to thirty days which is excessive.
([Conclusions XIX-3 \(2010\)](#))

► *Article 2 of the 1988 Additional Protocol – Right of workers to be informed and consulted*

It has not been established that legal provisions governing the information and consultation of workers cover all categories of workers and all undertakings.
([Conclusions XIX-3 \(2010\)](#))

Thematic Group 4 "Children, families, migrants"

► *Article 7§5 – Right of children and young persons to protection - Fair pay*

Apprentices do not enjoy a right to appropriate allowances.
([Conclusions XVIII-1](#))

► *Article 7§6 - Right of children and young persons to protection - Inclusion of time spent on vocational training in the normal working time*

Time spent by young workers in vocational training is not considered as working time.
([Conclusions XVIII-1](#))

► *Article 16 – Right of the family to social, legal and economic protection*

Equal treatment of nationals of other States party in the payment of family benefits is not ensured because of excessive residence requirement
([Conclusions XVIII-1](#))

The European Committee of Social Rights has been unable to assess compliance with the following provisions and has invited the Croatian Government to provide more information in the next report:

Thematic Group 1 "Employment, training and equal opportunities"

(Report to be submitted before 31 October 2011)

► Article 1§3 – Conclusions XIX-1

► Article 1§4 – Conclusions XIX-1

► Article 9 – Conclusions XIX-1

Thematic Group 2 “Health, social security and social protection”

(Report to be submitted before 31 October 2012)

- ▶ Article 11§2 – Conclusions XIX-2

Thematic Group 3 “Labour rights”

(Report to be submitted on 31 October 2013)

- ▶ Article 2§5 – Conclusions XIX-3
- ▶ Article 3 of the 1988 Additional Protocol – Conclusions XIX-3

Thematic Group 4 “Children, families, migrants”

(Report to be submitted before 31 October 2010, Conclusions will be published by the end of 2011)

- ▶ Article 7§1 6 – Conclusions XVIII-1
- ▶ Article 7§2 – Conclusions XVIII-1
- ▶ Article 7§3 – Conclusions XVIII-1
- ▶ Article 7§4 – Conclusions XVIII-1
- ▶ Article 7§10 – Conclusions XVIII-1
- ▶ Article 17 – Conclusions XVIII-1

Collective Complaints and State of Procedure in Croatia²

Collective complaints (proceedings completed)

1. Complaints inadmissible or where the Committee has found no violation

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2. Complaints where the Committee has found a violation which has been remedied

International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Croatia (No. 45/2007)
Violation of Article 11§2 (right to health), decision on the merits 30 March 2009

3. Complaints where the Committee has found a violation which has not yet been remedied

Centre on Housing Rights and Evictions (COHRE) v. Croatia (No. 52/2008)
Violation of Article 16 (the right of the family to social, legal and economic protection) read in the light of the non discrimination clause of the Preamble, decision on the merits 22 June 2010

² The caselaw of the Committee relative to collective complaints may be consulted on the European Social Charter website on the [Collective Complaint webpage](#). Searches on complaints may also be carried out in the [European Committee of Social Rights Caselaw database](#).