



REPUBLIC OF CROATIA  
**Ombudsman**

*United Nations High Commissioner for Human Rights*

*For the attention of Lynn Gentile*

Zagreb, 28<sup>th</sup> of February 2018.

Information on the right to health and to the effective implementation and achievement of the health related Sustainable Development Goals in Croatia

- contribution to the report

Following the request by the Office of the United Nations High Commissioner for Human Rights to present information on the right to health and to the effective implementation and achievement of the health related Sustainable Development Goals, the Ombudswoman of the Republic of Croatia hereby submits a formal contribution to the report of the Office of the United Nations High Commissioner for Human Rights on the right to health and the Sustainable Development Goals (hereinafter: SDG).

Facing the challenges of modern time in all its shapes, Croatian healthcare system deals with many problems trying to assure access to healthcare and quality healthcare for all the citizens regardless of age, social status or geographical area and at the same time to secure financial and organizational stability of the healthcare system.

The Special Rapporteur on the Right to Health Mr. Dainius Pūras, in his visit to Croatia at the end of 2016, noted that there is a need for further advancement in ensuring access to health care for vulnerable groups including migrants, children and children on the move as well as Roma and older persons. Furthermore, unequal access to health care was faced in particular by population in rural areas, smaller towns and islands with poor connections to the land. Here it is important to note that Croatia has 47 permanently inhabited islands. According to available data the ratio of population whose health needs are not met due to distance of health institutions is seven times higher for Croatia in comparison with the EU. He additionally, noted that more actions are need in connection to Sustainable Development Goal 3.7 on universal access to sexual and reproductive health-care services, universal health coverage (Sustainable Development Goal 3.8) and to mental health (Sustainable Development Goal 3.4).

According to the targets of the goal 3 of the SDG's, one part of financial investments in healthcare system in Republic of Croatia are directed in equipping Primary Healthcare Centres with medical and non-medical equipment, in improving emergency health care services by establishment of emergency medical sea transport by specialized boats with necessary equipment and by arranging port berths (given that Croatia has many islands where access to health care is problematic), by establishment of Conjoint emergency medical wards

in hospitals where there are none. The result of these investments should be reducing hospital referral rates from primary health care providers in isolated and deprived areas by at least 15% due to more diagnostic and therapeutic procedures provided at the primary health care level which should also contribute to shorter hospital waiting lists and cost-efficiency of the health care system.

However, some of the abovementioned measures are still not implemented due to the administrative obstacles where consequently the needs of patients regarding timely health care and morbidity are not fulfilled.

Issues such as long waiting lists for medical procedures and limited access to good quality medical treatments indicate that health care is not universally accessible. Timely access to medical services remains the challenge and our recommendation on adoption of the Regulation on the Medically Acceptable Time Period for Receiving Medical Services, has still not been implemented by the Ministry of Health.

Quotas, which are still prescribed for some health procedures, do not follow real needs so they undermine the principle of timely access to health care. Those suffering from rare diseases, of which there are about 400 in the Republic of Croatia, are an especially vulnerable group, which, despite their small number, often come up against problems in organizing treatment and in access to therapy.

Newer and more effective generations of drugs are inaccessible to patients in a large number of cases. The manner and standard of treatment of malignant diseases for example depends on the financial capacities of each hospital, which, apart from threatening the fundamental principles of health care, directly leads to above average mortality from malignant diseases. According to the figures from the Skin Disorder Clinic of the Sisters of Mercy Clinical Hospital Centre, the number of diagnosed cases of melanoma in the Republic of Croatia is at the level of the European average, mortality rate is 50% higher.

Conscientious objection is another issue. The Ombudswoman was contacted both by the citizens whose access to health care was limited or obstructed due to physicians invoking their right to conscientious objection as well as by physicians claiming that some of their colleagues were abusing this right only to avoid performing certain medical procedures. We have had a case where the complainant refused to give consent for a blood transfusion if there were any complications during a surgical procedure as this is against their religion and surgeons, or even the whole parts of hospitals, invoked their own conscience. In spite of the obligation of doctors to inform a patient promptly about this and to send them to another doctor, they don't do very often. Ombudswoman for Gender Equality in her Report for 2016 also notes that she has received claims regarding conscientious objections in the context of reproductive rights.

According to the National Program on Palliative Care Development in the Republic of Croatia 2017-2020, issued in October 2017, the estimation of the needs for one of the forms of palliative care constitutes between 50% and 89% of all dying patients, which would be 26,000 to 46,000 in the Republic of Croatia annually. Although the need for palliative care persists and grows with time, progress in organisation of the palliative care system does not develop with the planned dynamics so that, despite the recorded increase in the number of malignant diseases, no adequate palliative capacity is provided, neither at the primary

healthcare level nor at the level of the hospital treatment. So far, Public Health Service Network provides 352 hospital beds for palliative patients, 47 palliative coordinators and 47 mobile teams within healthcare centers on the primary healthcare level. Principles and standards applied in the organization of the palliative care system are not tailored to the actual care requirements and needs of palliative patients and their families, taking into account their dignity, comfort and support in the most difficult moments.

The Croatian Health Care Act stipulates equal right to healthcare services and full accessibility for all the citizens. From the abovementioned challenges in Croatian healthcare system, it is obvious that our country is still not on that point of progress where every person enjoys the highest quality and accessibility to healthcare services as an enjoyment of a human right to a good health and well-being.

With all that said and aware of the healthcare problems faced by the population, Ombudswoman of Croatia gives recommendations, opinions, suggestions and warnings to state bodies, bodies of local and regional self-government units and legal persons vested with public authority accountable for providing equal right to health and to healthcare services for every person, examines the complaints of the existence of unlawful practices and irregularities with respect to the work of the abovementioned bodies, examines individual reports and taking actions falling within her competences required for elimination of discrimination and protection of the rights of discriminated persons, files criminal charges related to discrimination cases to the competent state attorney's office, gives recommendations to the competent government bodies and institutions aimed at improving the right of persons deprived of their liberty to healthcare and their living conditions, monitors the state of human rights and points out to the need for their protection, monitoring the alignment of laws and other regulations with provisions of the Constitution of the Republic of Croatia and also participates in rising awareness among public of importance of knowing about the right to health in all of its forms because human right to health must not only be stated on the paper, but also needs to be a tangible part of every human life.

OMBUDSWOMAN OF CROATIA

Lora Vidović

