

Response of the Croatian Authorities regarding the right to an adequate standard of living, and on the right to non-discrimination in this context

Housing care is within the competence of local and regional self-government units, and that persons with disabilities have the advantage when it comes to housing care, in accordance with the regulations in their jurisdiction.

The Ministry for Demography, Family, Youth and Social Policy is in charge of coordinating the implementation of the National Strategy for Equalization of Opportunities for Persons with Disabilities 2017-2020 covering 16 different areas of action (Family; Community life; Education and training; Health care; Social care; Housing, mobility and accessibility; Professional rehabilitation, employment and retirement insurance; Legal protection and protection against abuse; Information, communication and raising awareness; Participation in cultural life; Participation in political and public life; Research and development; Recreation, leisure and sport; Risks and humanitarian crisis situations; Associations of persons with disabilities in civil society and International cooperation), and 15 ministries, 6 government offices and 21 counties participate in the implementation of measures.

The Ministry of Justice is responsible for the implementation of measures, from the above Strategy, ensuring accessibility to buildings of the judicial system and organization of targeted education and training of judicial officials, police and judicial officers on the rights provided for in the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child.

The Ministry of Croatian Defenders and local and regional self-government units are responsible for implementing a measure to ensure the accessibility of housing facilities to persons with disabilities. The Ministry of Construction and Physical Planning is responsible for overseeing the implementation of regulations for the accessibility of buildings to persons with disabilities and reduced mobility in the construction of new and reconstruction of existing buildings.

Related to the more effective resolution of systematic issues the National Strategy also includes the measure that should be implemented by all state administration bodies and refers to the continuous inclusion of representatives of persons with disabilities into working bodies and commissions when drafting regulations, strategies and other national documents.

Furthermore, in line with the measure of the mentioned Strategy, continuous development of the network of non-institutional services for children and people with disabilities focused on their full inclusion in community life and ensuring the availability of services at regional level is ongoing, and working on the development of services of organized housing for persons with the most severe type and degree of physical impairment.

The Social Welfare Act (Official Gazette 157/13, 152/14, 99/15, 52/16, 16/17 and 130/17) stipulates conditions for the provision of non-institutional services as well as accommodation services, which can also be realized by children and persons with disabilities.

The Housing Care Act on Supported Areas is currently underway where victims of domestic violence, among other user groups, will be entitled to housing.

The Obligatory Relations Act („Official Gazette “35/05, 41/08, 125/11, 78/15 and 29/18, hereafter: ORA) as a rule of mandatory law regulates the Lease Contract. Nevertheless, the provisions of ORA are being applied only if a special regulation does not provide otherwise. Thus, the rent of apartments is primarily governed by the Law on Lease of Apartments, and indirectly by ORA. One of the fundamental principles of ORA is the principle of protection of rights (Article 15), according to which a person who considers that his or her right(s) has been violated is entitled to protect and enforce it through a court if the decision of law is not entrusted to another competent authority.

Whoever acquires or protects alone any of his/her rights or the rights he considers to be his or her natural legal right(s), and thus exceeding the limits of self-defense or other legally permissible self-help, is responsible for it. Pursuant to the above principle, the contracting parties of any of the contractual relationship, including the Contracting Parties of the lease agreement, may protect and enforce their rights through the court.

By lease agreement, the lessor is obliged to hand over a certain item to the lessee for use, and this commits lessee to pay a certain lease. The lessor is obliged to hand over and maintain the item in a condition suitable for the contractual use. If the item is delivered in a condition that is not suitable for use or in a condition that would significantly limit its use, the lessee may terminate the contract or demand a rental reduction.

ORA, as a rule, does not contain any special provisions relating to the lessee with disabilities. As well, ORA does not contain provisions which would oblige the lessor to provide the lessee with another suitable accommodation, in case of termination of the lease.

Law on Right to Free Legal Aid (Official Gazette 143/13) entered into force on 1 January 2013 and established a system of legal aid aimed at ensuring effective legal protection and access to court and other public bodies to socially and economically endangered citizens. The law distinguishes between two types of legal aid, which are primary and secondary legal aid. Primary legal aid includes legal counseling, advocacy and compiling submission before public authorities. This type of legal aid is provided by civil society associations, legal clinics, and state administration offices in counties. Primary legal aid is provided by direct contact with primary legal aid providers and can be accomplished in every legal matter. Through one-year project, the Ministry of Justice finances civil society organizations, and some of them provide, in their programs, the provision of primary legal aid to vulnerable social groups such as returnees, refugees and internally displaced persons.

Secondary legal assistance refers to the realization of legal protection in civil and administrative court proceedings, and to the exemption from the costs of court proceedings and the exemption from court fees. Secondary legal assistance is provided by lawyer in proceedings where certain existential rights of the person are realized, including real rights proceedings. It is also possible to obtain legal aid and other procedures when such a need arises from the applicant's specific circumstances.

It should be noted that when determining the applicant's property status, a part of the real estate in which the applicant lives, and which is necessary to meet the basic needs of the applicant and the household member(s) is not considered, if the mentioned property is the applicant's ownership. Likewise, persons who are beneficiaries of the social welfare system, the secondary legal aid is granted without determining the financial status.

According to the information system of free legal aid, 8,186 requests for approval of secondary legal aid were filed in 2017, out of which 5,255 requests were granted. Of the total number of applications approved, regarding procedures relating to property rights, secondary legal aid was granted in 402 cases (7.65%), while in other court proceedings, relating to the exceptional granting of secondary legal aid, when such a need was caused by the applicant's specific situation, secondary legal aid was granted in 508 cases (9.67%).