

People under international and temporary protection who are in the Republic of Croatia legally have certain rights, such as the right to accommodation, social welfare, work, health-care, etc., and have available to them certain legally regulated instruments to protect those rights.

THE RIGHT TO ACCOMMODATION

People under international protection have the right to accommodation if they don't have money or possessions they could use to support themselves. They have this right for a maximum of two years from the day on which they receive the decision on granting them international protection.

In order to exercise your right to accommodation, you must submit a request to the appropriate social welfare centre (depending on your place of residence)¹.

¹ According to the Social Welfare Act, after 31 December 2022, social welfare centres will close and their work will be taken over by the Croatian Social Welfare Institute on 1 January 2023.

The social welfare centre will decide on your request through an official decision. After the two years, depending on your specific situation and according to the Social Welfare Act, you may have the right to have your housing costs reimbursed if you are receiving guaranteed minimum benefit.

People under temporary protection have the right to accommodation if they don't have any means of their own to secure it with.

HOW CAN I PROTECT MY RIGHT TO ACCOMMODATION?

If you are not satisfied with the centre's decision, you can submit an appeal to the Ministry of Labour, Pension System, Family and Social Policy within 15 days after receiving the decision. The Ministry will then decide on the appeal and you can take legal action against the decision, at the relevant administrative court, within 8 days after receiving the decision.

THE RIGHT TO SOCIAL WELFARE

People under international protection, as well as foreign citizens under temporary protection and their family members, who are in the Republic of Croatia legally can access rights in the social welfare system under the same conditions

as all Croatian citizens who reside in Croatia.

WHICH RIGHTS ARE THOSE?

One is the right to financial benefits: the guaranteed minimum benefit, one-time allowance, housing allowance, personal disability allowance or aid and care allowance. Another is the right to social services; consultation and receiving information on your rights in the social welfare system.

To exercise your rights, you have to contact the appropriate social welfare centre directly.

HOW CAN I PROTECT MY RIGHTS IN THE SOCIAL WELFARE SYSTEM?

If you are not satisfied with how a social welfare employee is handling your case, you can submit a complaint to the director of the social welfare centre.

The director has to address the complaint and inform you in writing of what they have determined and the measures taken no later than 15 days after you have submitted your complaint.

If you are still not satisfied, you have the right to submit a complaint to the Ministry of Labour, Pension System, Family and Social Policy within 15 days after receiving the notice.

The Ministry must inform you of what has been determined and the measures taken within 30 days after receiving the complaint. If you are not satisfied with the decision of the Ministry, you can submit a

complaint to the Committee. The complaint must be readily understandable and contain the following:

- the first name, last name and the address of the person submitting the complaint
- the place, time and description of the social services received and the actions or the failures to act that have violated your rights
- the signature of the person submitting the complaint.

THE RIGHT TO WORK

People under international protection as well as foreign citizens under temporary protection can work in the Republic of Croatia without a residence permit, work permit or work registration certificate.

By starting employment, you, as a worker, and your employer both take on certain obligations and receive certain rights.

THE RIGHTS OF THE WORKERS ARE:

- the right to sign a written employment contract (usually for an indefinite period, and only in certain cases for a defined period), after which the employer registers the worker for mandatory pension and health insurance and provides the conditions for safe work
- the right to receive pay for the work performed and increased

pay for difficult working conditions, work on Sundays or holidays as well as overtime or night work

- the right to rest (a daily break of 30 minutes, daily rest period of at least 12 hours, or 10 hours in the case of seasonal workers, weekly rest period of at least 24 hours and a yearly paid leave of at least four weeks)

- the right to maternity, parental or adoption leave, half-time work, reduced work hours because of additional care for a child with serious developmental disabilities, pregnancy or breastfeeding leave as well as the right to return to their job or another suitable position after the end of the said leave periods

- the right to a notice period in the case of a regular resignation for personal reasons or a cancellation of the employment contract with the offer of a new one that the worker declines, as well as the right to severance pay if the employment is ended after two years of working for an employer
- the prevention of discrimination during the employment process and during work.

THE OBLIGATIONS OF THE WORKER ARE:

- to perform work according to the employment contract and employer's instructions (arrive on time, not take breaks longer than 30 minutes, not leave work early)
- inform the employer on time in

case of a temporary inability to work (sick leave)

- compensate the employer for any damage caused deliberately or because of serious negligence.

HOW CAN I PROTECT MY EMPLOYEE RIGHTS?

Before looking to protect your rights, it is important to determine which right has been violated, because that determines the legal process for requesting to exercise that right.

1.

If one of your employee rights has been violated by your employer (for example, your employment contract was unlawfully cancelled, you were not given your daily or weekly rest period, etc.), it is important to **first ask the employer** to correct this violation.

How do I do that? Within 15 days of a right violation, request from your employer, in writing, to exercise that right.

The employer has to grant your request within 15 days. If they do not, you can demand **protection of the violated right at the appropriate court**, also within 15 days.

IMPORTANT! You cannot demand protection of the violated rights at the appropriate court without first requesting from your employer to exercise those rights.

2.

If you believe you are a victim of harassment or sexual harassment

at work done by your employer or a co-worker, you can contact the **commissioner for the protection of dignity**, if your place of work has such a commissioner. Also, depending on the type of harassment, you can contact the General Ombudswoman or one of the special ombudswomen, the State Inspectorate, or seek protection at a court.

If you have valid reason to believe your employer will not protect your dignity, you don't have to submit a complaint to the employer and have the right to stop work, but within 8 days after that, you have to seek protection at the appropriate court and inform your employer about it. After stopping work, you have the right to receive pay compensation in the same amount as if you were still working.

IMPORTANT! If a court determines in a final court decision that your dignity was not violated, the employer can demand that you give back the compensation you received.

3.

You can report a violation of your rights or other problems in your employer's organisation to the Labour Inspectorate of the Republic of Croatia (DIRH). The reporting form can be found at <https://dirh.gov.hr/podnosenje-prijava/83>, and a contact address at <https://dirh.gov.hr>. The Labour Inspectorate monitors the so-called 'grey economy work'

(unregistered employment), the payment of wages, following of regulations on work hours and rest periods, the employment and work of minors, the work of temporary employment agencies, intermediaries in employment, etc.

If the Inspectorate determines that your employer has violated one of the rights resulting from employment, a indictment proposal will be brought against them.

4.

For certain violations, criminal charges can also be brought against the employer. These are the violation of the right to work (Article 131 of the Criminal Law Act), not paying a part of the worker's wages or all of it (Article 132 of the Criminal Law Act), with some exceptions, harassment at work (Article 133 of the Criminal Law Act), a violation of social security rights (Article 134 of the Criminal Law Act) and unlawful employment (Article 135 of the Criminal Law Act).

THE PROTECTION OF RIGHTS

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 1

All human beings are born free and equal in dignity and rights.

They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

In the Republic of Croatia, human rights are guaranteed by the Constitution of the Republic of Croatia, by the international agreements the Republic of Croatia has signed and by Croatian laws. In Article 3 of the Constitution of the Republic of Croatia, the protection of human rights is established as the highest value of the constitutional order of Croatia, Article 14 prohibits discrimination and Title III guarantees the protection of human rights and fundamental freedoms.

People whose rights of freedoms have been violated can seek protection of their rights at courts or out of court. You can seek protection out of court by submitting a complaint to any of the ombudsman offices. In Croatia, there is a General Ombudswoman and 3 special ombudswomen: the Ombudswoman for Children, the Ombudswoman for Gender Equality and the Ombudswoman for Persons with Disabilities.

COMPLAINTS TO THE GENERAL OMBUDSWOMAN AND THE SPECIAL OMBUDSWOMEN

WHEN CAN I CONTACT THE GENERAL OMBUDSWOMAN?

You can contact the General Ombudswoman when:

1.

you believe your constitutional and legal rights and freedoms are threatened or violated because of unlawful or incorrect actions by:

- state bodies such as the Ministry of Labour, Pension System, Family and Social Policy or the Ministry of the Interior
- bodies of local or regional government, i.e. of counties, cities or municipalities
- legal persons of public authority such as the Croatian Pension Insurance Institute or the Croatian Health Insurance Fund

2.

you believe you are a victim of discrimination. In the Republic of Croatia, the Anti-discrimination Act prohibits discrimination based on: **race, ethnicity or skin colour, sex, language, age, political or other belief, economic status, education, national or social background, union membership, disability, social status, marital or family status, health status, genetic heritage, religion, gender identity or expression or sexual orientation.**

You can submit a complaint to the General Ombudswoman when you believe that the basis for the discrimination you are facing is race, ethnicity or skin colour, language, religion, political or other belief, national or social background, economic status, union membership, education, social status,

FREE LEGAL AID

ASSOCIATION FOR HELPING AND EDUCATING VICTIMS OF MOBBING

Phone: 01 3907 301

E-mail:

udruga.mobbing@zg.t-com.hr

<https://mobbing.hr/>

LAW CLINIC OF THE UNIVERSITY OF ZAGREB FACULTY OF LAW

Working hours: workdays from

10:00 to 12:00, Wednesdays and

Thursdays from 17:00 to 19:00

Phone:

01 4811 311,

01 4811 320,

01 4811 324 or

01 4811 356.

Address: Palmotičeva ulica 30

10 000 Zagreb

<https://klinika.pravo.hr/>

CROATIAN LAW CENTRE

Phone: 01 4854 934

E-mail: hpc@hpc.hr

<http://www.hpc.hr/>

CENTRE FOR PEACE STUDIES

Coming in person with calling

ahead: Mondays from 10:00 to

12:00 and Thursdays from 17:00

to 19:00

Selska cesta 112c

10 000 Zagreb

Phone: 091 3300 183

E-mail: cms@cms.hr

JESUIT REFUGEE SERVICE

Maksimirska cesta 286

10 000 Zagreb

Working hours: Monday to Friday

from 08:00 to 16:00

Phone: 098 9792 298

MINISTRY OF JUSTICE AND PUBLIC ADMINISTRATION

Find the information related to

exercising your right to free legal

aid at

besplatna.pravna.pomoc@mpu.hr.

THE RIGHTS OF PEOPLE UNDER INTERNATIONAL AND TEMPORARY PROTECTION



MINISTRY OF LABOUR, PENSION SYSTEM, FAMILY AND SOCIAL POLICY
 Ulica grada Vukovara 78
 10 000 Zagreb

MINISTRY OF JUSTICE AND PUBLIC ADMINISTRATION
 Ulica grada Vukovara 49
 10 000 Zagreb

OFFICE OF THE GENERAL OMBUDSWOMAN
 Savska cesta 41/3
 (Zagrepčanka building)
 10 000 Zagreb

OFFICE OF THE OMBUDSWOMAN FOR GENDER EQUALITY
 Preobraženska 4/1
 10 000 Zagreb

OFFICE OF THE OMBUDSWOMAN FOR PERSONS WITH DISABILITIES
 Savska cesta 41/3
 10 000 Zagreb

OFFICE OF THE OMBUDSWOMAN FOR CHILDREN
 Teslina 10
 10 000 Zagreb

STATE INSPECTORATE
 Šubićeva 29
 10 000 Zagreb

STATE ATTORNEY'S OFFICE OF THE REPUBLIC OF CROATIA
 Gajeva 30a
 10 000 Zagreb

LJUDSKAPRAVA.GOV.HR

Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske
 Mesnička 23, 10 000 Zagreb
 Tel: +385 (1) 4569 358
 E-mail: ured@uljppnm.gov.hr

INCLUDE Međuresorna suradnja u osnaživanju državljana trećih zemalja

VLADA REPUBLIKE HRVATSKE
 Ured za ljudska prava i prava nacionalnih manjina

Sufinancirano iz Fonda za azil, migracije i integraciju Europske unije

and international organisations

- legal aid in out-of-court amicable dispute settlement.

Secondary legal aid includes:

- legal advice
- drafting submissions in the procedure of the protection of workers' rights before the employer
- drafting submissions and representation in court proceedings
- legal aid in amicable dispute settlement
- exemption from payment of court costs and court fees.

HOW CAN I REQUEST FREE LEGAL AID?

To receive free primary legal aid, you can directly contact the associations and bodies that provide primary legal aid.

To receive secondary legal aid, you submit a written request to the state administration office in the county corresponding to your place of residence or sojourn, or to the City Office for General Administration of the City of Zagreb, using the appropriate form. If your request for free legal aid is rejected, you can submit a complaint to the Ministry of Justice and Public Administration, and if you are not satisfied with the decision of the Ministry, you can file a claim at the relevant administrative court.

For all the information related to exercising your right to free legal aid, you can send an e-mail to **besplatna.ppravna.pomoc@mpu.hr**.

Bar Association (<https://www.hok-cba.hr/>).

When beginning a court proceeding, you must consider the court costs because the party that loses the proceeding must pay for the opposing party's **court costs**.

FREE LEGAL AID

If you cannot pay for a lawyer yourself, you can submit a request for free legal aid pursuant to the Free Legal Aid Act.

Free legal aid can be primary or secondary.

Primary legal aid is provided by administrative bodies, authorised associations and legal clinics (a list of providers can be found on the website of the Ministry of Justice and Public Administration), while secondary legal aid is provided by lawyers. Some of the associations providing free legal aid are the Association for Helping and Educating Victims of Mobbing, the Law Clinic of the University of Zagreb Faculty of Law, the Croatian Law Centre, the Centre for Peace Studies, the Jesuit Refugee Service and others.

WHAT IS INCLUDED IN PRIMARY AND SECONDARY LEGAL AID?

Primary legal aid includes:

- general legal information and legal advice
- drafting submissions to bodies in the Republic of Croatia and representation in proceedings before them (excluding courts) as well as drafting submissions to the European Court of Human Rights

the State Attorney's Office of the Republic of Croatia (DORH), police precincts, the State Inspectorate of the Republic of Croatia and other authorised prosecutors according to special regulations.

EXAMPLE: if a criminal offence was committed based on race, skin colour, religious denomination, national or ethnic background, disability, sex, sexual orientation or gender identity (hate crime), the criminal proceeding is initiated by DORH. The person who is the victim of the criminal offence may participate in the proceeding as a witness and seek, as the damaged party, compensation for damage resulting from the criminal offence.

EXAMPLE: an employee facing discrimination at work because of their nationality can file a discrimination claim at the municipal court. A party unsatisfied with the first-instance court decision can file an appeal to the county court within the regulated deadline, according to the Instruction of legal remedy stated at the end of the first-instance court decision.

During a court proceeding, you **can generally represent yourself or give power of attorney to another person, most often a lawyer.** The list of all lawyers working in the Republic of Croatia is available on the website of the Croatian

- the description of the problem; how the person's rights have been violated and in relation to what
- copies of legal acts enacted in the process and other documents.

HOW AND WHEN IS THE COMPLAINT SUBMITTED?

The complaint can be submitted by filling out the form available at <https://posi.hr/zagreb/>.

- The complaint can be submitted:
- **in writing by mail to the address Savska cesta 41/3, 10 000 Zagreb**
 - **by phone to the number 01 6102 170**
 - **by fax to the number 01 6177 901**
 - **by e-mail to ured@posi.hr**
 - **or by coming in person, but this requires calling ahead to get an appointment.**

COURT PROTECTION

There are several types of courts in the Republic of Croatia (both regular and specialised) to which you can turn for court protection of rights.

HOW DO I BEGIN A COURT PROCEEDING?

A court proceeding is generally initiated by the person whose rights have been violated, by filing a claim at a court. If the matter is a criminal offence or a petty offence, the proceeding can be initiated by

sexual orientation in any aspect of their life and work can contact the Ombudswoman for Gender Equality.

HOW AND WHEN IS THE COMPLAINT SUBMITTED?

The complaint can be submitted using the discrimination reporting form available at <https://prs.hr/contact/form>.

- **By mail to the address Preobraženska 4/1, 10 000 Zagreb**
- **or by e-mail to ravnopravnost@prs.hr**

WHEN CAN I CONTACT THE OMBUDSWOMAN FOR PERSONS WITH DISABILITIES?

The Ombudswoman for Persons with Disabilities receives the individual complaints made by people with disabilities and those working in their interest and evaluates cases in which there is a complaint about a violation of rights of people with disabilities.

WHAT MUST THE COMPLAINT CONTAIN?

- It must contain the first name, last name and the address of the person as well as the type of disability/injury of the person
- the first name, last name, address and contact information of the person submitting the complaint on behalf of a person with disability or a child with developmental disabilities (as well as their relationship)
- the name of the body the complaint is about

WHAT MUST THE COMPLAINT CONTAIN?

- It must contain the first name, last name and the address of the person
- the first name, last name, age and the address of the child
- the name of the body the complaint is about
- the description of the problem; how the child's rights have been violated
- copies of legal acts enacted in the process and other documents.

A form that can help with writing the complaint can be found at <https://dijete.hr/hr/prituzba-zbog-povrede-prava-djeteta/>.

WHEN CAN I CONTACT THE OMBUDSWOMAN FOR CHILDREN?

You can submit a complaint to the Ombudswoman for Children if the complaint is about the violation of the rights of a specific child or about general occurrences threatening the rights and interests of children.

HOW AND WHEN IS THE COMPLAINT SUBMITTED?

- The complaint can be submitted verbally by phone or in person, as well as in writing:
- **by mail to Teslina 10, 10 000 Zagreb**
 - **by phone from Monday to Thursday from 09:00 to 12:00 to the number 01 4929 669**
 - **by fax to the number +385 1 4921 277**
 - **by e-mail to info@dijete.hr**
 - **to the address for children only: mojglas@dijete.hr**

WHEN CAN I CONTACT THE OMBUDSWOMAN FOR GENDER EQUALITY?

Any person who believes they are discriminated against based on sex, marital and family status or

complaint or court action, has already been used and when it was used

- the signature of the person submitting the complaint or the signed consent of the person on whose behalf you are submitting the complaint (the signed consent does not have to be certified by a public notary).

A form that can help with writing the complaint can be found at <https://www.ombudsman.hr/hr/kako-podnijeti-prituzbu/>.

If you wish to take action anonymously, you must state so in the complaint.

HOW AND WHEN IS THE COMPLAINT SUBMITTED?

Pritužba se može podnijeti u pisanom obliku:

- **The complaint can be submitted in writing by regular mail, by e-mail and in person to Savska cesta 41/3, 10 000 Zagreb and info@ombudsman.hr**
- **In person it can be submitted (with calling ahead to get an appointment) at offices in Zagreb, Rijeka, Osijek and Split.**

WHEN CAN I CONTACT THE OMBUDSWOMAN FOR CHILDREN?

You can submit a complaint to the Ombudswoman for Children if the complaint is about the violation of the rights of a specific child or about general occurrences threatening the rights and interests of children.

age, health status and/or genetic heritage.

You can also submit a complaint to the General Ombudswoman if you want to report irregularities you found out about at work that are regulated by the *Protection of Persons Reporting Irregularities Act* (Article 4).

You can also submit a complaint to the General Ombudswoman on behalf of someone else whose rights have been threatened or violated, but you have to have the consent of that person. The consent for action by the General Ombudswoman doesn't have to be certified by a public notary; a written statement signed by the person is enough.

WHAT MUST A COMPLAINT SUBMITTED TO THE GENERAL OMBUDSWOMAN CONTAIN?

- It must contain the first name and last name of the person submitting the complaint or the person whose rights have been violated
- your address, regardless of whether you are submitting the complaint by regular mail or e-mail
- the circumstances and facts on which the complaint is based (ideally including copies of documents relevant for the complaint)
- the information about the institution/organisation/body that has threatened or violated a right
- the information whether or not a legal instrument, such as a