

Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database
(FRANET)

Country: Croatia

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Part I: National standards

1. Cells

a. Cell space

The execution of the Prison Sentence Act¹ was amended in 2021, so it no longer includes a reference to the requirement of a minimum living space of 4 m² per prisoner in multiple-occupancy cells. This amendment complied with the judgement of the European Court of Human Rights in *Muršić v. Croatia*.² The national standards deriving from the Constitutional Court's practice are aligned both with the requirements spelled out by the CJEU in its Dorobantu ruling and requirements spelled out in para. 34 of the Commission Recommendation. Namely, the national standards follow ECtHR's stance in the *Muršić v. Croatia* case that a floor area of less than 3 m² per prisoner is considered a deficiency of personal space, which results in a firm presumption of violation of Article 3 of the Convention. However, different aspects of conditions in prisons may be relevant to the assessment of compliance with Articles 23 and 25 of the Constitution and Article 3 of the Convention.³ In recent jurisprudence, the Constitutional Court has found violations of Articles 23 and 25 of the Constitution even in cases where prisoners were actually allocated more than 3 m² of living space in the absence of mitigating circumstances.⁴

National standards remain prescribed by subordinate regulations regulating police custody and pre-trial detention. Article 53 of the Regulation on the reception and treatment of detainees and prisoners and on the record-keeping of prisoners in detention police units⁵ provides for the minimum standards that cells in police detention units must comply with if they are designated for the accommodation of persons for longer than 24 hours, namely cells should be at least 5 m².⁶ As prescribed by the Article 13 (6) of the Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention, the rooms in which prisoners are held must be clean, dry and sufficiently spacious, so that at least 4 m² and 10 m³ of space must be available to each prisoner in the cell.⁷

¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

² ECtHR, *Muršić v. Croatia*, no. 7334/13, Judgement of 20 October 2016

³ Croatia, Constitutional Court of the Republic of Croatia (*Ustavni sud Republike Hrvatske*), Decision No. [U-III-2594/2018](#), 30 June 2022

⁴ Croatia, Constitutional Court (*Ustavni sud*), Decision No. [U-III-1192/2018](#), 26 November 2020

⁵ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19

⁶ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19

⁷ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10, Article 13 para 6.

b. Access to natural light and fresh air, cell equipment, furniture, and facilities

In police custody, the accommodation room for detainees and prisoners must have: a resting bed with a clean mattress, blanket, and bedding, adequate lighting, preferably natural, to enable reading in the room, access to a sanitary facility and appropriate washing facilities, unhindered access to drinking water, satisfactory ventilation and heating, an installed technical surveillance system, which the detainee and prisoner must be informed about, a calling system that allows the detainee and prisoner to call a police officer through whom they can contact the detention supervisor, as well as make emergency calls.⁸

For pre-trial detention, the national standards for cell equipment have remained the same since the last report. Accommodation must meet health, hygiene and spatial requirements, correspond to climatic conditions and have sanitary facilities that allow physiological needs to be performed in clean and appropriate conditions whenever prisoners so wish. Each prisoner is provided with a separate bed, bedding and other linen, a locker for personal belongings and furniture that allows sitting and consuming food. Every cell is provided with furniture that allows sitting and consuming food according to the Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention.⁹

The national standards for prisons and penitentiaries have remained the same since the last report. The accommodation of prisoners should correspond to adequate health, hygiene and spatial requirements as well as to climatic conditions. The rooms in which prisoners are held must be clean, dry and sufficiently spacious.¹⁰ Every room in which prisoners spend their time or work must have daylight and artificial light that enables reading and working without vision disturbances.¹¹ Penitentiaries or prisons must have sanitary facilities that enable the performance of physiological needs in clean and appropriate conditions whenever prisoners so wish.¹² Also, drinking water must always be available to every prisoner.¹³ Based on the Prison Sentence Execution Act, the minister responsible for judicial affairs, with the consent of the minister responsible for health affairs, issued the Regulations on Accommodation and Nutrition Standards for Prisoners¹⁴ that prescribe in more detail the standards for the accommodation and nutrition of prisoners. The Regulations state that each prisoner is provided with

⁸ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19

⁹ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10, Article 13 para 4

¹⁰ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 81

¹¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 81

¹² Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 81

¹³ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 81

¹⁴ Croatia, Ministry of Justice and Public Administration, (*Ministarstvo pravosuđa i uprave*), Ordinance on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

a separate bed with bedding and a wardrobe for personal belongings.¹⁵ If there is no physical barrier, beds must be at least 80 cm apart. The bed must be neatly made, and personal belongings must be neatly stored in the wardrobe.¹⁶ The rooms where prisoners are staying must be cleaned and maintained in an orderly manner daily.¹⁷ During the heating season, the air temperature in the room where prisoners are staying must not be lower than 22°C during the day and 15°C at night.¹⁸ The prisoner is provided with access to a toilet and sink either inside or outside of the accommodation room, and to a shower at least twice a week, in accordance with the House Rules of the penal institution.¹⁹

c. Video-surveillance of cells

According to the Article 53 of the Regulation on the reception and treatment of detainees and prisoners and on the record-keeping of prisoners in detention police units, the accommodation room for detainees and prisoners must have a technical surveillance system installed, which the detainee and prisoner must be informed about.²⁰ Records from the technical surveillance system for detainees and prisoners are kept electronically, and are retained for 15 days from the date of creation, unless the records contain facts that can serve as evidence in further proceedings, in which case they are kept until the conclusion of the proceedings. There are no special provisions on video surveillance regarding pre-trial detention. However, in post-trial detention (prisons and penitentiaries), outdoor and indoor areas and rooms, except for bedrooms, bathrooms, and sanitary facilities in penitentiaries, prisons, or centres, as well as the interior of special vehicles for transporting prisoners, may be monitored and recorded using video surveillance systems or other technical means.²¹

d. NPM assessment

¹⁵ Croatia, Ministry of Justice and Public Administration, (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

¹⁶ Croatia, Ministry of Justice and Public Administration, (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

¹⁷ Croatia, Ministry of Justice and Public Administration, (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

¹⁸ Croatia, Ministry of Justice and Public Administration, (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

¹⁹ Croatia, Ministry of Justice and Public Administration, (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

²⁰ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19

²¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 41(5)

[The report on the work of the national preventive mechanism for 2021²²:](#)

“Ministarstvu unutarnjih poslova i Ravnateljstvu policije, da osiguraju uvjete za smještaj osoba lišenih slobode, sukladno međunarodnim i domaćim standardima, u upravama i postajama u kojima to još nije osigurano.”

To the Ministry of the Interior and the Police Directorate, to ensure conditions for accommodation of persons deprived of liberty, in accordance with international and domestic standards, in administrations and stations where this has not yet been ensured.

“Ministarstvu unutarnjih poslova i Ravnateljstvu policije, da uspostave video nadzor u svim prostorijama u kojima se nalaze i kreću OLS te sustav dojave (zvono za poziv), koji treba biti dostupan pritvorskim nadzornicima u operativno-komunikacijskim centrima.”

To the Ministry of the Interior and the Police Directorate, to establish video surveillance in all rooms where PDLs are located and move through, and a notification system (call bell), which should be available to detention supervisors in operational and communication centres.

“Ministarstvu pravosuđa i uprave, da uvjete smještaja u kaznenim tijelima prilagodi zakonskim i međunarodnim standardima.”

To the Ministry of Justice and Administration, to adapt the conditions of accommodation in penal institutions to legal and international standards.

[Annual work report for 2022²³:](#)

“Ministarstvu unutarnjih poslova i Ravnateljstvu policije, da osiguraju uvjete smještaja u prostorijama za osobe lišene slobode sukladno Standardima prostorija u kojima borave osobe kojima je oduzeta sloboda kretanja.”

To the Ministry of the Interior and the Police Directorate, to ensure accommodation conditions in premises for persons deprived of their liberty in accordance with the Standards for rooms where persons deprived of their freedom of movement reside.

“Ministarstvu unutarnjih poslova i Ravnateljstvu policije, da uspostave video nadzor u prostorijama gdje se nalaze i kreću osobe lišene slobode.”

To the Ministry of the Interior and the Police Directorate, to establish video surveillance in the rooms where persons deprived of their liberty are located and move through.

[Annual work report for the year 2023²⁴:](#)

²² Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Report on the Work of National Preventive Mechanism for 2021 ([Izješće o radu nacionalnog preventivnog mehanizma za 2021. godinu](#)).

²³ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvješćaj o radu za 2022. godinu](#)).

²⁴ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2023 ([Godišnji izvješćaj o radu za 2023. godinu](#)).

The ECtHR issued several judgments against Croatia in 2023, identifying violations of prisoners' rights to adequate prison conditions and the right to appropriate compensation for it. While previous measures of enforcement had addressed this issue, similar problems in this area have been detected again.²⁵

Recommendations:

“Ministarstvu pravosuđa i uprave, da osigura sredstva za adaptaciju postojećih i izgradnju novih kaznenih tijela, kako bi uvjeti smještaja bili u skladu sa zakonskim i međunarodnim standardima.”

To the Ministry of Justice and Administration, to provide funds for the adaptation of existing and the construction of new penal institutions, so that the conditions of accommodation are in accordance with legal and international standards.

“Ministarstvu pravosuđa i uprave, da sva vozila za prijevoz zatvorenika budu opremljena sigurnosnim pojasevima u skladu s važećim propisima i međunarodnim standardima.”

To the Ministry of Justice and Administration, to ensure that all vehicles used for the transportation of prisoners are equipped with safety belts in accordance with current regulations and international standards.

Although activities have been undertaken to improve the material conditions of accommodation, primarily the adaptation of spaces for female prisoners at the Požega Penitentiary, overcrowding remains one of the most significant issues. According to data from the Report on the State and Operation of Prisons, Correctional Facilities, Juvenile Correctional Institutions, and Centers for 2022 by the Government of the Republic of Croatia (from January 2024), as well as data from the Ministry of Justice, there were 1,607 more individuals in the prison system in 2023 than in 2022.²⁶

Members of the NPM/ Ombudswoman of Croatia: *“In terms of cells, there are significant differences in cell condition between facilities, still there are some completely inadequate spaces. The occupancy impacts the quality of accommodation, so despite the cell standards being in line with the prescribed standards, when there are too many occupants it becomes problematic.”*

The Ombudswoman has noted that room temperature should be in accordance with seasonal changes, especially during summer, therefore, during e-consultation on the Draft of Regulations on Standards of Accommodation and Nutrition for Prisoners, it was suggested to prescribe not just the minimum but also the maximum room temperature. However, the suggestion was rejected.²⁷

Video surveillance was introduced with the new Act in 2021, however, legal provisions are not specific enough. There are still facilities that do not have it at all, however, it is gradually being implemented.

²⁵ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2023 ([Godišnji izvještaj o radu za 2023. godinu](#)).

²⁶ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2023 ([Godišnji izvještaj o radu za 2023. godinu](#)).

²⁷ Croatia, E-consultation on the Draft of Regulations on Standards of Accommodation and Nutrition for Prisoners ([E-savjetovanje o nacrtu Pravilnika o standardima smještaja i prehrane zatvorenika](#)), 2022

2. Allocation of detainees

a. Geographical allocation

According to the provisions of the Prison Sentence Execution Act, a convict sentenced to a prison term of up to six months, or whose remaining sentence does not exceed six months, shall be sent to the nearest prison based on their place of residence or stay. If the convict does not have a residence or stay in the territory of the Republic of Croatia, they shall be sent to the nearest prison based on the headquarters of the executing judge responsible for the referral.²⁸ A convict sentenced to a prison term longer than six months, or whose remaining sentence exceeds six months, shall be sent to the Diagnostic Center in Zagreb²⁹ for professional assessment and the proposal of a sentence execution programme. Subsequently, they will be assigned to a penitentiary or prison where the sentence will be continued, in accordance with the provisions of Article 21 para 6.³⁰

b. Allocation within detention facilities

The allocation within detention facilities is regulated by Article 13 of the Prison Sentence Execution Act prescribing that, in order to implement an individual prison sentence execution programme and prevent negative influence among inmates, prisoners are sorted into penitentiaries or prisons based on criminological and other characteristics and the special requirements of the execution programme, such as imposed security measures, vocational training and education, general health condition and treatment, length of sentence, etc.³¹ Prisoners serve their sentences collectively, male and female individuals serve their prison sentences separately, and young adults generally serve their prison sentence separately from adults.³² Prisoners convicted of criminal offences are separated in prisons from individuals in pre-trial detention or those convicted in misdemeanour proceedings unless otherwise specified by this Act.³³ Prisoners who are first-time offenders generally serve their prison sentence separately from prisoners who have previously served a prison sentence.³⁴

c. NPM assessment

²⁸ Croatia, Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 56

²⁹ The Diagnostic Center in Zagreb is a special internal organisational unit of the prison system administration where the prison sentence is executed, established outside its headquarters, for the purpose of conducting professional medical, social, psychological, socio-pedagogical, and criminological processing of inmates to assess criminogenic risks and treatment needs, classify them, propose orientation programmes for execution, and recommend the penitentiary or prison where the inmate will continue serving the prison sentence.

³⁰ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 56

³¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

³² Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

³³ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

³⁴ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

There are no specific recommendations concerning allocation of detainees in the National Preventive Mechanism's reports from the reference period, nor in the CPT report.

In Croatia, women sentenced to a prison sentence longer than 6 months can serve their sentence only in the Požega Penitentiary.³⁵ The juvenile detention sentence for women is served in closed and semi-open conditions located in special units within the Požega Penitentiary, while the unit for men serving this sentence in closed conditions is established in the Turopolje Penitentiary, and in open conditions in the Valtura Penitentiary. The measure of placement in a juvenile correctional facility is served in the Juvenile Correctional Facility in Turopolje and the Juvenile Correctional Facility in Požega.³⁶

Members of the NPM/ Ombudswoman of Croatia: *“Over the years, the Ombudswomen has received several complaints regarding respect for private and family life in the scope of Article 8 of the Convention. Having facilities for women and minors at just a few locations automatically makes it difficult for the families from the rest of the country to travel to visit. What is more, there is no penitentiary in Dalmatia which is a large geographical region of Croatia, so all prisoners from this region will be placed far from their families. Once again due to the issue of overcrowding, sometimes it is not possible to take into account this element both in terms of being close to the detainees' homes and in terms of social rehabilitation. Even the existing facilities e.g. Turopolje Penitentiary are poorly connected by public transport.”*

3. Hygiene and sanitary conditions (note – section 11 contains specific questions concerning female detainees)
 - a. Access to toilets

In police custody, the detention room must have access to a sanitary facility, appropriate washing facilities, and unhindered access to drinking water.³⁷ In pre-trial detention, accommodation must meet health, hygiene, and spatial requirements, correspond to climatic conditions, and have sanitary facilities that allow detainees to meet their physiological needs in clean and appropriate conditions whenever they wish.³⁸ Penitentiaries or prisons must have sanitary facilities that allow prisoners to meet their physiological needs in clean and appropriate conditions whenever they wish.³⁹ The prisoner is provided

³⁵ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 ([Izvešće o stanju i radu kazionica, zatvora, odgojnih zavoda i centara za 2022. godinu](#)), January 2024

³⁶ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 ([Izvešće o stanju i radu kazionica, zatvora, odgojnih zavoda i centara za 2022. godinu](#)), January 2024

³⁷ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19

³⁸ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10

³⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 81 (4)

with access to a toilet and sink either inside or outside of the accommodation room, and to a shower at least twice a week, in accordance with the House Rules of the penal institution.⁴⁰

b. Access to showers and warm and running water

In police custody, the detention room must have access to a sanitary facility and appropriate washing facilities.⁴¹ In pre-trial detention, prisoners are provided with personal hygiene supplies and are allowed to shower daily. Prisoners are required to maintain personal hygiene.⁴² In prisons and penitentiaries, prisoners are allowed to wash their bodies daily, and shower at least twice a week. Prisoners are required to maintain personal hygiene.⁴³ Further regulations are provided by the Regulations on the Accommodation and Nutrition Standards for Prisoners.⁴⁴ Prisoners are provided with access to a toilet and sink either in or outside of their accommodation room and are allowed to shower a minimum of two times per week, in accordance with the House Rules of the correctional facility.⁴⁵ Prisoners engaged in work activities are enabled to shower after work.⁴⁶

c. Access to sanitary products

The detention room in police custody must have access to a sanitary facility and appropriate means for washing.⁴⁷ Prisoners in pre-trial detention are provided with personal hygiene supplies and are allowed to shower daily.⁴⁸ The penitentiary or prison provides water and toiletries for maintaining personal

⁴⁰ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

⁴¹ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19

⁴² Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10

⁴³ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 83

⁴⁴ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

⁴⁵ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022, Art 4

⁴⁶ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

⁴⁷ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19

⁴⁸ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10, Art 14

hygiene and cleanliness of laundry, clothing, shoes and bedding.⁴⁹ Further regulations are provided by Regulations on the Accommodation and Nutrition Standards for Prisoners.⁵⁰ The institution provides basic hygiene materials and supplies to the prisoners.⁵¹ The types, quantities, and deadlines for basic hygiene materials and supplies will be prescribed by the decision of the warden of the administrative organisation responsible for the prison system within the ministry responsible for judicial affairs.⁵²

d. Hygienic conditions in cells

The detention room for detainees in police custody must have a resting bed with a clean mattress, blanket, and bedding.⁵³ Prisoners in pre-trial detention are responsible for maintaining cleanliness in the areas and spaces they occupy or utilise for up to two hours daily without monetary compensation.⁵⁴ A prisoner who does not keep their own clothes, footwear, and bedding clean and tidy will be provided with prison-issued items.⁵⁵ In penitentiaries and prisons, the rooms where prisoners reside must be cleaned and maintained in an orderly manner on a daily basis.⁵⁶ All rooms and spaces of the prison must be properly maintained and regularly cleaned. The tasks mentioned are performed by prisoners for up to two hours per day without monetary compensation.⁵⁷ The provisions regarding clothing, attire, footwear, and bedding for prisoners are further regulated by the Rules on Clothing, Attire, Footwear, and Bedding for Prisoners.⁵⁸ Sheets, pillowcases, and blanket covers are replaced with clean ones every fifteen days, towels every eight days, and as needed or more frequently.⁵⁹

⁴⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([*Zakon o izvršavanju kazne zatvora*](#)), NN 14/2021, Art 83

⁵⁰ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([*Pravilnik o standardima smještaja i prehrane zatvorenika*](#)), NN 78/2022

⁵¹ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([*Pravilnik o standardima smještaja i prehrane zatvorenika*](#)), NN 78/2022

⁵² Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([*Pravilnik o standardima smještaja i prehrane zatvorenika*](#)), NN 78/2022

⁵³ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([*Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici*](#)), NN 88/09, 78/14, 123/16, 50/19, Art 53

⁵⁴ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([*Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora*](#)), NN 08/10, Art 14

⁵⁵ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([*Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora*](#)), NN 08/10, Art 14

⁵⁶ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([*Pravilnik o standardima smještaja i prehrane zatvorenika*](#)), NN 78/2022

⁵⁷ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([*Zakon o izvršavanju kazne zatvora*](#)), NN 14/2021, Art 83

⁵⁸ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Rules on Clothing, Attire, Footwear, and Bedding for Prisoners ([*Pravilnik o rublju, odjeći, obući i posteljini za zatvorenike*](#)), NN 67/2022

⁵⁹ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Rules on Clothing, Attire, Footwear, and Bedding for Prisoners ([*Pravilnik o rublju, odjeći, obući i posteljini za zatvorenike*](#)), NN 67/2022

e. NPM assessment

No specific recommendations in the National Preventive Mechanism's reports from the reference period tackle hygiene and sanitary conditions. However, to ensure consistent treatment, the Ombudswoman recommended that correctional facilities prepare packages containing all prescribed hygiene supplies that all individuals would receive upon admission.⁶⁰

[CPT Report for 2022](#)⁶¹:

The CPT recommends that the conditions of detention at the National Diagnostic Centre (Department No. 5) of Zagreb Prison be substantially improved in terms of state of repair and level of hygiene in cells and that occupancy levels be reduced to meet the required standard.

The CPT recommends that the Croatian authorities ensure that all prisoners are provided with an appropriate cutlery set (that is, fork, knife and spoon) when eating their meals and that each restriction be subject to an individual risk assessment. Further, the Committee also recommends that the management of Zagreb Prison and the National Diagnostic Centre take the necessary steps in order to provide destitute or foreign remand prisoners⁶² with necessary clothing when it is clear that they cannot rely on external support.

Members of the NPM/ Ombudswoman of Croatia: *"The NPM has welcomed new regulations enabling prisoners engaged in work activities the possibility to shower after work. Regarding privacy, the NPM emphasises that the recommendation to have separate shower cabins has been implemented in all the facilities that are being refurbished."*

4. Nutrition

a. Quality and quantity of food

The detainee in police custody will be offered food at an appropriate time, taking into account the consumption of the last meal before detention.⁶³ The number of meals offered will depend on the time elapsed since the last meal consumed and the duration of detention.⁶⁴ The detainee may choose to bear

⁶⁰ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelji*), Annual report for 2023 ([Godišnji izvještaj o radu za 2023. godinu](#)).

⁶¹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), [Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 19 to 29 September 2022](#), Strasbourg, Council of Europe, 23 November 2023

⁶² Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), [Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 19 to 29 September 2022](#), Strasbourg, Council of Europe, 23 November 2023

⁶³ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19, Art 10a

⁶⁴ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i](#)

the cost of the meals themselves.⁶⁵ Pre-trial detention prisoners are provided with three meals a day that meet hygiene and nutritional standards in terms of quantity and quality. These meals are suitable for the prisoner's age, health, religious and cultural requirements, with a minimum caloric value of 3000 kcal.⁶⁶ Additionally, prisoners may be allowed, at their own expense and for personal needs, to order daily meals from the prison kitchen or from a catering facility through the prison administration.⁶⁷

Prisoners are provided with appropriately prepared and served meals at regular intervals that meet nutritional and hygiene standards in terms of quantity and quality.⁶⁸ These meals are suitable for the prisoner's age, health, nature of work performed, religious requirements, and are provided based on the capabilities of the prison or penitentiary.⁶⁹ Prisoners are provided with a minimum of three meals per day.⁷⁰ The meals provided are appropriate for their age, health, physical condition, religious beliefs, and nature of work performed.⁷¹ The minimum energy intake and proportions of protein and other nutrients are prescribed by specific regulations that provide detailed standards for the accommodation and nutrition of prisoners.⁷² Daily meals for prisoners are planned and prepared in accordance with public health guidelines and nutrition standards.⁷³ The nutritional standards for prisoner menus, as well as the schedule of daily meals, are prescribed by the warden of the administrative organisation responsible for the prison system within the ministry responsible for judicial affairs.⁷⁴

b. Drinking water

[postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19

⁶⁵ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19

⁶⁶ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10, Art 15

⁶⁷ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10, Art 15

⁶⁸ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 85

⁶⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

⁷⁰ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

⁷¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

⁷² Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

⁷³ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022, Art 9

⁷⁴ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022

In police custody, the detention room must have unhindered access to drinking water.⁷⁵ Drinking water must always be available to every prisoner.⁷⁶

c. Dietary requirements

Prisoners are provided with appropriately prepared and served meals suitable for the prisoner's age, health, nature of work performed, religious requirements, and are provided based on the capabilities of the prison or penitentiary.⁷⁷ The composition and nutritional value of the food are monitored by a doctor or another medical professional for medical reasons.⁷⁸ If it is not possible to accommodate a prisoner's request for the exclusion of certain types of food, the prisoner is allowed to purchase food items at their own expense from the prison's inmate store.⁷⁹

The warden, upon the proposal of the Menu Development Committee, establishes the menu on a weekly basis. In line with the needs of incarcerated individuals, prisons provide several different menus.⁸⁰ Alongside the regular menu available in all correctional facilities, imprisoned individuals have access to a so-called religious menu and a menu for diabetics.⁸¹ Other menus, such as those for dietary, gastric, hepatic, and gout-CRON diets, are provided based on the health condition of the imprisoned individual and upon the physician's order. Additionally, based on the needs of imprisoned individuals and the capabilities of the correctional facility, prison, or juvenile correctional facility, a vegetarian menu is also provided.⁸² In case of medically confirmed indications, the prisoner's diet is determined and implemented according to the recommendations of the attending physician.⁸³

d. NPM assessment

⁷⁵ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19, Art 53

⁷⁶ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 81

⁷⁷ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 85

⁷⁸ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

⁷⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

⁸⁰ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 ([Izvešće o stanju i radu kaznionica, zatvora, odgojnih zavoda i centara za 2022. godinu](#)), January 2024

⁸¹ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 ([Izvešće o stanju i radu kaznionica, zatvora, odgojnih zavoda i centara za 2022. godinu](#)), January 2024

⁸² Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 ([Izvešće o stanju i radu kaznionica, zatvora, odgojnih zavoda i centara za 2022. godinu](#)), January 2024

⁸³ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022, Art 11

No recommendations in the National Preventive Mechanism's reports from the reference period that tackle quality and quantity of food, drinking water and dietary requirements specifically.

[CPT Report for 2022](#)⁸⁴:

The CPT recommends that the Croatian authorities ensure that persons in police custody are offered food at regular intervals during their period of detention. Furthermore, the CPT considers that persons in police custody should be provided at least one hot meal per day, which should be more substantial than a sandwich.

Members of the NPM/ Ombudswoman of Croatia: *"The detainees are in general able to follow their dietary requirements owing to their health or beliefs. The NPM includes nutritionists in the visits and the general conclusion is that the nutritional standards and the menus are satisfactory."*

5. Time spent outside the cell and outdoors

a. Time spent outdoors

For stays longer than 24 hours in a Detention Police Unit, detainees and prisoners will be provided with daily access to an appropriate outdoor space, to the extent possible.⁸⁵ In pre-trial detention, prisoners will be provided with at least two hours of outdoor exercise time in a designated area for that purpose.⁸⁶ In prisons and penitentiaries, every prisoner has the right to spend at least two hours daily in the open area of the prison.⁸⁷

b. Time spent indoors

Prisoners can spend their free time together, generally in common areas.⁸⁸ However, in Croatia there is no national standard set for time spent by prisoners outside of their cell in the prison's common areas.

c. Recreational facilities

⁸⁴ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), [Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 19 to 29 September 2022](#), Strasbourg, Council of Europe, 23 November 2023

⁸⁵ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19, Art 53

⁸⁶ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10, Art 17

⁸⁷ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 16

⁸⁸ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 81

The prison ensures space and equipment for a purposeful use of free time.⁸⁹ The prison provides the prisoner with conditions for exercise, sports, and recreation according to their capabilities, health condition, the inmate's programme, and security. These conditions are specified in detail in the prison's house rules.⁹⁰

d. Educational activities

The prison organises various activities to meet the physical, spiritual, and cultural needs of prisoners.⁹¹ Prisoners' free time is organised through activities such as visual arts, technical workshops, music sessions, literary workshops, drama clubs, journalism, computer workshops, and similar activities, as well as debate clubs and exercise facilities.⁹² The prison ensures an adequate number of books from various fields in its library.⁹³ A prison without a library arranges the borrowing of books from the local library.⁹⁴ The prisoner may be allowed to use information technologies under supervision for the purpose of conducting psychosocial, socio-pedagogical, educational, work, and occupational procedures, as well as exercising the rights of inmates, in accordance with the capabilities of the correctional facility or prison.⁹⁵

e. NPM assessment

No recommendations in the National Preventive Mechanism's reports from the reference period that tackle time spent outside the cell and outdoors specifically.

[Annual work report for the year 2023⁹⁶:](#)

However, during her visit, the Ombudswoman noted that outdoor activities are provided on two walkways, which were devoid of any amenities at the time of inspection, but it has been announced that the walkways will be equipped with exercise equipment, a table for table tennis, and a basketball hoop.⁹⁷ For this reason, they made the following recommendation.

⁸⁹ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 103

⁹⁰ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 106

⁹¹ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 103

⁹² Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

⁹³ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 104

⁹⁴ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

⁹⁵ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 133

⁹⁶ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2023 ([Godišnji izvještaj o radu za 2023. godinu](#)).

⁹⁷ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2023 ([Godišnji izvještaj o radu za 2023. godinu](#))

“Ministarstvu pravosuđa i uprave, da osigura sredstva za adaptaciju postojećih i izgradnju novih kaznenih tijela, kako bi uvjeti smještaja bili u skladu sa zakonskim i međunarodnim standardima.”

To the Ministry of Justice and Administration, to allocate funds for the renovation of existing and construction of new correctional facilities, in order to ensure that accommodation conditions comply with legal and international standards.

[CPT Report for 2022](#)⁹⁸:

The CPT calls upon the Croatian authorities to take concrete measures to develop a daily programme of activities for all remand prisoners building on the efforts initiated at the Zagreb Prison. The aim should be to provide prisoners with at least eight hours of out-of-cell activities (work, vocational courses, education, recreation and sports).

The CPT calls upon the Croatian authorities to take concrete measures to develop a programme of activities for female prisoners accommodated at the Zagreb Prison. The aim should be to provide prisoners with at least eight hours of out-of-cell activities (work, vocational courses, education, recreation and sports).

The CPT recommends that the Croatian authorities develop a purposeful regime for prisoners placed in Department 1B of the Lepoglava Prison, aimed at promoting their reintegration into the ordinary regime and thereafter into the community. This should also consist of increased contact with treatment staff and a review of their ITPs. Further, the supervisory judges who are called upon to decide on complaints lodged by prisoners placed in enforced supervision should examine the level of activities and treatment input offered to prisoners.

Members of the NPM/ Ombudswoman of Croatia: *“In an anonymous survey, prisoners complained about the lack of activities, especially pre-trial detainees who spend up to 22 hours a day in their cells. While some prisons allow for walking in the corridors, it's not considered a meaningful use of time. The recommendation is to introduce more courses, but here again we highlight the issue of insufficient staff in relation to the number of incarcerated individuals. Additionally, due to overcrowding, some facilities have converted common areas into sleeping quarters, which renders them unusable for their intended purpose.”*

6. Solitary confinement

a. Placement in solitary confinement

There are several different measures under the Croatian law that could fall under the scope of solitary confinement. A prisoner who seriously jeopardises security through their actions may be subjected to

⁹⁸ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), [Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 19 to 29 September 2022](#), Strasbourg, Council of Europe, 23 November 2023

solitary confinement continuously for a maximum of three months.⁹⁹ This measure can be applied no more than twice during a calendar year. Solitary confinement prevents contact with other prisoners by isolating them from the collective way of serving the prison sentence and joint activities. This measure is one of the special measures for maintaining order and security prescribed by Art 143.¹⁰⁰ Another special measure is separation from other prisoners accomplished by placing the prisoner in a single-occupancy room for a maximum of 30 days.¹⁰¹ During the implementation of this measure, the prisoner participates in all activities specified by the execution programme that can be conducted in the room where the prisoner is located. Finally, the disciplinary measure of placement in solitary confinement entails the exclusion of the prisoner from communal activities with other prisoners during free time or throughout the entire day and night.¹⁰²

b. Monitoring of detainees

Solitary confinement is carried out under the supervision of a doctor, who is obliged to examine the detainees at least twice a week.¹⁰³ The same applies for and during the execution of a disciplinary measure of solitary confinement.¹⁰⁴

c. NPM assessment

[Annual work report for 2022¹⁰⁵:](#)

Preporuka 157.

“Ministarstvu pravosuđa i uprave, da pripremi prijedlog izmjena Zakona o izvršavanju kazne zatvora u dijelu koji se odnosi na posebne mjere održavanja reda i sigurnosti.”

Recommendation no. 157

The Ministry of Justice and Administration should prepare a proposal for amendments to the Prison Sentence Execution Act regarding special measures for maintaining order and security.

Members of the NPM/ Ombudswoman of Croatia: *“Regarding the above-mentioned duration of measures, it is generally respected. It is recommended that for each measure, the necessity should be assessed, and care should be taken to terminate the measure when the reasons for it cease to exist. As*

⁹⁹ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 147

¹⁰⁰ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 143

¹⁰¹ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 144 (4)

¹⁰² Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 155

¹⁰³ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 147(3).

¹⁰⁴ Croatia, Croatia Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 155(6).

¹⁰⁵ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

for the supervision by medical staff in solitary confinement, it could be improved in quality. We have also noticed different frequencies of imposing measures, so it would be advisable to enact specific regulations and regulate the implementation of measures to maintain order and security.”

7. Work and education of detainees to promote social reintegration

a. General measures to promote social reintegration

The social reintegration process of prisoners is part of general standards and measures for the treatment of prisoners prescribed in more detail by the Regulations on the Treatment of Prisoners.¹⁰⁶ The treatment of prisoners encompasses a set of general and specialised treatment interventions and programmes based on the assessment of criminogenic and security risks and treatment needs.¹⁰⁷ The goal is to reduce risk factors that contributed to the commission of criminal acts and strengthen protective factors that enable positive changes, thereby achieving the purpose of serving the sentence imposed by the Prison Sentence Execution Act.¹⁰⁸ In order to achieve the purpose of serving the prison sentence, an execution programme is developed for each prisoner, ensuring adherence to the principle of individualisation.¹⁰⁹ During the implementation of the execution programme, both general and specialised treatment interventions and programmes are applied, along with prisoner incentives as a means of promoting resocialisation, rehabilitation, and social inclusion.¹¹⁰ The preparation for release, when necessary, also involves taking measures to organise accommodation and meals, arranging medical treatment, regulating residence or domicile status, improving family relationships, finding employment, completing education, providing financial support to meet basic needs, and other forms of support.¹¹¹ In order to assist the inmate after release, the correctional facility or prison may request measures within the competence of state authorities, institutions, and associations.¹¹²

b. Access to work

Every prisoner has, according to the provisions of the Prison Sentence Execution Act, the right to work.¹¹³ Prisoners are provided with work opportunities in accordance with their health abilities, acquired

¹⁰⁶ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on the Treatment of Prisoners ([Pravilnik o tretmanu zatvorenika](#)), NN 123/2021

¹⁰⁷ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on the Treatment of Prisoners ([Pravilnik o tretmanu zatvorenika](#)), NN 123/2021, Art 3

¹⁰⁸ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on the Treatment of Prisoners ([Pravilnik o tretmanu zatvorenika](#)), NN 123/2021

¹⁰⁹ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on the Treatment of Prisoners ([Pravilnik o tretmanu zatvorenika](#)), NN 123/2021, Art 3

¹¹⁰ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on the Treatment of Prisoners ([Pravilnik o tretmanu zatvorenika](#)), NN 123/2021

¹¹¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021 Art 177 (3)

¹¹² Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021 Art 177 (3)

¹¹³ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 16

knowledge, and the capabilities of the prison or penitentiary.¹¹⁴ Compensation for work performed by prisoners in a prison or penitentiary is regulated by Article 92 of the Prison Sentence Execution Act¹¹⁵ and the coefficients for prisoner work are further determined by the Regulation on Work and Handling of Prisoners' Money.¹¹⁶

c. Access to education

Every prisoner has, according to the provisions of the Prison Sentence Execution Act, the right to education.¹¹⁷ The prison, according to its capabilities, organises basic adult education for prisoners who have not completed primary education.¹¹⁸ The prison, according to its capabilities, organises secondary education for adults, retraining, vocational training, and further education for prisoners.¹¹⁹ Prisoners may be allowed to obtain qualifications in higher education at their own expense if the study programme can be reconciled with security reasons.¹²⁰ Continuation of education is provided in the prison sentence execution programme, and inmates are encouraged to complete their ongoing education to facilitate a more effective reintegration into society.¹²¹ The type and level of education accessible to the inmate are determined by the execution programme, depending on their abilities, inclinations, the duration of the sentence, and other circumstances relevant to achieving the purpose of the sentence execution, as well as the capabilities of the correctional facility or prison.¹²² The selection of training for basic jobs and secondary education for professions is limited by the number of accredited programmes and the capabilities of the correctional facility, prison, or juvenile correctional facility. Typically, this involves training for simpler occupations with an emphasis on the practical aspects of the curriculum.¹²³

¹¹⁴ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 87

¹¹⁵ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 92

¹¹⁶ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on Work and Handling of Prisoners' Money ([Pravilnik o radu i raspolaganju novcem zatvorenika](#)), NN 67/2022

¹¹⁷ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 16

¹¹⁸ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 99

¹¹⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021

¹²⁰ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 100

¹²¹ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 ([Izvešće o stanju i radu kaznionica, zatvora, odgojnih zavoda i centara za 2022. godinu](#)), January 2024

¹²² Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 ([Izvešće o stanju i radu kaznionica, zatvora, odgojnih zavoda i centara za 2022. godinu](#)), January 2024

¹²³ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 ([Izvešće o stanju i radu kaznionica, zatvora, odgojnih zavoda i centara za 2022. godinu](#)), January 2024

d. NPM assessment

According to the law, the penal institution is required to organise primary adult education for prisoners who have not completed primary education. It is also stipulated that the penal institution should, according to its capabilities, organise adult secondary education, retraining, skill development, and training for prisoners.¹²⁴ However, considering the importance of education for the success of rehabilitation, all prisoners should be provided with this opportunity, rather than tying their education to the capabilities of the penal institution.¹²⁵ Many penal institutions lack activities aimed at developing skills that will benefit prisoners upon release and facilitate their reintegration into society.¹²⁶

The data on the number of prisoners enrolled in various educational programmes is concerning.¹²⁷ According to the report from the Government of the Republic of Croatia on the state and operation of prisons and correctional facilities for the year 2021, there is a continuous decrease in their numbers. Prisoners often mention their interest in attending relevant vocational programmes designed for adult education, but they state that these programmes are organised in other penal institutions and are not accessible to them. It is necessary to involve as many interested prisoners as possible in adult education programmes, and in cases where the penal institution is unable to provide this, they should be allowed to transfer to facilities that can organise such programmes.¹²⁸

Additionally, it is concerning that only 29% of imprisoned individuals are employed on average per month.¹²⁹ As the number of individuals interested in employment exceeds the number of available job positions within the prison system, there is a need to increase the number of suitable job opportunities, especially within the confined conditions of serving a prison sentence.¹³⁰

Members of the NPM/ Ombudswoman of Croatia: *“As mentioned in the Ombudswoman report, there are not enough jobs available, especially for women. An example of good practice is the Lepoglava Penitentiary, where beekeeping courses are organised with the help of an NGO. Considering the number of prisoners that have low levels of education, some even without primary education and considering the importance of education for the success of rehabilitation, all prisoners should be provided with this opportunity despite the capabilities of penal institutions.”*

¹²⁴ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹²⁵ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹²⁶ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹²⁷ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹²⁸ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹²⁹ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹³⁰ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

8. Healthcare (note – section 11 contains specific questions concerning female detainees)

a. Access to healthcare

The detainee in police custody is ensured access to healthcare services in accordance with general healthcare regulations. Access to healthcare is typically facilitated through emergency medical teams who, after examination, will determine the necessity of providing healthcare to the detainee in a specific healthcare institution.¹³¹

The standard for pre-trial detention and prisons and penitentiaries has stayed the same. Prisoners are provided with healthcare treatment and health protection measures and activities in terms of quality and scope defined within the public healthcare system for insured persons under mandatory health insurance.¹³² Prisoners have the right to healthcare provided by general practitioners and dental practitioners in the prison or penitentiary, or in the nearest public healthcare facility according to the location of the prison or penitentiary.¹³³ In cases of severe or prolonged illnesses where successful treatment is not possible in the prison or penitentiary, the prisoner may be transferred to another prison or penitentiary where conditions for such treatment exist, or to the Prison Hospital in Zagreb based on the physician's recommendation.¹³⁴ The prisoner has the right to request an examination by a specialist physician if such an examination has not been prescribed by the prison or penitentiary doctor or the Prison Hospital in Zagreb.¹³⁵ According to Article 115, prisoners have the right to dental healthcare.¹³⁶

b. Availability of medical staff

The Regulation on minimum requirements regarding space, staff, and medical-technical equipment of a healthcare institution providing healthcare to persons deprived of liberty¹³⁷ cited in the previous report is still applicable, as a new sublegal regulation has not been adopted. The Regulation prescribes

¹³¹ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19, Art 20

¹³² Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 110

¹³³ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 110

¹³⁴ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 113

¹³⁵ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 114

¹³⁶ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 115

¹³⁷ Croatia, Ministry of Health (*Ministarstvo zdravlja*), Regulation on minimum requirements regarding space, staff, and medical-technical equipment of a healthcare institution providing healthcare to persons deprived of liberty, ([Pravilnik o minimalnim uvjetima u pogledu prostora, radnika i medicinsko-tehničke opreme zdravstvene ustanove koja pruža zdravstvenu zaštitu osobama lišenim slobode](#)), NN 61/11, 128/12, 124/15, 08/16, 77/18

the number of staff for the general practitioner ambulance, the dental clinic and for each hospital department for individuals deprived of liberty.¹³⁸

c. Medical examination upon admission

In police custody, the detention supervisor will suggest a medical examination to the detainee.¹³⁹ If the detainee refuses the medical examination, but it is evident that urgent medical assistance is needed, the detention supervisor will arrange for such assistance to be provided. In case a physician assesses the need for the detainee to be treated in a medical facility, the detention supervisor will inform the competent public prosecutor and request a decision on transferring the detainee to a medical facility. The examination of pre-trial detainees is carried out immediately if the prison officer deems the examination necessary at the time of admission or if the prisoner themselves has requested it.¹⁴⁰

Upon admission of prisoners to a penitentiary or prison as well as upon release, a medical examination is mandatory.¹⁴¹ A prisoner who is ill or injured, or who on the basis of their appearance or behaviour may be presumed to be physically or mentally ill, is examined by a doctor who is obliged to take all necessary measures in accordance with the rules of the medical profession.¹⁴² If, during the examination of the prisoner, the doctor determines the state of health indicating an extremely serious illness, the prisoner will be transferred to a public health institution.¹⁴³

d. Preventive care

There are no specific national standards. However, during 2022, a total of 462 prisoners were tested for hepatitis C in collaboration with public health institutes and associations, while the remaining tests were carried out as part of the regular activities of the prison healthcare departments.¹⁴⁴ Education and counselling aimed at reducing health damage related to drug use, as well as HIV and viral hepatitis, covered 438 prisoners.¹⁴⁵ The increase in activities related to the prevention and treatment of hepatitis

¹³⁸ Croatia, Ministry of Health (*Ministarstvo zdravlja*), Regulation on minimum requirements regarding the space, workers and medical-technical equipment of a health institution that provides health care to persons deprived of their liberty ([Pravilnik o minimalnim uvjetima u pogledu prostora, radnica i medicinsko-tehničke opreme zdravstvene ustanove koja pruža zdravstvenu zaštitu osobama lišenim slobode](#)), NN 151/14

¹³⁹ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19, Art 16

¹⁴⁰ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10

¹⁴¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 111(1).

¹⁴² Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 111(2).

¹⁴³ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 111(4).

¹⁴⁴ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 ([Izvešće o stanju i radu kaznionica, zatvora, odgojnih zavoda i centara za 2022. godinu](#)), January 2024

¹⁴⁵ Ibid.

C over the past two years is largely a result of a collaboration initiated between the prison system and the Croatian Institute of Public Health, as well as the associations HUHIV and Hepatos, the continuation and further improvement of which is planned for the future.

e. Specialised care

The standards have stayed the same since the last report. The prisoner has the right to request an examination by a specialist doctor if such an examination has not been ordered by the prison doctor or the Prison Hospital in Zagreb.¹⁴⁶ Approval for a specialist examination is given by the warden, who, depending on security reasons, determines the place of examination.¹⁴⁷

In the case of serious or long-term illnesses for which there are no conditions in the penitentiary or prison, the prisoners will be transferred to a penitentiary or prison where there are conditions for such treatment or to the Zagreb Prison Hospital.¹⁴⁸ If a prisoner becomes mentally ill or shows signs of severe mental disorders while serving a prison sentence, the execution judge will initiate proceedings in accordance with the provisions of the law prescribing the protection of persons with mental disabilities.¹⁴⁹ Prisoners who have been sentenced with a security measure of compulsory addiction treatment and addict prisoners who are involved in addiction treatment while serving their sentences serve their prison sentence in penitentiary or prison or may serve it in a special socio-therapeutic department of the penitentiary.¹⁵⁰

f. Treatment of the detainee's choosing

The detainee in police custody may, with the approval of the competent state prosecutor or investigating judge, visit and be examined by a doctor of their choice.¹⁵¹ In pre-trial detention, upon the prisoner's request and with the approval of the competent court, the prisoner may also be visited by a physician of their choice.¹⁵² Also, upon the prisoner's request, the specialist examination shall be

¹⁴⁶ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 114

¹⁴⁷ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 114

¹⁴⁸ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 113 (2)

¹⁴⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 120(1)

¹⁵⁰ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Articles 22(4) and 25

¹⁵¹ Croatia, Ministry of the Interior (*Ministarstvo unutarnjih poslova*), Regulation on the reception and treatment of arrestees and detainees and on the record-keeping of detainees in detention police units ([Pravilnik o prijemu i postupanju s uhićenikom i pritvorenikom te o evidenciji pritvorenika u pritvorskoj policijskoj jedinici](#)), NN 88/09, 78/14, 123/16, 50/19, Art 21

¹⁵² Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10, Art 16

conducted at another specialist outpatient clinic of the prisoner's choice and at their expense.¹⁵³ Prisoners are entitled to request a specialist medical examination, even if such an examination was not ordered by a medical doctor working in prison.¹⁵⁴ If a medical specialist finds that specialist examination was not necessary, the costs of the examination will be borne by the prisoner.¹⁵⁵ The permission for the examination and the location thereof have to be approved and its venue determined by the prison warden, depending on security conditions.¹⁵⁶

g. NPM assessment

[NPM recommendations for 2021:](#)

“Ministarstvu zdravstva i Ministarstvu pravosuđa i uprave, da u suradnji s HZZO-om prilagode proceduru propisivanja i izdavanja lijekova na recept osobama lišenima slobode u zatvorskom sustav.”

To the Ministry of Health and the Ministry of Justice and Administration, in cooperation with the Croatian Health Insurance Fund, to adapt the procedure for prescribing and issuing prescription drugs to persons deprived of their liberty in the prison system.

“Ministarstvu zdravstva i Ministarstvu pravosuđa i uprave, da osiguraju preduvjete za djelovanje Zatvorske bolnice u Zagrebu kao zdravstvene ustanove.”

To the Ministry of Health and the Ministry of Justice and Administration, to ensure the preconditions for the functioning of the Prison Hospital in Zagreb as a health institution.

[Annual work report for 2022¹⁵⁷:](#)

Despite repeated requests, we have not yet been provided with the resolution from Article 76 of the Health Care Act (ZZZ), which establishes that the Prison Hospital in Zagreb meets the prescribed conditions for conducting health care activities. We conclude that this delay is unacceptable. It is essential for the Ministry of Justice to promptly submit a request to the Ministry of Health for the issuance of this resolution. Additionally, it is necessary to regulate the status of health care departments within penal institutions (commonly referred to as “ambulances”) that carry out primary health care services.¹⁵⁸

¹⁵³ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10, Art 16

¹⁵⁴ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 114

¹⁵⁵ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 114

¹⁵⁶ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 114

¹⁵⁷ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹⁵⁸ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

Taking into account the fact that, according to the data available, out of a total of six individuals who died from overdose in the prison system from January 1, 2021, to April 30, 2022, five died in the Zagreb Prison (including the Diagnostic Center in Zagreb), special attention has been given to the organisation of the distribution of substitution therapy for incarcerated individuals and the conduct of officials aimed at preventing the misuse of substitution medications and other therapies in that penal institution.¹⁵⁹

Therefore, the NPM gave the following recommendations:

“Ministarstvu pravosuđa i uprave i Ministarstvu zdravstva, da osiguraju preduvjete za obavljanje zdravstvene djelatnosti unutar zatvorskog sustava u skladu sa Zakonom o zdravstvenoj zaštiti.”

To the Ministry of Justice and Administration and the Ministry of Health, to provide the preconditions for the performance of health care activities within the prison system in accordance with the Health Care Act.

“Ministarstvu pravosuđa i uprave, da Zatvoru u Zagrebu žurno osigura dovoljno zdravstvenih radnika.”

To the Ministry of Justice and Administration, to urgently provide the Zagreb Prison with enough health workers.

“Ministarstvu pravosuđa i uprave, da se u svim kaznenim tijelima vode evidencije koje omogućavaju praćenje tzv. puta terapije od ljekarne do pacijenta.”

To the Ministry of Justice and Administration, to ensure that records are kept in all penal institutions enabling the tracking of the so-called therapy path from the pharmacy to the patient.

[Annual work report for the year 2023¹⁶⁰:](#)

The quality of health care for prisoners and its insufficient accessibility remain significant issues. The provision of health care services in accordance with the Health Care Act is still not regulated, and long-standing systemic problems have not been addressed. For example, doctors employed within the prison system are not connected to the Central Health Information System (CEZIH), so they cannot prescribe medications or issue referrals. This means that all prisoners must have their own general practitioner, which poses an additional organisational problem. The issue is even more significant when prescribing medications for substitution therapy, as discussed further in the 2022 Report. Additionally, due to the lack of connection with CEZIH, doctors employed within the prison cannot schedule specialist appointments, unlike general practitioners.

The NPM gave the following recommendations:

“Ministarstvu pravosuđa i uprave i Ministarstvu zdravstva, da osiguraju preduvjete za obavljanje zdravstvene djelatnosti unutar zatvorskog sustava u skladu sa Zakonom o zdravstvenoj zaštiti.”

¹⁵⁹ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹⁶⁰ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2023 ([Godišnji izvještaj o radu za 2023. godinu](#)).

To the Ministry of Justice and Administration and the Ministry of Health, to provide the preconditions for the performance of health care activities within the prison system in accordance with the Health Care Act.

Preporuka 133. (ponovljena)

“Ministarstvu pravosuđa i uprave, da poveća broj zaposlenih službenika u kaznenim tijelima, posebice u odjelima osiguranja, tretmana i zdravstvene zaštite zatvorenika.”

Recommendation no. 133 (repeated):

The Ministry of Justice and Administration should increase the number of staff employed in penal institutions, particularly in the security, treatment, and health care departments for prisoners.

[CPT Report for 2022](#)¹⁶¹:

The CPT recommends that the Croatian authorities ensure that in all the establishments visited and, as appropriate, in other prisons in Croatia, all newly arrived prisoners are subject to a systematic TB screening and voluntary testing for HIV and hepatitis B and C within 24 hours of admission. As appropriate, vaccination against hepatitis B should be offered to inmates.

Members of the NPM/ Ombudswoman of Croatia: *“The prison system is facing problems that are generally present in the health care system, namely insufficient, inaccessible, and low-quality healthcare. We have noticed that collaboration between the two systems - judicial and health care - is urgently needed at the highest levels. Unfortunately, there is a shortage of doctors, and they often change, resulting in a lack of continuity in health care. The Prison Hospital provides hospital treatment for imprisoned individuals, but it also lacks sufficient staff and often rejects individuals due to the lack of available capacities. We believe that it would be beneficial to utilise public health care services more extensively.”*

9. Prevention of violence and ill-treatment

a. Protection from violence by prison staff

A person entering public service as a judicial police officer must be suitable for the performance of duties, meaning they must not have been convicted of a criminal offence committed out of greed or dishonourable motives nor have been punished for a misdemeanour against public order with characteristics of violence.¹⁶² Coercive measures may be applied only when necessary to prevent the escape of a person deprived of liberty, physical assault on officials or other persons, inflicting injuries on other individuals, self-harm, intentional causing of material damage, or to overcome passive or active resistance of a person deprived of liberty.¹⁶³ The least harmful coercive measure that effectively

¹⁶¹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), [Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 19 to 29 September 2022](#), Strasbourg, Council of Europe, 23 November 2023

¹⁶² Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 42

¹⁶³ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 150

overcomes resistance and is proportionate to the danger posed shall be selected from among coercive measures.¹⁶⁴ The Regulation on Security Operations in the Prison System¹⁶⁵ prescribes the manner of conducting security operations within the prison system and the manner of applying coercive measures that judicial police officers are authorised to apply in carrying out duties in penitentiaries and prisons. The training of prison staff is regulated in more detail by the Regulation on Professional Development in the Prison System.¹⁶⁶ Detainees have the right to complain (“pritužba”) against a decision or procedure of the prison employees to the prison warden or to the Central Prison Administration Office and the execution judge.¹⁶⁷

b. Protection from violence by other detainees

Special measures for maintaining order and security are implemented regarding a prisoner who poses a threat to order and security or who threatens to undermine order and security. These measures are prescribed in Article 143.¹⁶⁸ Enhanced supervision is one of the special measures for maintaining order and security and it involves more frequent monitoring of prisoners during their daily activities and during the night.¹⁶⁹ Violent behaviour constitutes a serious disciplinary offence as prescribed by Article 153.¹⁷⁰ Disciplinary measures include: reprimand, restriction or temporary withholding of money management in the penitentiary or prison for up to three months, deprivation of certain or all privileges outlined in Article 138 for up to three months, placement in solitary confinement for up to 14 days during free time or throughout the day and night.¹⁷¹ In order to achieve the purpose of serving a prison sentence, a separate execution programme is devised for each prisoner, ensuring adherence to the principle of individualisation.¹⁷² Among other, the execution programme contains: assessed type and level of security risks during the execution of the prison sentence, such as risks associated with self-harm, suicide, escape, substance abuse, assault on officials or other prisoners, and the risk of potential

¹⁶⁴ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 151

¹⁶⁵ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on Security Operations in the Prison System ([Pravilnik o poslovima osiguranja u zatvorskom sustavu](#)), NN 16/2022

¹⁶⁶ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on Professional Development in the Prison System ([Pravilnik o stručnom usavršavanju u zatvorskom sustavu](#)), NN 136/2021

¹⁶⁷ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 11(3).

¹⁶⁸ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 143

¹⁶⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 144

¹⁷⁰ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 153

¹⁷¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 154

¹⁷² Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on the Treatment of Prisoners ([Pravilnik o tretmanu zatvorenika](#)), NN 123/2021, Art 3 (2)

victimisation by other prisoners, along with measures and procedures to be applied to reduce these risks.¹⁷³

c. NPM assessment

[Annual work report for 2022¹⁷⁴:](#)

Although certain measures are taken within the prison system to prevent inter-prisoner violence, they are still primarily reactive rather than preventive, as required by the positive obligations of the Convention.¹⁷⁵ The Ombudswoman also reminded that the CPT, in the Report after the visit to Croatia in 2017, recommended the establishment of an effective national strategy to address violence among inmates, which has not yet been implemented.¹⁷⁶

The NPM gave the following recommendations:

“Ministarstvu pravosuđa i uprave, da u većoj mjeri osigura stručne kapacitete u kaznenim tijelima, posebice u odjelima osiguranja, tretmana I zdravstvene zaštite, kako bi se povećao stupanj zaštite ljudskih prava osoba lišenih slobode.”

The Ministry of Justice and Administration should ensure, to a greater extent, professional capacities within penal institutions, particularly in security, treatment, and health care departments, in order to increase the level of protection of the human rights of incarcerated individuals.

“Ministarstvu pravosuđa i uprave, da pripremi prijedlog izmjena Zakona o izvršavanju kazne zatvora u dijelu koji se odnosi na posebne mjere održavanja reda i sigurnosti.”

To the Ministry of Justice and Administration, to prepare a proposal for amendments to the Prison Sentence Execution Act in the part that refers to special measures to maintain order and security.

“Ministarstvu pravosuđa i uprave, da pripremi prijedlog izmjena Zakona o kaznenom postupku kojim bi se stegovni prijestupi i stegovne mjere propisane ovim Zakonom uskladile s onima propisanim Zakonom o izvršavanju kazne zatvora.”

To the Ministry of Justice and Administration, to prepare a proposal for amendments to the Criminal Procedure Act, which would bring the disciplinary offences and disciplinary measures prescribed by this Act in line with those prescribed by the Prison Sentence Execution Act.

[Annual work report for the year 2023¹⁷⁷:](#)

¹⁷³ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on the Treatment of Prisoners (*Pravilnik o tretmanu zatvorenika*), NN 123/2021, Art 12 (1)

¹⁷⁴ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹⁷⁵ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹⁷⁶ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2022 ([Godišnji izvještaj o radu za 2022. godinu](#)).

¹⁷⁷ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2023 ([Godišnji izvještaj o radu za 2023. godinu](#)).

Preporuka 134. (ponovljena)

“Ministarstvu pravosuđa i uprave, da pripremi prijedlog izmjena Glave XIX Zakona o izvršavanju kazne zatvora.”

Recommendation no. 134 (repeated):

To the Ministry of Justice and Administration, to prepare a proposal for amendments to Chapter XIX of the Prison Sentence Execution Act.

Preporuka 133. (ponovljena)

“Ministarstvu pravosuđa i uprave, da poveća broj zaposlenih službenika u kaznenim tijelima, posebice u odjelima osiguranja, tretmana i zdravstvene zaštite zatvorenika.”

Recommendation no. 133 (repeated):

The Ministry of Justice and Administration should increase the number of staff employed in penal institutions, particularly in the security, treatment, and health care departments for prisoners.

[CPT Report for 2022](#)¹⁷⁸:

The CPT recommends that the Croatian authorities deliver to custodial staff a clear message that physical ill-treatment, excessive use of force and disproportionately resorting to means of restraint and security measures are not acceptable and will be dealt with accordingly. In particular, the CPT recommends that appropriate measures be taken to upgrade the skills of prison staff in handling high-risk situations without using unnecessary force, in particular by providing training in ways of averting crises and defusing tension, and in the use of safe methods of control and restraint. Such training should also include elements of combating discrimination and intolerance against detained persons of Roma ethnicity. In addition, when drawing up reports to the Ministry of Justice on the use of restraint, as required by law, the prison management should rigorously assess the proportionality of the use of force and the origin of the injuries observed on inmates following their use.

The CPT recommends that an effective strategy to tackle inter-prisoner violence be put in place at the national level, considering the above remarks. A component of such a strategy must be the introduction of a screening risk and needs assessment of every prisoner upon entering a prison establishment before they are allocated to a cell fully endorsing the dynamic security approach.

The CPT further recommends that a register be introduced in each prison to track the progress of investigations concerning allegations or other evidence of all forms of ill-treatment that may come to the attention of the prison doctor.

The Ombudswoman acted upon a complaint from a prisoner of Roma origin with intellectual disabilities who reported being subjected to discriminatory behaviour by judicial police and other inmates, resulting

¹⁷⁸ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), [Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 19 to 29 September 2022](#), Strasbourg, Council of Europe, 23 November 2023

in inter-prisoner violence.¹⁷⁹ Upon review of his individual prison sentence execution programme, they found that no activity plan had been developed to protect the vulnerable prisoner from violence and abuse. Therefore, they recommended to the Ministry of Justice and Administration to further elaborate on the instruction on the protection of prisoners with mental health problems or intellectual disabilities and distribute it to all penal institutions, which was done. In addition, they recommended providing continuous education to penal institution officers on the necessity of taking appropriate preventive measures to protect the physical and psychological integrity and well-being of all incarcerated persons, which was implemented.

Members of the NPM/ Ombudswoman of Croatia: *“In the context of combating inter-prisoner violence, a positive step is the issuance of guidelines on the protection of inmates with mental difficulties. However, prevention alone is not sufficient, but progress is seen with the introduction of screening prior to entry, and generally, there is a good response after violence occurs - the victim is immediately separated, belongings and objects are removed, and the police and public prosecutor's office are called if necessary. However, understaffing is a problem in this area as well. Prevention should certainly be included in education. In relation to violence from prison staff, physical violence is noticeably less common, but verbal abuse remains a significant issue.”*

10. Contact with the outside world

a. Visits

In the pre-trial system, upon approval by the investigating judge or the council president and under their supervision or the supervision of a person designated by them, prisoners have the right to receive visits from their relatives, within the framework of the house rules, and at their request, to receive a visit from a physician and other individuals.¹⁸⁰

In the post-trial system, the prisoner has the right to visits from family members twice a month and on holidays, in the duration of at least one hour.¹⁸¹ Visits as mentioned in this article can be facilitated via audio-video conference with the consent of the prisoner.¹⁸² Other individuals may visit the prisoner with the approval of the warden.¹⁸³ A visiting lawyer, public prosecutor, or notary public may hand over documents or papers related to the prisoner's legal matters.¹⁸⁴

More frequent contact with the outside world is also a type of benefit which are a set of incentive measures aimed at reducing the negative effects of incarceration and encouraging the fulfilment of

¹⁷⁹ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2023 ([Godišnji izvještaj o radu za 2023. godinu](#)).

¹⁸⁰ Croatia, Croatian Parliament (*Hrvatski sabor*), Criminal Procedure Act ([Zakon o kaznenom postupku](#)), NN 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, 36/24, Art 139

¹⁸¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 124

¹⁸² Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 124

¹⁸³ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 124

¹⁸⁴ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 124

execution programmes to achieve the purpose of serving a prison sentence.¹⁸⁵ Some of the benefits of more frequent contact with the outside world include: more frequent and longer visits from family members and other individuals, supervised or unsupervised, in the correctional facility or prison; temporary release for the purpose of participating in specific community programmes; escorted or unescorted outings to locations near the correctional facility or prison; outings to the place of residence or domicile or another location; and outings for visits to family members or other individuals.¹⁸⁶

b. Correspondence

The prisoner has the right to unlimited correspondence at their own expense.¹⁸⁷ In prison, closed-type penitentiaries, and closed departments of penitentiaries for the accommodation of individuals deprived of liberty, the content of correspondence is monitored.¹⁸⁸ The prisoner is allowed to make phone calls in accordance with the rules of the penitentiary or prison. A list of telephone numbers of individuals with whom the prisoner is allowed to make calls is kept in their personal file.¹⁸⁹ The prisoner may be allowed to use information technology under supervision for the purpose of implementing psychosocial, socio-pedagogical, educational, work-related, and occupational procedures, as well as for exercising the rights of prisoners, in accordance with the capabilities of the penitentiary or prison.¹⁹⁰

c. Visits with children

A child up to 18 years of age may visit their parent in prison once a week and on holidays. A child up to 16 years of age visits the prisoner accompanied by an adult family member or another adult authorised to care for the child.¹⁹¹ The penitentiary or prison will dedicate, to the best of its abilities, specially equipped spaces for visits by children as mentioned in paragraph 2 of this article.¹⁹²

d. NPM assessment

[NPM recommendations for 2021:](#)

¹⁸⁵ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021 Art 137

¹⁸⁶ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021 Art 138

¹⁸⁷ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 131

¹⁸⁸ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 131

¹⁸⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 132

¹⁹⁰ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 133

¹⁹¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 124 (2)

¹⁹² Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 124 (4)

“Ministarstvu pravosuđa i uprave, da žurno usklade cijene telefoniranja osoba lišenih slobode u kaznenim tijelima s onima na tržištu telefonije.”

To the Ministry of Justice and Administration, to urgently harmonise the telephone prices of persons deprived of their liberty in criminal authorities with those on the telecommunications market.

“Ministarstvu pravosuđa i uprave, da povećaju kapacitete za ostvarivanje kontakta video pozivom osoba lišenih slobode u kaznenim tijelima.”

To the Ministry of Justice and Administration, to increase the capacities for establishing contact by video call of persons deprived of liberty in penal facilities.

Although the digitalisation of the judiciary brings numerous benefits, we have observed difficulties faced by pre-trial detainees because, as a rule, they are not provided access to computers, and consequently, neither to digital records of data.¹⁹³ This limits the preparation of their defence, which is one of the fundamental rights of the accused.

Members of the NPM/ Ombudswoman of Croatia: *“During the COVID-19 pandemic, video visits were introduced, unfortunately, not everyone has access to them, and they are not a universal right due to technical limitations. Video visits should be more accessible; currently, priority is given mostly to prisoners with children. Another issue with visits is poor transport connections, as previously discussed, as well as a lack of waiting rooms and visitation areas. A recommendation is to introduce family visits similar to those in Slovenia, where there are special facilities where families can spend time together during visits in conditions similar to everyday life.”*

11. Special measures for female detainees

a. General conditions of detention for women and girls

The same standards are applicable for male and female detainees, except for pregnant detainees and women that gave birth while serving a prison sentence.

b. Separation from men

Male and female detainees serve their sentences separately.¹⁹⁴ Pregnant women and women who have given birth while serving their sentence, serve their sentence in the maternity ward of the Požega Penitentiary.

c. Hygiene

¹⁹³ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2023 ([Godišnji izvještaj o radu za 2023. godinu](#)).

¹⁹⁴ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 13(3)

There are no specific national standards concerning female detainees in terms of hygiene.

d. Healthcare

As stated in the earlier report, pregnant women and mothers with their child, whom they had given birth to while serving a prison sentence, have to be provided with comprehensive health care in relation to the pregnancy, birth and maternity.¹⁹⁵ The penitentiary and prisons make sure that pregnant women and mothers, who have given birth while serving a sentence, receive the necessary items – children’s clothes, nappies, food, children’s hygiene items, creams, wet wipes, toys and other essential items.¹⁹⁶ If mothers have special needs in terms of cosmetics and other hygienic items or children’s toys, they can order them at the small shop in the penitentiary. Depending on the mother’s wishes, the child may attend the local children’s nursery, while the Social Welfare Centre supervises the child's development and wellbeing, in order for the child to achieve social inclusion with its peers.¹⁹⁷

e. Pregnancy and women with babies or young children

A pregnant woman is placed in the maternity accommodation unit six weeks before childbirth, or before the aforementioned period upon a physician’s recommendation.¹⁹⁸ After childbirth, the mother and child are accommodated in the mother and child accommodation unit, where they typically remain until the child reaches three years of age.¹⁹⁹ If a pregnant woman serving a prison sentence is in a penitentiary or prison without a maternity accommodation unit, she is transferred to a penitentiary or prison where such a unit exists, or upon the recommendation of a physician, to the nearest specialised public healthcare institution.²⁰⁰ The delivery by a pregnant prisoner is carried out in a specialised public healthcare institution.²⁰¹

f. NPM assessment

Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), [Report to the Croatian Government on the visit to Croatia carried](#)

¹⁹⁵ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 119(1)

¹⁹⁶ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 119(6)

¹⁹⁷ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 119(10)

¹⁹⁸ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 119

¹⁹⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 119

²⁰⁰ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 119

²⁰¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 119

[out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 19 to 29 September 2022](#), Strasbourg, Council of Europe, 23 November 2023.

The CPT recommends that the management of Požega Prison upgrade the equipment of pushchair and baby carriers of the mother and child unit as well as to provide adequate access to stocks of clothing to mothers. Further, additional efforts should also be made to ensure that a wide variety of food is made available in the right proportions to enable nursing mothers and their children to maintain an adequately nutritious, sufficiently calorific and well-balanced diet.

The CPT recommends that steps be taken to increase the outdoor entitlements of female prisoners accommodated in the mother and child unit to at least four hours per day and that, if necessary, additional staff be provided. In addition, the swing in the courtyard should be repaired and adequately maintained and more playground facilities should be provided and installed.

The CPT recommendation regarding the need to prevent ill-treatment and excessive use of force, as developed in paragraph 34, also applies in this context. In addition, the Croatian authorities should develop specific training modules for supervisory staff serving at Požega Prison on how to manage episodes of recalcitrant behaviour and agitation by women prisoners and on how to act in a proportionate manner.

The recommendation in paragraph 36 on the need to develop a national strategy for the prevention of inter-prisoner violence is also valid in this context. Furthermore, the CPT considers that such a strategy should also take into account the specificities of Požega Prison, as regards the poor and impersonal material conditions and the presence of dormitories, as well as the underlying tensions among the prison population, in light of its specific risk assessment and criminological profile.

The CPT calls upon the Croatian authorities to take concrete measures to develop a programme of activities for female prisoners accommodated at Zagreb Prison. The aim should be to provide prisoners with at least eight hours of out-of-cell activities (work, vocational courses, education, recreation and sports).

Therefore, the CPT recommends that all staff involved in the management of women's prisons receive training relating to the gender-specific needs and human rights of women prisoners, including the prohibition of discrimination. The Croatian authorities should ensure gender-sensitive and trauma-informed treatment and management of women prisoners as an integral part of the curriculum for the custodial staff in women's prisons.

Members of the NPM/ Ombudswoman of Croatia: *“Regarding, for example, hygiene in prisons, female prisoners are in a good or even better position than men. We notice that sometimes it happens that they are lonely or isolated in pre-trial detention and prisons, but that is a consequence of the fact that there are fewer of them, compared to men. Considering that women sentenced to a prison sentence longer than 6 months can serve their sentence only in the penitentiary in Požega, some female prisoners who live in regions far from Požega are complaining about being far from home. That affects them in terms of the possibility of visits, as Požega is not very well connected via public transport with some parts of Croatia.”*

12. Special measures for foreign nationals

a. General measures for foreign nationals

Foreign national prisoners have the right to correspondence and conversation with the diplomatic and consular representatives of their country or the state protecting their rights.²⁰² Consular and diplomatic representatives of a foreign state may visit a prisoner who is a citizen of their own state, subject to reciprocity.²⁰³

b. Interpretation and translation

In accordance with the Recommendation CM/Rec(2012)12 of the Committee of Ministers to member states on foreign prisoners, national legislation guarantees individuals deprived of their liberty the right to correspond and converse with the diplomatic and consular representatives of their country or the country protecting their rights. Furthermore, in order to provide information in a language they understand regarding their rights and duties upon admission and during their stay in prison, the main features of the prison regime and internal regulations, rules and procedures for submitting requests and complaints, as well as to enable fast and effective daily communication with persons deprived of their liberty, the “Picture It in Prison” visual dictionary (<https://www.picture-it-in.org/>) has been made available to all penitentiaries and prisons.²⁰⁴ Additionally, through the ESF project “Effective Human Resources,” 25 translation tablets have been procured and put into use, and 69 Vasco Translator devices have been acquired from the State Budget.²⁰⁵

c. NPM assessment

There are no specific recommendations concerning the allocation of detainees in the National Preventive Mechanism’s reports from the reference period nor in the CPT report.

Members of the NPM/ Ombudswoman of Croatia: *“We encourage the use of tablets for translation services since we have noticed problems with communication, particularly in pre-trial detention with increasing numbers of foreign nationals of different nationalities, mainly engaged in criminal activities of human trafficking. This issue is certainly something that we will face even more in the future and at the moment we lack a systemic approach. In general, the best solution would be to transfer individuals to serve their sentences in their home countries.”*

²⁰² Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 16 (2)

²⁰³ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 130

²⁰⁴ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²⁰⁵ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

13. Special measures relating to detention of children and young adults/juvenile detention regime

a. Age groups

A sentence of juvenile imprisonment may be pronounced on a minor who, at the time when the offence was committed, has reached sixteen, but has not yet reached eighteen years of age (a “senior minor” - stariji maloljetnik).²⁰⁶

b. General measures for detained children and young adults

The standards have remained the same since the last national report. According to the Juvenile Courts Act, a juvenile pre-trial detention should be served in a “closed prison institution”. The closed prison institution for young detainees should have a diagnostic department and a department for education and work in small groups. While serving their sentence in a closed prison institution, the juvenile should be provided with work and instruction useful for their upbringing and occupation.²⁰⁷

A juvenile prisoner shall be accommodated separately from adults. If a juvenile were to be housed alone in a room and if such accommodation could be detrimental to the juvenile’s health according to a medical opinion, the prison director shall immediately inform the competent court to approve the accommodation with an adult who will not have a detrimental effect on the juvenile.²⁰⁸

Young detainees serve their prison sentence in a penal institution for minors or in a special division of penal institutions for adult convicts where they may stay until they attain twenty-three years of age. If, by that time, they do not serve the entirety of their prison sentence, they shall be referred to a penal institution where adult persons serve their sentences. Exceptionally, a convicted person who has attained twenty-three years of age may stay in the juvenile institution, if it is necessary in order to ensure that they finish their education or vocational training, or if the remaining part of their prison sentence is no longer than six months, but in no case after attaining twenty-seven years of age.²⁰⁹

Juveniles serving sentences in juvenile detention or pre-trial detention enjoy certain rights to a greater extent than adult individuals serving sentences in regular prisons or pre-trial detention. For example, they have the right to more frequent visits from family members than adult prisoners: at least four times per month and on holidays, each lasting at least two hours, and with the approval of the warden and

²⁰⁶ Croatia, Croatian Parliament (*Hrvatski sabor*), Juvenile Courts Acts ([Zakon o sudovima za mladež](#)), NN 84/2011, Article 5(3)

²⁰⁷ Croatia, Croatian Parliament (*Hrvatski sabor*), Juvenile Courts Act ([Zakon o sudovima za mladež](#)), Article 66(2)(3)

²⁰⁸ Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10

²⁰⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Juvenile Courts Act ([Zakon o sudovima za mladež](#)), NN 84/2011, 143/2012, 148/2013, 56/2015, 126/2019, entry into force on 1 January 2020, Article 101.

third parties, an additional two times per month, each lasting at least one hour. They also have longer outdoor recreation time: at least three hours per day.²¹⁰

c. Separation from adults

Juvenile detainees are separated from adult detainees in the same prison facility.²¹¹

d. NPM assessment

NPM recommendations for 2021:

“Ministarstvu pravosuđa i uprave, da izradi uputu o uvjetima i načinima primjene posebnih mjera održavanja reda i sigurnosti u odgojnim zavodima.”

To the Ministry of Justice and Administration, to draw up instructions on the conditions and methods of applying special measures to maintain order and security in the Special Correctional Institution.

Members of the NPM/ Ombudswoman of Croatia: *“The mere existence of specific legal regulations for minors and specialised institutions demonstrates willingness to provide measures aimed at children and young detainees. Minors in pre-trial detention are housed in the same institution as adults but in separate areas because specialised detention units for minors have never been established, although they are legally mandated. A judge should approve minors being in the same space as adults, but sometimes they end up isolated. There is a lack of regulatory specificity regarding minors, which leads to uncertainty among staff about how to handle certain situations, namely, the Regulation on Security Operations in the Prison System is not sufficiently specific, especially concerning minors. When multiple regulations are applied simultaneously, inconsistencies arise.”*

14. Special measures to protect detainees with disabilities or serious medical conditions

a. Care in detention

A prisoner with a disability is provided with accommodation appropriate to the type and degree of their disability.²¹² According to the Regulations on the Accommodation and Nutrition Standards for Prisoners, the warden of the penal institution, upon the recommendation of a physician, decides on the

²¹⁰ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 (*Izvešće o stanju i radu kaznonica, zatvora, odgojnih zavoda i centara za 2022. godinu*), January 2024

²¹¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act (*Zakon o izvršavanju kazne zatvora*), NN 14/2021, Article 13(4).

²¹² Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act (*Zakon o izvršavanju kazne zatvora*), NN 14/2021, Article 82

accommodation of a prisoner with a disability.²¹³ The execution programme includes notes related to the health condition and necessary healthcare, including psychiatric care.²¹⁴

Furthermore, related to the recommendation of the Ombudswoman, the Central Office for the Prison System provided written instructions to penal authorities in 2018 regarding the treatment aimed at protecting prisoners with mental health problems or difficulties in intellectual functioning.²¹⁵ In 2023, this was supplemented with instructions prescribing the procedure for assessing the type and level of risk during the execution of the sentence, in relation to other individuals and in relation to the prisoner for whom the assessment is conducted, in accordance with Article 4(2) of the Regulation on the Treatment of Prisoners ("Official Gazette" No. 123/21), as well as the obligation to develop an individual protection plan for the prisoner against violence, abuse, and manipulation when the assessment indicates a risk of such victimisation.

b. Continuity of care

Upon release, a person who is unfit to travel due to illness is provided transportation by the penitentiary or prison to their place of residence, and if further treatment is required, to the nearest appropriate public healthcare institution in the area of release.²¹⁶

c. Reasonable accommodation and accessibility

Except for the general provision that prisoners with a disability are provided with accommodation appropriate to the type and degree of their disability, there are no further regulations found via desk research. Persons with disabilities are generally not separated from the rest of the prison population; instead, efforts are made towards their inclusion, supporting their participation in all daily activities in which they can and want to engage alongside other incarcerated individuals.²¹⁷

d. NPM assessment

There are no specific recommendations concerning detainees with disabilities or serious medical conditions in the National Preventive Mechanism's reports from the reference period nor in the CPT report.

²¹³ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulations on accommodation and nutrition standards for prisoners, ([Pravilnik o standardima smještaja i prehrane zatvorenika](#)), NN 78/2022, Art 3

²¹⁴ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on the Treatment of Prisoners ([Pravilnik o tretmanu zatvorenika](#)), NN 123/2021, Art 12

²¹⁵ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²¹⁶ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Article 179 (3)

²¹⁷ Croatia, Government of the Republic of Croatia (*Vlada Republike Hrvatske*), Report on the Conditions and Operation of Penitentiaries, Prisons, Juvenile Correctional Institutions, and Centres for the Year 2022 ([Izvešće o stanju i radu kazionica, zatvora, odgojnih zavoda i centara za 2022. godinu](#)), January 2024

Members of the NPM/ Ombudswoman of Croatia: *“As a rule, efforts are made to place individuals in institutions adapted to their needs. There is a job position called prisoner-assistant who, for compensation, assists persons with disabilities, which is certainly an example of good practice. The problem lies in the lack of specialised institutions for specific categories of individuals who may not necessarily belong in psychiatric facilities but should not be in prison conditions either. In the juvenile correctional facility in Turopolje, there are minors with mental health difficulties serving sentences alongside other minors because there are no special correctional facilities for such cases. Another issue arises in cases where pre-trial detention is ordered due to the individual's lack of criminal responsibility; such individuals should be placed in a prison hospital or external facility, but due to a lack of space, they are placed in pre-trial detention centres.”*

15. Specific measures to protect detainees with special needs or other vulnerabilities

a. Protection of LGBTI detainees

By serving a prison sentence, prisoners must not be placed in a disadvantageous position based on race or ethnicity, skin colour, gender, language, religion, political or other beliefs, national or social origin, property status, education, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity, expression, or sexual orientation.²¹⁸

In order to achieve the purpose of serving a prison sentence, a separate execution programme is devised for each prisoner, ensuring adherence to the principle of individualisation.²¹⁹ Among other, the execution programme contains: assessed type and level of security risks during the execution of the prison sentence, such as risks associated with self-harm, suicide, escape, substance abuse, assault on officials or other prisoners, and the risk of potential victimisation by other prisoners, along with measures and procedures to be applied to reduce these risks.²²⁰

Concerning LGBTI prisoners, it is emphasised that, while respecting the fundamental human rights prescribed by the Constitution of the Republic of Croatia and the Prison Sentence Execution Act, actions are taken in accordance with the Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on the grounds of sexual orientation or gender identity.²²¹ Measures are taken to ensure the safety and dignity of all prisoners or persons otherwise deprived of their liberty, including homosexual, bisexual, and transgender individuals, and to provide protection against any physical assault or any form of sexual abuse.²²²

²¹⁸ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)) NN 14/2021, Art 12

²¹⁹ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on the Treatment of Prisoners ([Pravilnik o tretmanu zatvorenika](#)), NN 123/2021, Art 3 (2)

²²⁰ Croatia, Ministry of Justice and Public Administration (*Ministarstvo pravosuđa i uprave*), Regulation on the Treatment of Prisoners ([Pravilnik o tretmanu zatvorenika](#)), NN 123/2021, Art 12 (1)

²²¹ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²²² Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

b. Protection of trans detainees

Measures are taken to adequately protect and respect the gender identity of transgender individuals. If the transition process is not completed, the gender identity declared by the transgender person is respected, taking into account potential risks the individual may pose to themselves and others, as well as potential risks the individual may face from other persons deprived of their liberty when determining accommodation and treatment, similar to all other persons deprived of their liberty.²²³ In this regard, within the newly renovated facility at the Požega Prison, a unit adapted for the accommodation of individuals whose transition process is not completed is provided to ensure their safety and dignity.²²⁴

Furthermore, it is highlighted that, upon recommendation and in collaboration with the Ombudsperson for Gender Equality, a training on “Rights and Specifics of Working with Transgender, Transsexual, and Gender Non-Conforming Individuals” was conducted at the Training Centre.²²⁵ The aim of this training was to sensitise officials and familiarise them with the legal framework and specificities of working with transgender, transsexual, and gender non-conforming individuals.

c. Protection of other vulnerable detainees

The Prison Sentence Execution Act strictly prohibits all forms of discrimination, and additionally, through regular education organised in cooperation with the Ombudsperson offices, awareness among officials is raised regarding the potential vulnerability and the need for protection against any form of violence towards members of ethnic groups or individuals of a different race and/or religious beliefs.²²⁶ As needed, or in accordance with a professional assessment, an individual protection plan against violence is developed for these individuals as well.

d. NPM assessment

NPM recommendations for 2021:

“Ministarstvu unutarnjih poslova i Ravnateljstvu policije, da se, u skladu sa Zakonom o policijskim poslovima i ovlastima, prema ranjivim skupinama postupa s osobitim obzirom te da se primjenjuju policijske ovlasti kojima se u najmanjoj mogućoj mjeri zadire u ljudska prava (vezano uz privođenje OSI)”

To the Ministry of the Interior and the Police Directorate, that, in accordance with the Police Duties and Powers Act, vulnerable groups are treated with special consideration and that police powers that encroach on human rights are applied as little as possible (related to the apprehension of PWDs).

²²³ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²²⁴ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²²⁵ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²²⁶ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

[CPT Report for 2022²²⁷](#):

In particular, the CPT recommends that appropriate measures be taken to upgrade the skills of prison staff in handling high-risk situations without using unnecessary force, in particular by providing training in ways of averting crises and defusing tension, and in the use of safe methods of control and restraint. Such trainings should also include elements of combating discrimination and intolerance against detained persons of Roma ethnicity.

Members of the NPM/ Ombudswoman of Croatia: *In these cases, which are not many, they are approached individually. To our best knowledge, there are no special measures, but care is taken to protect LGBT persons in practice, in terms of determining who they will share a room with.*

16. Specific measures to address radicalisation in prisons

a. General measures to prevent radicalisation

Within the prison system of Croatia, there hasn't been a concerning occurrence or spread of radical ideas among prisoners nor incitement to terrorism recorded thus far.²²⁸ Consequently, specific rehabilitation programmes aimed at prisoners expressing and propagating radical ideas, or their deradicalisation, have not yet been developed within the Croatian prison system. However, in accordance with the Prison Sentence Execution Act and the Regulation on the Treatment of Prisoners, the system of executing imprisonment sentences in Croatia is organised to include numerous preventive measures outlined in the Guidelines for Prison and Probation Services on Radicalisation and Violent Extremism and the Council of Europe Handbook for Prison and Probation Services on Radicalisation and Violent Extremism.

b. Risk assessments

One of the preventive measures mentioned in the question above is an individualised approach to each prisoner, involving creating a specific programme for the execution of the prison sentence tailored to each individual, aligned with their assessed individual criminogenic and security risks, as well as treatment needs.²²⁹

c. Training of staff

The Administration for the Prison System and Probation, through international cooperation within European organisations operating in the field of criminal justice sanctions and measures, as well as the participation of Croatian representatives in international conferences, congresses, round tables,

²²⁷ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), [Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 19 to 29 September 2022](#), Strasbourg, Council of Europe, 23 November 2023

²²⁸ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²²⁹ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

workshops, and working meetings in the field of criminal justice sanctions and measures, regularly exchanges experiences and best practices with European countries, including the current issue of radicalisation in prisons.²³⁰

d. Deradicalisation measures

Another measure listed by the Ministry includes availability of specialised treatment programmes that includes a spectrum of programmes tailored to various groups of prisoners, targeting specific criminogenic factors, although currently there isn't a specific treatment programme aimed at radicalisation as a criminogenic factor.²³¹ General treatment programmes encompass inmate work, education, assistance, and encouragement for organised and meaningful use of leisure time during their stay in correctional facilities. Education and vocational training enable individuals to attain educational status and enhance competitiveness in the job market which has an impact on various aspects of personal growth and development, thereby representing, in a broader sense, an intervention within the spectrum of psychosocial treatment.²³²

Prisoners have the right to practise their religion and to contact religious officials from their religious community, with contact allowed exclusively with those communities registered in the registry of religious communities maintained by the Ministry of Justice and Administration. Facilitating regular contact with authorised representatives of religious communities is extremely important in preventing the spread of radicalism in correctional facilities. By enabling prisoners to fulfil their religious needs, the risk of their susceptibility to radical ideas that contradict the teachings of registered religious communities is reduced.²³³

Considering that the lack of adequate support upon release from imprisonment represents one of the most significant risk factors for criminal recidivism, the Administration for the Prison System and Probation continuously develops and enhances cooperation with relevant institutions and civil society organisations in organising post-release reception and assistance.²³⁴

e. NPM assessment

There are no specific recommendations to address radicalisation in prisons in the National Preventive Mechanism's reports from the reference period, nor in the CPT report.

Members of the NPM/ Ombudswoman of Croatia: *“Recently, there have been no such cases, measures or procedures, to our best knowledge. In the period when more persons convicted of war crimes were serving a prison sentence, there was a need for some measures in terms of the allocation of prisoners,*

²³⁰ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²³¹ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²³² Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²³³ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

²³⁴ Information obtained from official correspondence via e-mail with the Ministry of Justice and Administration, 15 April 2024

but in the period to which this research refers, no measures or complaints related to radicalisation in detention were recorded.”

17. Inspections and monitoring

a. Inspections

The Central Office monitors, enhances, and supervises the legality of operations and conduct in penitentiaries, prisons, or centres, conducts professional supervision over their operations, monitors and studies the application of regulations applicable in the prison system, directly takes or proposes measures to improve the prison system to the competent authorities, collects and processes statistical data, and performs other tasks prescribed by this Act and other regulations.²³⁵ The Regulation on Professional Supervision in the Prison System²³⁶ prescribes the manner of conducting professional supervision in the prison system (penitentiaries, prisons, and centres) of the ministry responsible for judicial affairs, the persons authorised to conduct professional supervision, the types and content of professional supervision. Professional supervision encompasses oversight of the legality and regularity of operations within penitentiaries, prisons, and centres, including their state officials and employees, and their conduct towards individuals deprived of liberty.

b. Access to detention facilities by national authorities

Monitoring compliance with the human rights and fundamental freedoms of prisoners is conducted by the Ombudsperson and special Ombudspersons in accordance with special regulations, as well as international bodies based on international treaties to which the Republic of Croatia is a party.²³⁷ In relation to persons deprived of liberty within the prison system, the Ombudsperson acts in accordance with the authorities prescribed by the Ombudsperson Act and the Act on the National Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

c. Access to detention facilities by international bodies

Croatia has signed the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) thereby granting access to the Council of Europe anti-torture Committee (CPT). In 2005, Croatia has also ratified the Optional Protocol to the Convention against Torture (OPCAT) thereby granting access to Subcommittee for Prevention of Torture (SPT).

d. NPM assessment

²³⁵ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 30

²³⁶ Croatia, Ministry of Justice and Administration (*Ministarstvo pravosuđa i uprave*), Regulation on Professional Supervision in the Prison System ([Pravilnik o stručnom nadzoru u zatvorskom sustavu](#)), NN 137/2021

²³⁷ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 20

There are no specific recommendations regarding inspections and monitoring in the National Preventive Mechanism's reports from the reference period nor in the CPT report.

Members of the NPM/ Ombudswoman of Croatia: *"The accessibility of detention facilities for the purposes of inspections and monitoring of detention conditions is without any limitations."*

18. Access to remedy

a. Legal remedies

In terms of police custody, a natural or legal person who believes that their rights or freedoms have been violated by the actions or omissions of a police officer in the exercise of police powers has the right to submit a complaint to the Ministry within 30 days from the date of becoming aware of the violation.²³⁸

In pre-trial detention, a prisoner may submit an oral or written complaint or a specific request to the warden. The warden shall inform the prisoner of the action taken regarding the complaint or request within three days.²³⁹ If a prisoner believes that their rights are unlawfully infringed or restricted by a decision, measure, or action of the warden or another prison official, the prisoner may submit an oral or written complaint to the president of the court that ordered pre-trial detention for the purpose of protecting them from proven violations of their rights during pre-trial detention. The president of the competent court shall make a decision applying the powers of the execution judge regarding the request for protection of the prisoner's rights as prescribed by the Prison Sentence Execution Act.

In the post-trial system, the execution judge protects the rights of prisoners, supervises the legality of the prison sentence execution process, and ensures the equality of prisoners before the law.²⁴⁰ According to Article 19 of the Prison Sentence Execution Act,²⁴¹ the prisoner and members of the prisoner's family with their consent may submit a request for judicial protection to the execution judge against the procedure or decision, by which the prisoner is illegally deprived of or restricted in the exercise of any right under this Act. The judge is obliged to start examining the allegations of the request for judicial protection no later than 15 days from the day of receipt of the request. If the execution judge rejects the request for judicial protection as ill founded, a prisoner/detainee and the penitentiary may lodge an appeal to the competent judicial council. If the execution judge finds the request to be well-founded, the execution judge shall order the removal of the illegal deprivation or restriction. If the elimination of the illegality is not possible, the execution judge will determine the illegality by a decision and prohibit its recurrence. The decision will be delivered to the Central Office upon final decision.

²³⁸ Croatia, Croatian Parliament (*Hrvatski sabor*), Police Act ([Zakon o policiji](#)) NN 34/11, 130/12, 89/14, 151/14, 33/15, 121/16, 66/19, 155/23, Art 5

²³⁹ Croatia, Croatia, Ministry of Justice (*Ministarstvo pravosuđa*), Regulations on the House Rules in Prisons for the Execution of Pre-trial Detention ([Pravilnik o kućnom redu u zatvorima za izvršavanje istražnog zatvora](#)), NN 08/10, Art 6

²⁴⁰ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 49

²⁴¹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 19

In the case of *Hanževački* (no. 49439/21), the Constitutional Court of Croatia declared the constitutional complaint inadmissible in March 2021 due to the non-use of preventive remedies (requests for judicial protection to the execution judge, complaints to the warden or the Central Office for Prison System) during prison stay.²⁴² The ECtHR referred to its earlier findings from case *Janković v. RH* in which it stated that such a development of constitutional judicial practice is in accordance with the practice of the ECtHR, but expressed concern about the retroactive application of the conditions of admissibility for filing constitutional lawsuits, as well as about the lack of a transition period for the application of the new practice. Subsequently, from March 2022 onwards,²⁴³ the Constitutional Court changed its approach and did not apply the condition of prior exhaustion of legal remedies in cases where complainants were unable to use them.

b. Legal assistance

Every prisoner has the right to correspondence and communication with their lawyer in accordance with the provisions of this Act.²⁴⁴ During proceedings before the execution judge, the convicted person or prisoner has the right to receive expert legal assistance from a representative of their choice from among lawyers, who may be substituted by a trainee lawyer.²⁴⁵ Visits by lawyers may only be monitored visually.²⁴⁶ The prisoner has the right, without restriction and monitoring of correspondence content, to correspond with their lawyer, state authorities, and international human rights organisations of which the Republic of Croatia is a member.²⁴⁷ The prisoner has the right to an unsupervised telephone conversation with their lawyer, institutions, and human rights associations.²⁴⁸

c. Request and complaints

According to Article 17 of the Prison Sentence Execution Act,²⁴⁹ the prisoner and members of the prisoner's family with their consent, have the right to complain against the procedure and decision of the officer of the penitentiary or prison, including the violation of the standards mentioned above. The complaint can be submitted orally or in writing to the Head of the penitentiary or prison, the Central Office and the execution judge. The Head of the penitentiary needs to respond to the submitted complaint within 15 days from the day of receipt of the complaint, and the Central Office within 30 days

²⁴² Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Annual report for 2023 ([Godišnji izvještaj o radu za 2023. godinu](#)).

²⁴³ Croatia, Constitutional Court of Republic of Croatia (*Ustavni sud Republike Hrvatske*), [U-III/3047/2019](#), 22 March, 2022

²⁴⁴ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 16

²⁴⁵ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 51

²⁴⁶ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 126

²⁴⁷ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 131

²⁴⁸ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 132 (6)

²⁴⁹ Croatia, Croatian Parliament (*Hrvatski sabor*), Prison Sentence Execution Act ([Zakon o izvršavanju kazne zatvora](#)), NN 14/2021, Art 17

from the day of receipt of the complaint. If a detainee/prisoner submits a written complaint to the execution judge, the latter needs to respond to the complaint in writing within 30 days from the day of receipt of the complaint.

d. Independent authority

Please see answer 18.a)

e. NPM assessment

There are no specific recommendations regarding access to remedy in the National Preventive Mechanism's reports from the reference period, however, the NPM in 2021 recommended the Ministry of Justice and Administration to continue insisting on the implementation of its instruction, according to which, upon receipt of a written complaint from a prisoner, an investigative procedure should be conducted, examining the allegations of the complainant in detail, and providing a reasoned response within the legal deadline, which should include the actions taken in the investigative process, established facts, and provisions of legal and sub-legal acts on which the assessment of the validity of the complaint is based.²⁵⁰

[CPT Report for 2022](#)²⁵¹:

The CPT recommends that the Croatian authorities ensure that all complaints lodged by prisoners are investigated effectively.

The CPT recommends that the supervisory judges from the Zagreb and Varaždin County Courts resume their visits to prison establishments in person in order to better assess the conditions of detention of the prisoners under their legal remit.

The remarks in paragraph 81 on the necessity for supervising judges to apply the necessary rigour and scrutiny in respect to the examination of the complaints lodged by prisoners also apply in the context of the Požega Prison.

Members of the NPM/ Ombudswoman of Croatia: *“There used to be a significant lack of trust regarding complaints, especially among remand prisoners, with a small number of complaints. In 2017/2018, the Ministry provided guidelines on how to handle complaints, including how to record them, investigate them, deliver responses, provide explanations, etc. There is room for improvement, particularly in clarifying the explanations. The role of complaints to the execution judge is not clear, and prisoners are frustrated with the actions they take. The NPM has written to the Ministry and the Supreme Court because judges treat requests for judicial protection as complaints and do not issue decisions. The handling of requests for judicial protection should be more thoroughly regulated and expedited.”*

²⁵⁰ Croatia, Ombudsperson of the Republic of Croatia (*Pučki pravobranitelj*), Report on the Work of National Preventive Mechanism for 2021 ([Izvešće o radu nacionalnog preventivnog mehanizma za 2021. godinu](#)).

²⁵¹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), [Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 19 to 29 September 2022](#), Strasbourg, Council of Europe, 23 November 2023

Part II: National case-law

Croatia, Constitutional Court of the Republic of Croatia (Ustavni sud Republike Hrvatske), Zagreb / [U-III/3047/2019](#), 29 March 2022

Thematic area	<i>Access to remedies-18.a Legal remedies</i>
Decision date	29 March 2022
Reference details	U-III/3047/2019 - Constitutional Court of the Republic of Croatia (Ustavni sud Republike Hrvatske)
Key facts of the case	The subject of the civil procedure preceding the constitutional court proceedings was the petitioner's lawsuit against the defendant, the Republic of Croatia, for compensation for damages resulting from the violation of personality rights during his stay in the Zagreb Prison from June 7, 2012, to November 11, 2013, where he first served pre-trial detention and then a prison sentence. The petitioner filed a lawsuit for compensation for inappropriate conditions in the Zagreb Prison from June 7, 2012, to November 11, 2013, on February 19. During this period, while being exposed to these conditions, the petitioner had the opportunity to use preventive remedies for inappropriate conditions in prison based on the Prison Act. There is no data, and the petitioner does not claim otherwise, that these preventive measures were used. The litigation process was completed in 2019, after which the petitioner filed a constitutional complaint on July 10, 2019, alleging violations of Articles 23 and 25 of the Constitution.
Main reasoning/argumentation	Regarding the exhaustion of legal remedies for constitutional complaints filed in connection with judgments for compensation for prison conditions (see decision no. U-III-2757/2018 of February 4, 2020, published in "Narodne novine" No. 26/20), the Constitutional Court has taken the stance that applicants who have not utilised preventive legal remedies under the Prison Sentence Execution Act cannot raise complaints based on Articles 23(1) and 25(1) of the Constitution in a constitutional complaint filed after utilising compensatory legal remedies (judgments for compensation for prison conditions). It follows that the petitioner utilised only compensatory legal remedies for inappropriate prison conditions before filing the constitutional complaint (see §§ 55, 63 of the decision of the European Court of Human Rights in the case of Janković) but did not use preventive legal remedies based on the Prison Sentence Execution Act before that.
Key issues (concepts, interpretations) clarified by the case	The situation without a transitional period or clear indications on how to apply decision no. U-III-2757/2018 raises the issue of retroactive application of the admissibility criteria for constitutional complaints. This retroactive application raises questions about the effectiveness of constitutional complaints for all applicants who have utilised compensatory legal remedies but have not used preventive legal remedies before September 10, 2020, and are no longer able to do so. As previously mentioned, in such situations, applicants could expect the Constitutional Court to examine their complaints regarding inadequate conditions of detention, regardless of whether they properly utilised preventive legal remedies, if they later used compensatory legal remedies before civil courts. Therefore, concerning these applicants, the retroactive application of the leading practice of the Constitutional Court raises questions about predictability and thus the effectiveness of constitutional complaints as a legal remedy for conditions of detention.

Results (sanctions) and key consequences or implications of the case	<p>In its decision, the Constitutional Court applied the standpoint from § 63 of the European Court of Human Rights (hereinafter: ECtHR) decision in Janković and Others v. Croatia, no. 23244/16, dated 21 September 2021, and established that the non-use of preventive measures based on the Prison Sentence Execution Act before filing a claim for compensation against the state due to inappropriate conditions in prison cannot be held against the petitioner. This is because, at the time when he was able to use these measures, he did not know nor could he have known that their use was a condition for the admissibility of the constitutional complaint based on Articles 23 and 25 of the Constitution."</p>
Key quotation in original language and translated into English with reference details	<p>"Slijedi da je podnositelj prije podnošenja ustavne tužbe iskoristio samo kompenzatorno pravno sredstvo za neprimjerene uvjete u zatvoru (usp. §§ 55., 63. odluke ESLJP-a Janković), ali da prije korištenja tog sredstva nije koristio preventivna pravna sredstva na temelju ZIKZ-a. Imajući u vidu da je ta sredstva mogao koristiti jedino 2012. - 2013. godine, ali da tada nije mogao predvidjeti da će korištenje preventivnih sredstava postati uvjet dopuštenosti ustavne tužbe, Ustavni sud, primjenom stajališta iz § 63. odluke ESLJP-a Janković i dr., zaključuje da u konkretnom slučaju nekorištenje preventivnih sredstava na temelju ZIKZ-a ne može ići na teret podnositelju"</p> <p>"This implies that the petitioner used only compensatory legal remedies for inadequate prison conditions before filing the constitutional complaint (see §§ 55, 63 of the ECtHR decision in Janković), but did not utilise preventive legal remedies based on the Prison Act before that. Considering that he could only have used those remedies from 2012 to 2013, and that he could not have predicted that the use of preventive measures would become a condition for the admissibility of a constitutional complaint, the Constitutional Court, applying the position from § 63 of the ECtHR decision in Janković and Others, concludes that, in this case, the failure to use preventive measures based on the Prison Sentence Execution Act cannot be attributed to the petitioner."</p>

Croatia, Constitutional Court of the Republic of Croatia (Ustavni sud Republike Hrvatske), Zagreb / [U-III-2594/2018](#), 30 June 2022

Thematic area	<i>Cells- 1.a Cell space</i>
Decision date	30 June 2022
Reference details	U-III-2594/2018 - Constitutional Court of the Republic of Croatia (Ustavni sud Republike Hrvatske)
Key facts of the case	<p>On April 26, 2013, the plaintiff filed a lawsuit against the defendant, seeking compensation for non-pecuniary damages in the amount of 14,630.00 HRK due to inadequate conditions at the Diagnostic Center and the Varaždin Prison. The first-instance court deemed that the petitioner was not subjected to inhuman or degrading treatment that would cause a violation of his personality rights to mental and physical health, considering the overall quality of his life and the possibility of staying and organising life in other spaces. The appellate court dismissed the petitioner's appeal in its entirety, thus confirming the first-instance judgement.</p>
Main reasoning/argumentation	<p>The petitioner argues in the constitutional complaint that there has been a violation of constitutional rights guaranteed by Articles 14(2), 23(1), 25(1), 29(1), and 35 of the Constitution, as well as rights guaranteed by Article 3 of the Convention. The petitioner complains about the conditions at the Diagnostic Center and the Varaždin Prison, emphasising grievances regarding overcrowded cells, hygiene, and sanitation conditions. The petitioner challenges the</p>

	assessment of first instance and appellate courts, which concluded that the overcrowding of the cells was compensated by other conditions of stay, thereby not constituting a violation of the petitioner's personality rights.
Key issues (concepts, interpretations) clarified by the case	The Constitutional Court reiterates that in cases where the prison room has an area of 3 - 4 m2 of personal space per inmate, the spatial factor strongly influences the assessment of the adequacy of the living conditions in the prison. Therefore, the Constitutional Court will assess whether the spatial factor is related to other aspects of inadequate physical living conditions in the prison. In cases involving alleged inappropriate prison conditions, the principle of <i>affirmanti incumbit probatio</i> (the one who alleges must prove) cannot be strictly applied because only state authorities have access to the information that can confirm or refute allegations of inadequate prison conditions
Results (sanctions) and key consequences or implications of the case	<p>From the findings of the first-instance court, it is evident that the applicant had less than 4 m2 of personal space during the 35 days he spent in the Diagnostic Center (from March 10, 2012, to April 16, 2012), and an undetermined number of days with less than 3 m2 of personal space. Additionally, it was determined that he spent 22 hours a day in a prison cell with a sanitary facility that was not fully separated from the rest of the room, and that food was served and consumed in the room. Applying the principles from the ECtHR judgments, the Constitutional Court finds that such conditions are undoubtedly inhuman and degrading, and that the applicant's rights under Articles 23 and 25 of the Constitution and Article 3 of the Convention have been violated.</p> <p>The Constitutional Court determined that the period from April 16, 2012, to October 3, 2012, was not short nor sporadic, and therefore, the first cumulative condition established in the <i>Muršić v. Croatia's</i> judgement was not met. The aforementioned period of the applicant's stay in the Varaždin Prison, according to the assessment of the Constitutional Court, is considered a prolonged stay and constitutes per se a violation of constitutional/convention rights due to the lack of personal space.</p>
Key quotation in original language and translated into English with reference details	<p>“Međutim, iz utvrđenja prvostupanjskog suda nesporno proizlazi da je podnositelj tijekom 35 dana koje je proveo u Centru za dijagnostiku (od 10. ožujka 2012. do 16. travnja 2012.) imao na raspolaganju manje od 4 m2 osobnog prostora, a neutvrđeni broj dana i manje od 3 m2 , da je 22 sata dnevno boravio u zatvorskoj sobi u sklopu koje se nalazio sanitarni čvor koji nije bio u potpunosti odvojen od ostatka prostorije, kao i da se u sobi posluživala i konzumirala hrana, primjenom stajališta iz naprijed navedenih presuda ESLJP-a, Ustavni sud nalazi da su takvi uvjeti nedvojbeno nečovječni i ponižavajući te da su podnositelju povrijeđena prava iz članaka 23. i 25. Ustava te članka 3. Konvencije.”</p> <p>From the findings of the first-instance court, it is clear that the petitioner had less than 4 m2 of personal space during the 35 days spent at the Diagnostic Center (from March 10, 2012, to April 16, 2012), and for an unspecified number of days, less than 3 m2 of space. Furthermore, the petitioner spent 22 hours a day in a prison cell where the sanitary facility was not completely separated from the rest of the room where food was served and consumed. Applying the principles from the aforementioned judgments of the ECtHR, the Constitutional Court concludes that such conditions are undoubtedly inhumane and degrading, and that the petitioner's rights under Articles 23 and 25 of the Constitution, as well as Article 3 of the Convention, have been violated.</p> <p>“Ustavni sud utvrđuje da razdoblje od 16. travnja 2012. do 3. listopada 2012. nije bilo kratko i povremeno te stoga nije zadovoljen prvi kumulativni uvjet utvrđen u presudi <i>Muršić</i> protiv Hrvatske... Naprijed navedeno razdoblje podnositeljevog boravka u Zatvoru u Varaždinu, prema ocjeni Ustavnog suda, smatra se duljim boravkom te predstavlja per se povredu ustavnog/konvencijskog prava zbog nedostatka osobnog prostora”</p>

	<p>The Constitutional Court determined that the period from April 16, 2012, to October 3, 2012, was not short nor sporadic, and therefore, the first cumulative condition established in the judgement <i>Muršić v. Croatia</i> was not met. The aforementioned period of the applicant's stay in the Varaždin Prison, according to the assessment of the Constitutional Court, is considered a prolonged stay and constitutes per se a violation of constitutional/convention rights due to the lack of personal space.</p>
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