

THE CROATIAN PARLIAMENT

In accordance with the Article 88 of the Constitution of the Republic of Croatia I am hereby approving

THE ENACTMENT OF THE ACT ON THE OMBUDSMAN FOR PERSONS WITH DISABILITIES

I am declaring the Act on the ombudsman for persons with disabilities, which was passed by the Parliament of the Republic of Croatia at its session on 3 October 2007.

President of the Republic of Croatia Stjepan Mesić

ACT ON THE OMBUDSMAN FOR PERSONS WITH DISABILITIES

GENERAL PROVISIONS

Article 1

This Act defines the scope and manner of work as well as conditions for the appointment and dismissal from duties of the ombudsman for persons with disabilities and his or her deputies.

Article 2

The ombudsman for persons with disabilities protects, monitors and promotes rights and interests of persons with disabilities in accordance with the Constitution of the Republic of Croatia, international treaties and laws.

Article 3

- 1) The ombudsman for persons with disabilities acts independently and autonomously, adhering to the principles of fairness and morality.
- 2) The ombudsman for persons with disabilities must not be instructed or ordered in his work.
- 3) The ombudsman for persons with disabilities and his or her deputies must not be members of any political parties or participate in political activities.

Article 4

- 1) Based on the recommendation of the Government of the Republic of Croatia, the ombudsman for persons with disabilities is appointed and relieved of duty by the Croatian Parliament.
- 2) The ombudsman for persons with disabilities has two deputies who are appointed and relieved of their duty by the Croatian Parliament based on the recommendation of the ombudsman for persons with disabilities.
- 3) The ombudsman for persons with disabilities and his or her deputies are officials of the Republic of Croatia, are appointed for the mandate of eight years and can be reappointed.

Article 5

A person with disability is a person who is in accordance with the valid regulations in the Republic of Croatia considered to be a person with a disability.

THE SCOPE AND MANNER OF WORK

Article 6

The ombudsman for persons with disabilities:

- monitors the compliance of laws and other regulations in the Republic of Croatia related to the protection of rights and interests of persons with disabilities with the provisions of the Constitution of the Republic of Croatia and the international documents related to the protection of rights and interests of persons with disabilities,
- monitors whether the Republic of Croatia meets its obligations stemming from international documents related to the protection of rights and interests of persons with disabilities,
- monitors implementation of policies, national strategies and programmes of the Republic of Croatia related to the protection of rights and interests of persons with disabilities,
- oversees the protection of human rights and fundamental freedoms of persons with disabilities as well as prevention of all forms of discrimination on the grounds of disability,
- considers cases of violation of the rights of persons with disabilities, informs the public on the violation of the rights of persons with disabilities and undertakes activities aimed at their prevention,
- protects and promotes rights and interests of persons with disabilities
- proposes measures for building a comprehensive system of protection and promotion of rights and interests of persons with disabilities,
- recommends measures aimed at enhancing the quality of living of the families of persons with disabilities,
- collects information and informs the public on the status of rights of persons with disabilities,
- performs other activities as defined by this Act.

Article 7

- 1) The ombudsman for persons with disabilities participates in drafting proposals of regulations related to the rights of persons with disabilities or to those that regulate the issues of interest to persons with disabilities.
- 2) The ombudsman for persons with disabilities can initiate the enactment and modifications of laws and other regulations related to the protection of rights and interests of persons with disabilities.

Article 8

- 1) The ombudsman for persons with disabilities provides advisory help to persons with disabilities on the manner of exercising and protecting their rights and interests.

- 2) The ombudsman for persons with disabilities cooperates with associations of persons with disabilities, associations dealing with programmes providing benefits to persons with disabilities, initiates and participates in public activities aimed at enhancing the position of persons with disabilities.

Article 9

- 1) In performing activities within his or her scope the ombudsman for persons with disabilities is authorised to warn, propose, inform and give recommendations.
- 2) The ombudsman for persons with disabilities is authorised to propose measures for improving the position of persons with disabilities to relevant authorities in the state administration, bodies of local and regional self-government, legal and physical persons as well as demand reports on the measures undertaken.

Article 10

- 1) Bodies of the state administration, bodies of local and regional self-government, legal and physical persons are obligated to cooperate with the ombudsman for persons with disabilities and submit reports and respond to inquiries at his/her request.
- 2) Bodies of the state administration, bodies of local and regional self-government, legal and physical persons are obligated to inform the ombudsman for persons with disabilities on the undertaken measures regarding his/her warning, proposal or recommendation immediately or within 15 days at the latest.
- 3) If bodies or legal persons from the Paragraph 1 of this Article do not act at his/her request within the prescribed timeframe, the ombudsman for persons with disabilities shall notify the body supervising the entities not complying with ombudsman's requests within 30 days.
- 4) If the body supervising the work of bodies and legal persons from the Paragraph 1 of this Article does not report on the established facts and undertaken measures within 8 days, the ombudsman for persons with disabilities shall notify the Government of the Republic of Croatia within 30 days.

Article 11

All bodies of the state administration, units of local and regional self-government, legal and physical persons are obligated to make available and accessible all data, information and documents pertaining to the rights and protection of persons with disabilities to the ombudsman for persons with disabilities.

Article 12

- 1) The ombudsman for persons with disabilities has the right to access premises and review how care is provided for persons with disabilities that habituate,

work or are temporarily or permanently placed with physical and legal persons and other legal entities based on special regulations.

- 2) A report is made on the performed inspection from the Paragraph 1 of this Article within 30 days and delivered to the body supervising the work of the persons from the Paragraph 1 of this Article.
- 3) The body from the Paragraph 2 of this Article must inform the ombudsman for persons with disabilities on the undertaken actions within 30 days following the receipt of the report, and in urgent cases without delay.
- 4) If the supervising entity does not submit the report within the timeframe determined in Paragraph 3 of this Article, the ombudsman for persons with disabilities shall notify the Government of the Republic of Croatia and the media within 30 days.

Article 13

If in the course of performing his/her duties the ombudsman for persons with disabilities determines that a person with disability is subject to discrimination, violence, sexual harassment, abuse, exploitation, neglect or negligent conduct, he/she is obliged to immediately file a complaint with the relevant state attorney's office, notify the relevant body of the state administration and propose measures for the protection of rights and interests of persons with disabilities.

Article 14

The ombudsman for persons with disabilities can, in the course of performing his/her activities, seek professional help of scientific institutions, whose scope of activities involves protection, care and rights of persons with disabilities, and the said institutions are obliged to provide him/her assistance within 30 days.

Article 15

- 1) Everyone can contact the ombudsman for persons with disabilities and submit a proposal for considering issues of importance for the protection of rights and interests of persons with disabilities.
- 2) The ombudsman for persons with disabilities shall notify the submitter on activities undertaken with respect to his or her proposal within 60 days.

Article 16

The ombudsman for persons with disabilities cannot be held accountable, placed in custody or punished for expressing an opinion and performing activities within the scope of his/her work, unless it is a matter of the violation of law on the part of the ombudsman for persons with disabilities that constitutes a criminal offence.

Article 17

- 1) The ombudsman for persons with disabilities submits a report on his/her work to the Croatian Parliament once a year.

- 2) The ombudsman for persons with disabilities is entitled to submit special reports to the Croatian Parliament when he/she deems it necessary for performing measures of significance for protection of rights and interests of persons with disabilities.

Article 18

- 1) Administrative and professional work of the ombudsman for persons with disabilities is conducted at the Office of the ombudsman for persons with disabilities.
- 2) The head office of the Office of the ombudsman for persons with disabilities is in Zagreb.

Article 19

- 1) The ombudsman for persons with disabilities passes the rule book that regulates the process and organization of work, internal organization of the ombudsman's office and other issues of importance for performing the work of the ombudsman for persons with disabilities.
- 2) The rule book from Paragraph 1 of this Article shall be confirmed by the Croatian Parliament.

Article 20

The funds for the work of the ombudsman for persons with disabilities, his/her deputies and the office are provided from the budget of the Republic of Croatia.

APPOINTMENT AND DISMISSAL OF THE OMBUDSMAN FOR PERSONS WITH DISABILITIES

- 1) To be appointed the ombudsman for persons with disabilities, a person has to be a Croatian citizen with a university degree in humanistic sciences, has to have at least 10 years of work experience in the field of promoting and protecting the rights of persons with disabilities.
- 2) To be appointed a deputy of the ombudsman for persons with disabilities, a person has to be a Croatian citizen with a university degree and at least 5 years of work experience.
- 3) The ombudsman for persons with disabilities or one of his/her deputies should have a university degree in law.
- 4) A person who has been sentenced for a criminal offence with at least two years in prison in accordance with the Croatian or international law for crimes against the life and body, humanity and morals, public or private property, public administration and public interest, or for embezzlement in the public sector, unless rehabilitation has been effected in accordance with a special law, cannot be appointed the ombudsman for persons with disabilities nor his/her deputy.
- 5) In appointing the ombudsman for persons with disabilities or one of his/her deputies the priority will be given to a person with disability provided he or she fulfills all the required conditions defined in the job advertisement.

Article 22

- 1) The Government of the Republic of Croatia institutes proceedings for appointing the ombudsman for persons with disabilities at least 3 months prior to the expiry of the term of office of the current ombudsman for persons with disabilities, or at least 30 days following the cessation of office of the ombudsman for persons with disabilities due to other reasons stipulated by law.
- 2) The ombudsman for persons with disabilities institutes proceedings for appointment of a deputy at least 3 months prior to the expiry of term of office of the current deputy, or within 30 days following the cessation of office of the deputy due to other reasons stipulated by law.

Article 23

- 1) The ombudsman for persons with disabilities and his/her deputies take an oath before the Croatian Parliament prior to assuming their office.
- 2) The wording of the oath is as follows: 'I solemnly swear that in my work, I will abide by the Constitution and law, honor the legal order of the Republic of Croatia and perform my duty justly, honorably, conscientiously and impartially in the best interests of persons with disabilities.'

Article 24

The ombudsman for persons with disabilities and his/her deputies shall be relieved of their respective duties prior to the end of their appointment term in the following cases:

1. their own request,
2. loss of Croatian citizenship,
3. occurrence of general incapacity for work and loss of business capacity,
4. legally valid conviction for a criminal offence with at least two years in prison determined by Croatian or international law for crimes against the life and body, humanity and morals, public or private property, public administration and public interest or for embezzlement in the public sector;
5. refusal to accept the annual report on the work of the Office, or illegal, untimely or unprofessional performance of their duties.

INTERIM AND FINAL PROVISIONS

Article 25

The Government of the Republic of Croatia shall within 60 days following the enactment of this Act recommend the ombudsman for persons with disabilities to the Croatian Parliament.

Article 26

The ombudsman for persons with disabilities shall within 30 days following his/her appointment recommend deputies of the ombudsman for persons with disabilities to the Croatian Parliament.

Article 27

The ombudsman for persons with disabilities shall pass the rule book from the Article 19 of this Act within 90 days from taking his/her office.

Article 28

This Act is published in the Official Gazette and comes into effect on 1 January 2008.

Croatian Parliament
President of the
Croatian Parliament
Vladimir Šeks