**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**Background and Objective of the report**

The thematic reports of the Special Rapporteur on the right to adequate housing,   
Mr. Balakrishnan Rajagopal, to the General Assembly in 2021 and to the Human Rights Council in 2021 will focus on the issue of discrimination in relation to the right to adequate housing, including the impact of spatial segregation in urban or rural-urban environments on the enjoyment of human rights.

Spatial segregation can be understood as the imposed or preferred separation of groups of people in a particular territory by lines of race, caste, ethnicity, language, religion or income status. Spatial, including residential segregation can have different forms depending on the territorial, cultural or historical context and is often characterized by forms of economic and social exclusion, inequity and spatial disparity in access to infrastructure, services and livelihood opportunities.

Discrimination is understood as any formal or substantive distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination as to race, colour, sex, language, religion, national or social origin, political or other opinion, property, birth or other status - including disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, economic and social status - which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights.[[1]](#footnote-1)

The main objectives of the two interrelated reports will be to identify contemporary and historical forms of discrimination and segregation that affect the right to adequate housing, to highlight good practices in the prevention of discrimination and segregation and to provide guidance to States on how they can ensure their human rights obligations in relation to non-discrimination and the right to adequate housing.

To inform his reports Mr. Rajagopal welcomes contributions from States, local and regional governments, national human rights institutions, civil society organizations, academics, UN agencies and other stakeholders.

The questionnaire is detailed to allow for comprehensive collection of information covering all aspects of the right to adequate housing. However, responding to only those questions on which the responding organization, institution or entity has information, or expertise is much appreciated.

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: Office of the Ombudswoman of the Republic of Croatia

Type of Entity\*

National Government or federal governmental ministry/agency

Inter-governmental organization or UN agency

Local or regional government, agency, representative or mayor

Association, tenant union or housing cooperative

NGO network, umbrella organization

Community-based NGO

Academia

Foundation

National human rights organization, ombudsperson

Real estate, urban planning or construction

Real estate investor or investment fund

Trade Union

Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

Public administration

Advocacy

Funding

Legal Assistance-complaints handling

Networking

Policy

Research

Technical Assistance

Training

N/A

Other:

3. City/Town: Click here to enter text.

4. State/Province:

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); Republic of Croatia

6. Contact e-mail in case we have questions: info@ombudsman.hr

**HOUSING DISCRIMINATION**

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

* People of African Descent, or Roma
* Racial, caste, ethnic, religious groups/minorities or other groups
* Migrants, foreigners, refugees, internally displaced persons
* Women, children or older persons
* Indigenous peoples
* Persons with disabilities
* LGBTQ persons
* Low income persons, including people living in poverty
* Residents of informal settlements; persons experiencing homelessness
* Other social groups, please specify

In our annual reports to the Parliament, we regularly report on human rights and specific forms of discrimination some groups face, especially Roma, in relation to adequate housing, as well as on general availability of social housing, on the fulfilment of housing programs for underdeveloped areas of the country, as well as, in our last Report for 2020, on the current situation regarding adequate housing in relation to two larger earthquakes which destroyed approximately 64.000 homes in 2020 in two parts of Croatia.

In terms of the aforementioned “racial, caste, ethnic, religious groups/minorities or other groups”, we find Roma to be particularly disadvantaged. Thus for instance, in our 2018 report[[2]](#footnote-2) we pointed out that Roma are excluded from the society also on account of their housing conditions, as only one in four Roma households is spatially integrated with the majority population, while others live in concentrated, isolated localities. Their housing conditions, in terms of the availability of particular communal/structural services in the households, and the presence of dedicated rooms, are linked to the type of locality, with separate Roma communities much less equipped, which points at another negative consequence of their spatial segregation[[3]](#footnote-3). We thus recommended to the Parliament that it is necessary to design measures for their incorporation within majority housing and provide facilities raising the quality of living.

Further on, in Croatia there are long standing, since 1998, state funded and organized housing programs for underdeveloped areas, mostly those affected by the 1991-1995 war, but also for those pre-war occupancy-tenancy rights (OTR) holders, who were unable to retain possession and acquire ownership of their pre-war residences (ethnically mostly Serbs). There is also a similar internationally funded program under the auspices of UNHCR, aimed at those who left Croatia during the war. The issues related to the program are complicated and over-administrative procedures, low numbers of housing units provided/constructed annually and long waiting lists for available units. There is also the issue of lacking housing policy, in particular social housing, which should provide affordable housing for low income persons, including people living in poverty. Finally, the earthquakes we mentioned have profoundly affected the people living in the areas they hit, as they are to spend months, if not years, in temporary accommodation, such as containers and collective housing, the effects of which are expected to be particularly detrimental to certain groups - low income persons, including people living in poverty, women, children or older persons, and persons with disabilities.

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

*Accessibility*

* Discrimination in relation to access to land, including water and natural resources essential for habitation;
* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;
* Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;
* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* Differential treatment in land or title registration, permission of housing construction;

*Availability of services, materials, facilities and infrastructure*

* Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* Public transportation services and transportation costs;
* Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

*Location*

* Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
* Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* Prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

The 2012-2017 real estate market overview shows that the coastal real estate is the least affordable, while in the rural areas of Central, North-Western and Eastern Croatia, apartment prices are quite low, which reflects the economic and demographic deterioration of these parts of the country, and the price of apartments is also impacted by the lack of workforce in the civil engineering sector. In Dalmatia and Zagreb, gentrification is occurring, the native population is moving out of the city centres because of growing living costs, the transformation of majority of areas into business zones, and putting all vacant square metres to the use of the tourism industry. Situation on the islands is particularly difficult, because apartments are either too expensive or available for tourists only. The state continues to try to resolve the housing problem through the Subsidized Residential Construction Programme (SRC) and subsidized housing loans, especially for younger citizens, however, complaints are coming in, that some SRC apartments are being sublet to tourists instead of being used for housing, thus amendments were put in place in order to prevent this. These housing subsidies are not used by those least well off, and the fact that the majority of loans were granted for the purchase of flats in Zagreb shows that the measure did not achieve its goal to revitalize the most hit areas in demographic terms.

Youth is particularly affected by this, as due to insecure work contracts, they cannot take a loan for buying the apartment/house, and are forced to rent their housing at the market which is not regulated at all, hence placing them in a particularly vulnerable position.

For low-income citizens, who do not meet the criteria for housing loans, there is no housing policy at all. 97% of elderly persons in Croatia live with their families, and only 3% have accommodation outside their families. Beside foster families and family homes, as places where extra-institutional care is provided, long-term accommodation of elderly persons and institutionalised care are provided by homes for elderly persons and other entities. Majority of elderly persons regulate their accommodation in homes through contracts, and a minority by decisions of Social Welfare Centers – mostly in decentralised homes for which there is the most interest. Persons with greater means choose private homes that offer a higher standard, while underprivileged persons opt for less equipped private homes, especially if they require urgent accommodation due to deteriorating health. As a rule, they simultaneously apply for places in both state-owned and decentralised homes, and unfortunately wait for accommodation for a number of years. Tackling the problem of the non-transparent waiting lists, non-harmonised criteria for admission and prices in homes (co)-financed by the state or county budgets has also been postponed for a number of years.

The Croatian Network for the Homeless estimates that approximately 2000 persons live in absolute homelessness, with no roof over their heads, and by using the ETHOS typology, the number of homeless in Croatia would raise to 10,000. Large cities and seats of counties have a legal obligation to earmark funds in their budgets for homeless shelters, but more than half of them fail to do that. CSOs, humanitarian and religious associations continue to be major stakeholders for the homeless by providing additional support with shelters and soup kitchens. Although counties are obligated to co-finance the shelters in larger cities which lack funding for that purpose, the relevant Ministry does not currently collect such data.

Although large cities and county capitals have a primary duty to ensure financial means for social housing for social welfare beneficiaries, not all do so, mostly because they lack available housing units or financial means. However, the Social Care Act provides that if cities are not capable to ensure funding for this purpose, the counties should join in according to their capabilities. This particularly refers to counties with cities and municipalities that do not grant housing benefits to GMA beneficiaries, which could also be used to pay rent.

Despite the recommendations in several previous Ombudsman reports, the Strategy on Social Housing has not been adopted, and the area of socially most disadvantaged housing care has never been legally regulated. There was an initiative in 2015 to include all vulnerable groups on the entire territory of the RC under the scope of the new Act on Housing Care, but this was abandoned. The Strategy to Combat Poverty and Social Exclusion in the RC and the 2014-2016 Implementation Programme of this Strategy brought no positive change in this area, which we indicated in our 2017

Report. Social housing schemes or affordable rent schemes should be used to solve the problems of the most vulnerable social groups and prevent homelessness, especially of young people leaving alternative care.

Water is still not equally accessible in all parts of Croatia, especially to citizens in rural, unpopulated and poor areas and on the islands, where no water supply system exists, and their installation is economically unfeasible. The problem often lies in the price of the connection, which is unaffordable to some citizens, and others have no access to water because they cannot pay the waterworks bills regularly. Often the risk of privatization of water supply is mentioned and the increase of prices because of great water loss in the system. All these problems encouraged us to organize a round table in

September 2018, on constitutionalisation of the right to drinking water and water for sanitary purposes. Namely, the right to water is a prerequisite for dignified life, but it does not include unlimited quantities or free of charge water, but the right to water for basic needs, and given the importance of water for human life and health, it should be constituted as universal and fundamental human right. For example, according to the 2017 data, 94% of the population in Croatia had access to the public water supply system connections, but in some remote, rural places, water supply is provided by the use of water carrier trucks, which presents financial and physical problems for the residents municipality ensures only two water carrier truck deliveries annually, and the remaining water must be paid by the citizens, amounting up to cca 100 USD per tank. For these citizens, the price of water is cca 15 USD for m3, while the ones connected to water supply system pay 2,5 USD.

The GDP data by counties confirms significant disparities - for instance, the ratio between the most developed and the most undeveloped county also confirms significant regional disparity: the GDP of the City of Zagreb is still three times the GDP of the Virovitica-Podravina County.

In many counties, towns and municipalities, public transport, almost non-existent in some areas, has been recognised as one of the key challenges that people living in rural areas face. The decreasing number of public transport users has contributed to this problem and resulted in the closure of certain lines or more expensive fares, especially at the school year end, which makes the availability of services provided in towns only and life itself even more difficult. Citizens complain that in such cases the taxi service, often (too) expensive for them, is the only solution left. The lack of public transport is one of the reasons why people migrate from rural areas to towns.

Poorly maintained roads make it difficult to reach (older) inhabitants not living close to the main road. Especially deprived areas are those populated with singles, mostly women, living in settlements in rural areas, which often have insufficient public utilities, their public water supply network coverage is not as good as in urban centres and they have practically no sewerage network. In settlements where new public water supply system has been built, a part of households is not connected to it as they cannot afford it.

Finally, in 2020 Croatia was stricken by earthquakes-in March in capital City of Zagreb, in December three central counties. All were quite strong and the level of material damage is still being assessed, but it is certain it will amount to billions of Euros. Reconstruction will thus take a very long time and we are monitoring the efforts undertaken. Initial emergency housing measures were taking into account vulnerable groups, such as elderly or low income households, giving them priority. However, the legislative process and the actual physical reconstruction processes are so far in our opinion slow, re-establishing public lack of confidence that state and other institutions will act effectively and timely Long-term processes will particularly negatively affect the quality of life of those who lost their only home and are living in containers or collective housing.

9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

The 2013-2020 National Strategy on Roma Inclusion has recognised several basic problems related to Roma right to adequate housing – the spatial segregation of Roma settlements, which are often built at variance with spatial plans, inadequate or inexistent utility infrastructure, unresolved property legal matters concerning the plot on which housing units were built, illegal construction and the related question of financing the costs of utility infrastructure and services, which is exacerbated by the fact that a series of other rights such as the right to health, education, security etc. depend on whether the right to adequate housing has been realised. This in particular came into focus with the start of COVID -19 pandemic, where Roma settlements lacked basic infrastructure to keep disinfection and separation measures in place, as well as children being unable to follow on-line school, as they had no Internet connection or laptops or computers available in their households, due to the fact that Roma households are in a far more disadvantaged situation than other households included in the research, as well as households in Croatia in general, by all objective indicators of housing quality. Of the 1,550 surveyed households (2018 Roma Inclusion Survey[[4]](#footnote-4)), 11.2% have no electricity, 43.3% have no water from the water supply, and as many as 73.3% of Roma households have no sewer connection. A half of households (49.9%) have no bathroom with a shower or bathtub in the house/flat, and an even greater share (53.9%) have no flushing toilet in the house or flat. A fifth of the 1,550 Roma households have no kitchen in the house. In terms of household appliances, 228 by far the largest number of Roma households have a television set (92.9%), and just 12.5% a computer and 13.9% a laptop or tablet. Around a quarter of households do not own a refrigerator (26.6%) or freezer (27.7%). It has been established that there is a difference in living and housing conditions depending on the type of location. Thus, for instance, those Roma living in dispersed locations, that is, dispersed among the majority population in towns and villages, are more likely to have electricity in the household than those living in concentrated settlements, showing how spatially segregated locations contribute to lower housing standards. The representatives of the relevant institutions have mentioned illegal construction as a barrier not only in the process of legalisation in some cases, but a practice continued upon the completion of the process of legalisation as well. This practice of illegal construction sometimes means that the municipality/town must change the adopted urban regulatory plan so that the new, illegal objects might be legalised, which represents a large expense for frequently small municipalities with limited local budgets. On the other hand, representatives of the Roma national minority point to the impossibility of building new objects in the settlements as a main problem. In some cases the existing objects have been entered into the town and municipality zoning plans, however, the higher-level planning did not envisage space for further construction within the land zoned for building near Roma settlements. Also, regardless of the existence of the infrastructure extended into the settlement, many inhabitants still cannot afford to pay for it and thus connect illegally to water, electricity, and sewerage.

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

We have already mentioned the long standing state funded and organized housing programs for underdeveloped areas, mostly those affected by the 1991-1995 war in Croatia, were all those willing to reside or who already do reside in these areas may apply, but also for those pre-war occupancy-tenancy rights (OTR) holders, who were unable to retain possession and acquire ownership of their pre-war residences. This program also provides, despite all the difficulties mentioned, state owned and subsidized housing to the victims of domestic violence. A similar state run program for war veterans has also been in place since late 1990s. State also provides state owned and/or subsidized housing to persons granted international protection in Croatia, for a two year period. There are also two specific programs directed at improving living conditions and housing quality of Roma in Croatia, both funded and implemented by the state, which started to be implemented in 2019 and 2020.

Due to the earthquakes already mentioned, temporary housing for victims of the earthquakes provided to citizens took into account some groups, such as age, disability, income in combination with the level of destruction of their homes, however we yet have to observe all the details of the processes as well as their effects on particular groups.

11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

In our opinion, all the programs we have mentioned in point 10 are to be regarded as positive measures directed at improving housing conditions of vulnerable groups.

**SPATIAL AND RESIDENTIAL SEGREGATION**

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

Please refer to information provided under point 9.

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

Please refer to information provided under point 9.

14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

N/A

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

Gentrification in urban areas, post-war uneven development, poverty and income disparities, national origin related to historically and traditionally occupying certain territories

16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

Some national minorities, e.g. Czech, Slovak, Hungarian and Italian, over the course of history over several centuries settled permanently in certain villages/areas, where they continue to preserve language, culture and traditions connected to their national origin, enjoying particular minority rights guaranteed by the Constitution and Constitutional Law on National Minority Rights (e.g. right to use of minority language, minority culture and media, representation in state, regional and local administration and bodies of representatives etc.). On the other hand, in the case of the Roma national minority, some note that after the Roma population was almost eradicated during WWII, Roma who later came from neighbouring countries settled mostly in separated and isolated areas.

17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

As indicated earlier, one in four Roma households are spatially integrated with the majority population, while others live in concentrated, isolated localities. Their housing conditions, in terms of the availability of particular communal/structural services in the households, and the presence of dedicated rooms, are linked to the type of locality, with separate Roma communities much less equipped. Also living in isolated localities is then linked to education, access to healthcare etc. Also, levels of minority rights recognition and implementation are not as developed as for other national minorities, like for instance Czech, Slovak, Hungarian, Italian (but this only somewhat relates to separate living, as a major factor certainly is the fact that unlike other national minorities Roma do not have a Roma state ).

18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

When comparing information provided under points 16. and 17., in regards to some national minorities yes, but in regards to others, in particular Roma - no, it has actually contributed to their further exclusion and discrimination.

19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

Refugees and asylum seekers may reside wherever they chose, if they have the means to support themselves. If they lack the means, the state provides accommodation to both asylum seekers and persons granted international protection (for 2 years period, please see point 9), in locations chosen by the state.

20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

Disparities in regional development, clustering of population in higher income generating area, poor infrastructure and utilities regimes, unavailable affordable housing in certain areas (e.g. islands), lack of public services in underdeveloped areas, post-war legacy and consequences, ethnic discrimination.

**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

The Anti-discrimination Act came into force on 1 January 2009, prohibiting discrimination in 17 different grounds (race or ethnic affiliation or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, gender identity, expression or sexual orientation) in all areas of life, applicable to the conduct of all state bodies, bodies of local and regional self-government units, legal persons vested with public authority, and to the conduct of all legal and natural persons, especially in the, among other, area of housing. There are also strategic documents, e.g. national plans to fight discrimination.

22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

Yes, please refer to information provided under points 8. and10.

23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

Yes, please refer to information provided under point 8.

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

This issue is not often recognized as an issue of high interest.

25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

The Ombudsman carries out activities of the central national body responsible for the suppression of discrimination and a national human rights institution. Within the scope of our work, we provide necessary information to natural and legal persons that have filed a complaint on account of discrimination with regard to their rights and obligations and to possibilities of court and other protection, if the court proceedings have not yet been initiated, examine individual reports and take actions falling within Ombudsman competence required for elimination of discrimination and protection of rights of discriminated persons, as well as warn the public about the occurrence of discrimination. We also collect and analyse statistical data on discrimination cases, inform the Croatian Parliament on the occurrence of discrimination in annual and, when required, extraordinary reports, conduct surveys concerning discrimination, give opinions and recommendations, and suggest appropriate legal and strategic solutions to the Government of the Republic of Croatia in regards to supressing discrimination. Some of these activities are performed by special ombudsmen (for gender equality, children and persons with disabilities), when regulated by special law).

26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

We cannot provide specific data related to discrimination in relation to adequate housing, but research shows that the presence of discrimination is still significantly higher than is reported to competent bodies. According to a research carried out in late 2016 on discrimination generally, as many as one fifth of the respondents reported experiencing discrimination once or several times in the previous five years, of which two-thirds failed to report it, believing that it would not change anything, fearing that the situation would only become worse, not knowing who to contact, or considering the ensuing proceeding too complicated, lengthy and expensive.

27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

Ombudsman competences we already explained under point 25., and as for the judicial redress, under the Anti-discrimination Act, any person who considers that his/her right has been violated on account of discrimination may request protection of that right in the proceedings deciding upon that right as the main issue, and he/she may also request protection in special proceedings laid down in this Act. Any person claiming to be a victim of discrimination pursuant to provisions of this Act is authorised to bring a legal action and request the following to be performed: 1. to establish that the defendant has violated the plaintiff’s right to equal treatment or that the action the defendant has undertaken or failed to undertake may directly result in the violation of the right to equal treatment (action for determination of discrimination); 2. to prohibit the undertaking of activities which violate or may violate the plaintiff’s right to equal treatment, or to carry out activities which eliminate discrimination or its consequences (action for prohibition or elimination of discrimination); 3. to compensate for proprietary and non-proprietary damage caused by the violation of the rights protected by this Act (action for damages); 4. to publish in the media the ruling establishing the violation of the right to equal treatment, at the defendant’s cost. In these proceedings, as well as all others, except criminal and misdemeanour, the principle of the shift of the burden of proof is applied. Also, associations, bodies, institutions or other organisations set up in line with law and having a justified interest in protecting collective interests of a certain group, or those which within their scope of activities deal with the protection of the right to equal treatment, may bring a legal action against a person that has violated the right to equal treatment, if they make plausible that the defendant’s conduct has violated the right to equal treatment of a larger number of persons who predominantly belong to the group whose rights the plaintiff defends. In these legal actions, the following claims may be brought before the court: 1. to establish that the defendant’s conduct has violated the right to equal treatment in relation to members of the group; 2. to prohibit the undertaking of activities which violate or may violate the right to equal treatment, or to carry out activities which eliminate discrimination or its consequences in relation to members of the group; 3. to publish in the media the ruling establishing violation of the right to equal treatment, at the defendant’s cost. As of yet, we are not familiar with any court or other decisions related to structural discrimination or segregation.

**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

Yes, please refer to information provided under point 9., the national statistical data[[5]](#footnote-5) and in Ombudsman reports, available at https://www.ombudsman.hr/en/reports/

29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

Already provided under point 9.

30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

In the 2018-2020 period we have received total of 30 discrimination complaints related to housing: 2 on the grounds of marital or family status, 2 on the grounds of age, 2 on the grounds of social position, 2 on the grounds of property, 2 on the grounds of political or other opinion, 6 on the grounds of race, ethnicity and skin colour, and 19 on the grounds of national origin. In 12 of those cases we have completed our proceedings, while in 18 they are still ongoing. Out of 12 completed cases, we have found 1 complaint to be founded, on the ground of national origin, 6 to be unfounded, and 5 others were finalized in some other manner (sent to special ombudsman, duly noted or general legal information was provided to the complainant). As for the cases where private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance, under current legislation we possess no legal capacity to impose sanctions due to discrimination, as this is exclusively a judicial competence. However, through application of our measures, i.e. recommendations, warnings, opinions and proposals, we have managed to bring public actors to cease or implement actions amounting to discrimination in housing. For example, in one town some 60 Roma were living in derelict housing situated on town-owned land, and without town’s consent could not register their residence at this address, hence could not get proper identification documents, residence related social support and similar benefits. After years of providing opinions that the town actions seems to be linked to their Roma origin, pointing to discriminatory actions linked to Roma origin, and recommending to either allow residence registrations and to enable access to benefits and social rights, or provide better accommodation, in November 2020 the town has provided social housing for these families, thus relocating them from the part of town in question, and improving their overall living and housing conditions.

1. See article 2.1 of International Covenant on Economic, Social and Cultural Rights and the related General Comment No. 20 of the Committee on Economic, Social and Cultural Rights. [↑](#footnote-ref-1)
2. <https://www.ombudsman.hr/en/download/annual-ombudsman-report-for-2018/?wpdmdl=6777&refresh=607566782d8b61618306680> [↑](#footnote-ref-2)
3. The term „segregation“ used here is to be understood as explained in Background this document and is not to be understood as set out in Article 5 of the Anti-discrimination Act of the Republic of Croatia, which states that „segregation within the meaning of this Act is a forced and systematic separation of persons on any of the grounds referred to in Article 1 paragraph 1 of this Act.“ [↑](#footnote-ref-3)
4. <https://ljudskaprava.gov.hr/UserDocsImages/dokumenti/Roma%20Inclusion%20in%20the%20Croatian%20Society%20-%20a%20Baseline%20Data%20Study.pdf> [↑](#footnote-ref-4)
5. <https://www.dzs.hr/default_e.htm> [↑](#footnote-ref-5)