

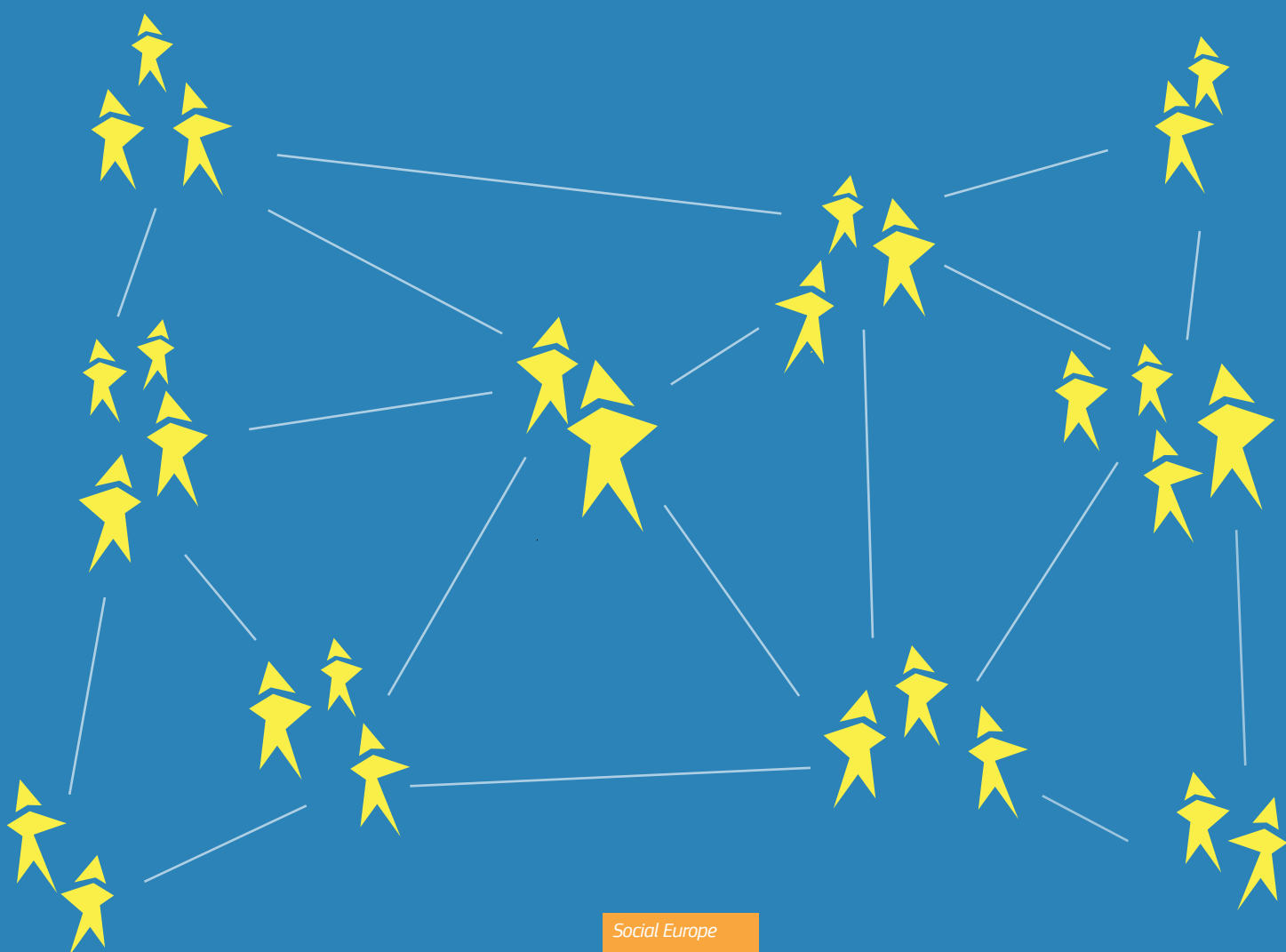


EUROPEAN SOCIAL POLICY NETWORK (ESPN)

Social protection for people with disabilities

Croatia

Gojko Bežovan, Zoran Šućur and Zdenko Babić



EUROPEAN COMMISSION

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ESPN Thematic Report on Social protection for people with disabilities

Croatia

2022

Gojko Bežovan, Zoran Šućur and Zdenko Babić

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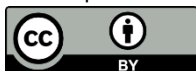
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Summary

This report analyses some important cash and in-kind social protection provisions available to adults with disabilities (i.e. people aged 18 or over). There are other important provisions available to them in other areas not covered in this report. In line with Article 1 of the UN Convention on the Rights of Persons with Disabilities, "people with disabilities" should be understood as "those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others".

Working-age people with disabilities are entitled to specific contribution-based and disability-assistance benefits, of which the most important are: the *Invalidska mirovina* (disability pension), the *Naknada zbog tjelesnog oštećenja* (compensation for bodily impairment), the *Osobna invalidnina* (personal disability allowance) and the *Naknada do zaposlenja* (up-to-employment benefit). The disability pension and the compensation for bodily impairment are contributory benefits. The disability pension is transferred to the old-age pension when the person reaches the age prescribed for the old-age pension.

Croatia also provides a range of benefits to people whose disability is related to the 1991-1995 Homeland War. These benefits cover people of working age and beyond. There are two relevant benefits related to military service or war: the *Invalidska mirovina hrvatskih ratnih vojnih invalida* (disability pension for Croatian disabled war veterans – CDWVs), and the *Osobna invalidnina hrvatskih ratnih vojnih invalida* (personal disability allowance for CDWVs). CDWVs with partial or complete loss of the ability to work are entitled to the disability pension. The personal disability allowance for CDWVs is a basic right of CDWVs from the Homeland War based on disabilities. Both benefits are non-contributory.

People with disabilities have access to general social protection benefits covering risks other than disability. In that regard, unemployment and social welfare benefits are relevant. Working-age people with disabilities are entitled to the insurance-based *Naknada za nezaposlenost* (unemployment benefit). However, many unemployed people with disabilities without a working history are not eligible for standard unemployment benefit, and instead receive non-contributory up-to-employment benefit, which is significantly lower. In social welfare, people with disabilities are entitled to the *Zajamčena minimalna naknada* (guaranteed minimum benefit – GMB), the *Naknada za troškove stanovanja* (housing allowance) or the *Naknada za ugroženog kupca energenata* (benefit for vulnerable consumers of energy). Someone with disabilities receives the GMB only if they live as a single person. There is no additional amount of housing allowance or benefit for vulnerable consumers of energy. People over 65 are entitled to the income-tested *Nacionalna naknada za starije osobe* (national benefit for older people).

All people with disabilities covered by health insurance have rights to orthopaedic and other tools and devices. These assistive tools are provided as benefits in kind and are not means-tested, but health insurance is needed and a participation fee must usually be paid by patients. Different personal assistance services are in place for people with disabilities, such as: *Usluge osobnog asistenta* (personal assistant services), *Usluga pomoći u kući* (home assistance), and the *Doplatak za pomoć i njegu* (care and assistance allowance).

There have been discussions about the introduction of an *Inkluzivni dodatak* (inclusive allowance) as a right that would merge a range of present benefits for people with disabilities. In addition, people with disabilities and their associations are expecting significant positive changes in their status from the new Social Welfare Act, which was approved by Parliament at the end of January 2022. Higher levels of disability-related benefits and other social benefits used by people with disabilities are expected. This is crucial in terms of reducing poverty risks. In addition, the personal disability allowance should not depend on a means test, but on the severity of disability only. People with disabilities should have access to those services that would help to avoid their institutionalisation. Procedures for recognising different rights should be simplified and should not take too long. Many people with disabilities live in inadequate housing conditions, which has resulted in requests for the adoption of the legislation on social housing.

1 Access to disability-specific income support

1.1 Disability-specific benefits/pensions available to working-age people

As the Republic of Croatia provides many benefits related to the 1991-1995 Homeland War, disability-specific benefits are divided into those related to military service or war, and those that are not. In the second category, the most important are two contribution-based benefits (disability pension and compensation for bodily impairment) and two disability-assistance benefits (personal disability allowance and up-to-employment benefit). Among war-related disability benefits, two non-contributory benefits are described: the disability pension for Croatian disabled war veterans (CDWVs), and the personal disability allowance for CDWVs. All these benefits are managed by the central government under the competence of the Croatian Institute for Pension Insurance – except for personal disability allowances and up-to-employment benefits, both of which are managed by the Ministry of Labour, Pension System, Family and Social Policy.¹

1.1.1 Benefits/pensions not related to military service or war

1.1.1.1 *Invalidska mirovina* (Disability pension)

a) Eligibility conditions

Disability-related qualifying criteria: The right to the *Invalidska mirovina* (disability pension) is conditional on the existence of partial or complete loss of ability to work, and on pension insurance.

Partial loss of working capacity exists when an insured person: i) has a reduction in working capacity; ii) for reasons related to health, age, education and ability, cannot be trained via professional rehabilitation to work in other full-time jobs; and iii) can, however, work at least 70% of working time on customised jobs that correspond to their previous jobs and the same or similar levels of education.

Complete loss of working capacity exists when an insured person experiences permanent loss of working capacity without any remaining working capacity.

If the partial or complete loss of working capacity is due to illness and/or injury outside work before the age of 65, an insured person acquires the right to a disability pension if they have spent one third or more of their working life in pensionable service.

Age: Over 15.

Nationality and/or residency: There are no requirements based on nationality or residency.²

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: The person needs to be employed and pay contributions (there is no minimum period or requirements related to age).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: None (i.e. there are no other eligibility conditions).

Gaps and/or obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

¹ Since 3 February 2022, up-to-employment benefit has been managed by the Croatian Employment Service.

² These conditions apply to EU and non-EU nationals as well as to people with refugee status.

b) Disability assessment framework

Type of assessment: Medically based assessment of the disability, functional capacity assessment.³

Responsible authorities: Institute for Expertise, Professional Rehabilitation and Employment of People with Disabilities.

Method: Documentary evidence and personal interaction.

Supporting evidence: Medical notes, medical examinations.

Assessor: Medical doctors, social workers, psychologists, social pedagogues, educational rehabilitators.

Decision-maker: Croatian Institute for Pension Insurance.

Critical analysis: No evidence on this topic.

c) Benefit entitlements

Level of the benefit: The average amount per month is HRK 2,146 (€286). There are 14 benefit brackets. The average in the lowest bracket is HRK 273, or €36, per month (the bracket comprises the benefits lower than HRK 500, or €67), while the average in the highest bracket is HRK 9,062, or €1,259, per month (the bracket comprises the benefits higher than HRK 8,000, or €1,067).

Duration of the benefit: Beneficiaries of a disability pension due to complete loss of ability to work caused by illness are transferred to the old-age pension when they reach the age prescribed for the old-age pension (65 for men, and for women – under transitional arrangements – 62 years and six months in 2020, 62 years and nine months in 2021, 63 years in 2022, and 63 years and three months in 2023).

Interactions with other income or other income-related benefits: No interactions with other income or other income-related benefits.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit. However, the level of disability pensions is relatively low and in that respect the beneficiaries can be at risk of poverty.

1.1.1.2 Naknada zbog tjelesnog oštećenja (Compensation for bodily impairment)

Physical impairment exists when the insured person has a significant impairment or significant disability, which hinders their normal activity and requires greater efforts to meet the needs of life, regardless of whether it causes disability or not. The right to *Naknada zbog tjelesnog oštećenja* (compensation for bodily injury) is acquired by an insured person who has a physical impairment of at least 30% that occurred because of an injury at work or an occupational disease.

a) Eligibility conditions

Disability-related qualifying criteria: The right to compensation for bodily impairment is acquired by an insured person with a physical impairment of at least 30% that occurred because of an injury at work or an occupational disease. Physical impairment exists when the insured person has a significant disability, which hinders their normal activity and requires greater efforts to meet the needs of life, regardless of whether it causes disability or not.

Age: Over 15.

³ For more information, see: https://narodne-novine.nn.hr/clanci/sluzbeni/2017_07_67_1573.html.

Nationality and/or residency: There are no requirements based on nationality or residency.⁴

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: The person needs to be employed and pay contributions.

Level of financial resources: None (i.e. the benefit is not means-tested).

Other conditions: None (there are no other eligibility conditions).

Gaps and/or obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

According to the regulations on pension insurance, disability is examined in accordance with the regulation on expert evaluation methodologies (Official Gazette, 2017). It is a standardised procedure that includes two levels, the second of which functions as a control.⁵

Type of assessment: Medical assessment of the disability, functional capacity assessment.

Responsible authorities: Institute for Expertise, Professional Rehabilitation and Employment of People with Disabilities.

Method: Documentary evidence and personal interaction.

Supporting evidence: Medical notes, medical examinations.

Assessor: Medical doctors, social workers, psychologists, social pedagogues, educational rehabilitators.

Decision-maker: Croatian Institute for Pension Insurance.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: For 100% disability, the compensation is 40% of the base per month, and for 30% disability it is 12%. Since 1 January 2019 the base has been HRK 1,502 (€200). Compensation for impairment is adjusted in the same way as pensions.

Duration of the benefit: The whole life.

Interactions with other income or other income-related benefits: No interactions with other income or other income-related benefits.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.1.1.3 Osobna invalidnina (Personal disability allowance)

The right to an *Osobna invalidnina* (personal disability allowance) is recognised for a person with a severe disability or other severe permanent changes in health (a person with the fourth degree of severity of disability or impairment of functional abilities according to the regulations on expert evaluation), in order to meet their life needs and for inclusion in the daily life of the community.

a) Eligibility conditions

Disability-related qualifying criteria: Severity and duration of the disability.

⁴ These conditions apply to EU and non-EU nationals as well as to people with refugee status.

⁵ More info on website: https://narodne-novine.nn.hr/clanci/sluzbeni/2017_07_67_1573.html.

Age: The right does not depend on age.

Nationality and/or residency: A person is entitled to the benefit if they are a Croatian national with a permanent residence in Croatia, or a foreign national or stateless person with a permanent residence permit in Croatia. The entitlement can also be claimed by a foreign national under subsidiary protection, a foreign national with the status of human trafficking victim, an asylum grantee, and members of their family who are legally residing in Croatia.

Waiting period: None. Applicants start receiving the benefit after the decision made by the social welfare centre on the basis of the opinion given by the panel of experts from the Institute for Expertise, Professional Rehabilitation and Employment of People with Disabilities. The period from the submission of the application to the recognition of the right may last several months or more, but the benefit is paid retroactively from the submission of the application (or the *ex officio* initiation of the procedure).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None. Assets and income tests were abolished on 17 February 2022 when the new Social Welfare Act came into force.⁶

Other conditions: The right cannot be exercised by: i) a person who receives personal disability allowance on another basis (e.g. under regulations on Croatian war veterans); ii) a person who is entitled to the allowance for assistance and care; or iii) a person who has been granted accommodation or organised housing.

Gaps and/or obstacles: In 2014, the Ombudsperson for people with disabilities submitted a proposal to the Constitutional Court to assess the conformity of certain provisions of the then Social Welfare Act, which regulated the right to the personal disability allowance under the constitution. The Ombudsperson's position was that conditioning the personal disability allowance on both the asset test and the income test was discriminatory and therefore inconsistent and contrary to the Constitution of the Republic of Croatia and the UN Convention on the Rights of Persons with Disabilities (CRPD). This proposal was rejected by the Constitutional Court in 2020.

The Ombudsperson's reports often point out the shortcomings of social welfare centres in recognising the rights of people with disabilities, citing the lack of employees in the centres and the insufficiently effective quality-control of the work (Ombudsperson for people with disabilities, 2020). According to the estimates of the Trade Union of Social Welfare Employees,⁷ the social welfare system in Croatia lacks 1,700 skilled workers, of which 700 are social workers in social welfare centres. In 2021, the Ministry of Labour, Pension System, Family and Social Policy approved an action plan for improving the social welfare system (Ministry of Labour, Pension System, Family and Social Policy, 2021), which stated that it was necessary to employ 615 workers in social welfare centres (of which 526 were skilled workers).

b) Disability assessment framework

Type of assessment: A combination of medically based assessment, functional capacity assessment and assessment of care or support needs (regulation on expert evaluation methodologies, Official Gazette 67/2017).

⁶ Before 17 February 2022, the right could not be exercised by: i) a person who owned an apartment or house, other than the one they used for housing, which they could sell or rent and thus provide funds for inclusion in the community; or ii) a person who owned business premises that they did not use to perform a registered business activity. In addition, a person was not eligible for the benefit if their income in the previous three months exceeded HRK 1,500 (€200) per month or 300% of the base (as determined by the Croatian government – as at 1 April 2018, the base amounted to HRK 500, or €67). The income did not include salary, royalties, guaranteed minimum benefit, housing allowance, pension up to the amount of the minimum pension earned for 40 years of service, orthopaedic allowance, scholarship for student education and child allowance.

⁷ <https://dnevnik.hr/vijesti/hrvatska/prosvjed-socijalnih-radnika-i-radnica-cujete-li-nasu-sutnju---648664.html>

Responsible authorities: The Institute for Expertise, Professional Rehabilitation and Employment of People with Disabilities.

Method: Documentary evidence and personal interaction.

Supporting evidence: Evidence from someone who knows the applicant's situation, a medical note or a letter from a doctor who treats the applicant (Žiljak, 2018).

Assessor: Medical doctors, other medical specialists, social workers, psychologists, experts in education and rehabilitation, and others (Official Gazette, 2014; Žiljak, 2018).

Decision-maker: The final decision is made by the social welfare centre on the basis of the opinion given by the panel of experts from the Institute for Expertise, Professional Rehabilitation and Employment of People with Disabilities.

Critical analysis: At the beginning of the COVID-19 pandemic, personal medical examinations were cancelled and the assessments were carried out only on the basis of medical documentation. According to the Ombudsperson for people with disabilities (2020), this led to violations of the rights of people with disabilities, because the assessment was based on incomplete medical documentation. According to the previous practice, applicants initially submitted only a small part of the medical documentation, with the full documentation only being submitted at the time of the personal examination. There are also complaints that the expert proceedings are too lengthy. As the assessments are conducted in the central office in Zagreb and the regional offices outside Zagreb, the time taken to complete them varies. According to the 2019 report of the Ombudsperson for people with disabilities (2019), the time required for an assessment ranged from a few weeks to eight months.

c) Benefit entitlements

Level of the benefit: The level of benefit does not depend on the type, the severity or the duration of the disability. Since 17 February 2022, when the new Social Welfare Act came into force, the benefit has been the same for all beneficiaries and amounts to HRK 1,750 (€233) a month.⁸

Duration of the benefit: There is no limit on the duration of the allowance, but the competent body is obliged to reassess⁹ the facts and circumstances that were decisive in granting the benefit.

Interactions with other income or other income-related benefits: There used to be interactions with other income and income-related benefits before 17 February 2022 (via income and asset tests). Since 17 February 2022, there have been no interactions with other income or other income-related benefits.¹⁰

Challenges: According to the Ombudsperson for people with disabilities (2020), social welfare centres failed to comply with their obligation to regularly review recognised rights at least once a year, with the result that illegal decisions remained in force for

⁸ Before 17 February 2022, the benefit was flat-rate for those who did not have their own income, and amounted to HRK 1,500 (€200) a month. If a person earned income, the benefit was reduced by the amount of that income, meaning that the benefit reduction rate was 100%.

⁹ The reassessment most often took place if amendments to the Social Welfare Act were adopted, which would change the conditions for exercising certain rights (whether the users can still exercise any of the rights previously granted to them under the terms of the new Act). In the reassessment process, it is necessary to collect documentation on income/assets or conduct a reassessment to determine the severity of impairments or disability. Reassessment may be initiated by the user. Moreover, the user is obliged to inform the social welfare centre of any change that affects the further use of the right or the amount of benefit, no later than eight days from the date of the change. See Social Welfare Act (2022), Art. 138-139, available at: <https://www.zakon.hr/z/222/Zakon-o-socijalnoj-skrbi>.

¹⁰ Before 17 February 2022, for a person who did not have their own income, the personal disability allowance amounted to HRK 1,500 (€200) per month. If a person earned income on any basis, the personal disability allowance was determined as the difference between the amount of 300% of the base and the average income earned in the previous three months.

10 years or more, and users were deprived of significant sums of money. For instance, instead of a personal disability allowance, people were granted an allowance for assistance and care. The Ombudsperson warned of "gross omissions" by the social welfare centres, because people who could receive a personal disability allowance were granted an allowance for assistance and care that was significantly lower than the personal disability allowance. The Ombudsperson cited as an example the case of a completely immobile person who used a wheelchair and who had been receiving an allowance for assistance and care for 10 years without a review of her position. According to the inspector of administrative supervision, the omissions mentioned were the consequence of insufficient knowledge of regulations by decision-makers, or sometimes a lack of interest in resolving requests comprehensively within the legal possibilities in the best possible way for the user (Ombudsperson for people with disabilities, 2020).

1.1.1.4 Naknada do zaposlenja (Up-to-employment benefit)¹¹

The *Naknada do zaposlenja* (up-to-employment benefit) in practice operates as a non-contributory unemployment benefit aimed at people with disabilities.

a) Eligibility conditions

Disability-related qualifying criteria: Severity of physical, mental, intellectual or sensory disabilities.

Age: Over 15.

Nationality and/or residency: A person is entitled to the benefit if they are a Croatian national with a permanent residence in Croatia, or a foreign national or stateless person with a permanent residence permit in Croatia. The entitlement can also be claimed by a foreign national under subsidiary protection, a foreign national with the status of human trafficking victim, an asylum grantee, and members of their family who are legally residing in Croatia.

Waiting period: None (i.e. it is granted from the moment of submitting the application or initiating the procedure *ex officio*).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other conditions: The right cannot be exercised by a person who has been established to be completely unable to work pursuant to the Social Welfare Act: that is, as of February 2022 pursuant to amendments to the Labour Market Act.¹² A person has to be registered as unemployed with the competent employment office or should have evidence from a professional rehabilitation centre that they are temporarily unfit for employment.

Gaps and/or obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

¹¹ As from 3 February 2022, the benefit has been officially called *Novčana pomoć za nezaposlene osobe s invaliditetom* (Financial assistance for unemployed people with disabilities) (Amendments to the Labour Market Act, OG, 18/2022).

¹² Since 3 February 2022, this benefit has not been regulated by the Social Welfare Act but by amendments to the Labour Market Act. See the 2013 Social Welfare Act (https://narodne-novine.nn.hr/clanci/sluzbeni/2013_12_157_3289.html), the 2022 Social Welfare Act (https://narodne-novine.nn.hr/clanci/sluzbeni/2022_02_18_181.html) and the 2022 Amendments to the Labour Market Act (https://narodne-novine.nn.hr/clanci/sluzbeni/2022_02_18_188.html).

b) Disability assessment framework

Type of assessment: A combination of medically based assessment and functional capacity assessment (regulation on expert evaluation methodologies, Official Gazette 67/2017).

Responsible authorities: The Institute for Expertise, Professional Rehabilitation and Employment of People with Disabilities.

Method: Documentary evidence and personal interaction.

Supporting evidence: Medical notes, medical examinations.

Assessor: Medical doctors, other medical specialists, social workers, psychologists, experts in education and rehabilitation, and others (Official Gazette, 2014).

Decision-maker: The final decision is made by the social welfare centre¹³ on the basis of the opinion given by the panel of experts¹⁴ from the Institute for Expertise, Professional Rehabilitation and Employment of People with Disabilities.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: The monthly amount is HRK 350 (€47),¹⁵ which is significantly lower than the standard unemployment benefit.¹⁶

Duration of the benefit: The right terminates on the day when the beneficiary becomes employed, and may be granted again if the employment is terminated irrespective of the beneficiary's wishes.

Interactions with other income or other income-related benefits: A person receiving the up-to-employment benefit cannot receive the standard unemployment benefit. A person who receives the allowance for assistance and care according to the Social Welfare Act cannot receive the up-to-employment benefit.

Challenges: The main gap could be related to the low level of the up-to-employment benefit (it is below 15% of the standard unemployment benefit and below 50% of the *Zajamčena minimalna naknada* (guaranteed minimum benefit – GMB), meaning that unemployed people with disabilities are left in deep poverty¹⁷ after receiving this benefit if their family members are not able to help them.

¹³ Since 3 February 2022, the final decision is made by the Croatian Employment Service.

¹⁴ The panel consists of medical doctors, other medical specialists, social workers, psychologists, experts in education and rehabilitation or other experts. They conduct assessments in the first and second instance in proceedings for the exercise of rights in the field of: social welfare; pension insurance; health; education; professional rehabilitation and employment of people with disabilities; protection of war and civilian victims of war, etc. For more information, please see: <https://www.zosi.hr/>.

¹⁵ Since 3 February 2022, the monthly amount of the benefit has been set at 10% of the minimum net salary (HRK 375, or €50).

¹⁶ According to Croatian Employment Service data, the average monthly unemployment benefit in March 2022 was around €360; see: <https://www.hzz.hr/en/statistics/>.

¹⁷ The monthly poverty threshold for 2020 (last available data) was €390 for a one-person household.

1.1.2 Benefits/pensions related to military service or war

1.1.2.1 *Invalidska mirovina hrvatskih ratnih vojnih invalida* (Disability pension for Croatian disabled war veterans)

a) Eligibility conditions

A Croatian Homeland War veteran with a permanently determined status as a CDWV is entitled to an *Invalidska mirovina hrvatskih ratnih vojnih invalida* (disability pension) if their loss of working capacity (complete or partial) was caused by: wounding or injury; detention in an enemy camp, prison or other enemy facility; or a disease acquired or exacerbated while in defence of the sovereignty of the Republic of Croatia.

For CDWVs from the Homeland War whose complete or partial loss of working capacity is partly caused by one or more of the factors above, and partly by illness/injury outside work or by injury at work or occupational disease, the disability pension is determined in proportion to the impact of individual causes on the total or partial loss of working capacity.

For the part of disability that is not related to the defence of the sovereignty of the Republic of Croatia, the person needs to meet the condition of spending one third or more of their working life in pensionable service (Official Gazette, 2021).

Disability-related qualifying criteria: A CDWV is a Croatian veteran of the Homeland War with a disability of at least 20%.

Age: None (i.e. there are no age requirements for accessing this benefit).

Nationality and/or residency: There are no requirements based on nationality or residency.¹⁸

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other conditions: None (there are no other eligibility conditions).

Gaps and/or obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment of the disability, functional capacity assessment.

Responsible authorities: Institute for Expertise, Professional Rehabilitation and Employment of People with Disabilities.

Method: Documentary evidence and personal interaction.

Supporting evidence: Medical notes, medical examinations.

Assessor: Medical doctors, social workers, psychologists, social pedagogues, educational rehabilitators.

Decision maker: Croatian Institute for Pension Insurance.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: The average amount per month is HRK 6,096 (€813). There are 13 benefit brackets. The average in the lowest bracket is HRK 849, or €113, per month

¹⁸ These conditions apply to EU and non-EU nationals as well as to people with refugee status.

(the bracket comprises the benefits in the range HRK 500-1,000, or €67-134), while the average in the highest bracket is HRK 9,479, or €1,264, per month (the bracket comprises the benefits higher than HRK 8,000, or €1,067).

Duration of the benefit: The whole life.

Interactions with other income or other income-related benefits: No interactions with other income or other income-related benefits.

Challenges: For beneficiaries in the lower brackets, the amount is not sufficient for a decent quality of life.

1.1.2.2 *Osobna invalidnina hrvatskih ratnih vojnih invalida* (Personal disability allowance for Croatian disabled war veterans)

a) Eligibility conditions

The *Osobna invalidnina hrvatskih ratnih vojnih invalida* (personal disability allowance) is a basic right of a CDWV of the Homeland War.

Disability-related qualifying criteria: A CDWV with a disability of at least 20%.

Age: None (i.e. there are no age requirements for accessing this benefit).

Nationality and/or residency: There are no requirements based on nationality or residency.¹⁹

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other conditions: None (there are no other eligibility conditions).

Gaps and/or obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment of the disability, functional capacity assessment.

Responsible authorities: Institute for Expertise, Professional Rehabilitation and Employment of People with Disabilities.

Method: Documentary evidence and personal interaction.

Supporting evidence: Medical notes, medical examinations.

Assessor: Medical doctors, social workers, psychologists, social pedagogues, educational rehabilitators.

Decision-maker: Croatian Institute for Pension Insurance.

Critical analysis: Not documented.

¹⁹ These conditions apply to EU and non-EU nationals as well as to people with refugee status.

c) Benefit entitlements

Level of the benefit: No publicly accessible data.

Duration of the benefit: The whole life.

Interactions with other income or other income-related benefits: No interactions with other income or other income-related benefits.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.2 Disability-specific old-age pension schemes

There are no disability-specific old-age pension schemes.

1.3 Income support aimed at covering disability-related healthcare and housing expenses**1.3.1 Healthcare****1.3.1.1 *Besplatne usluge za preventivnu zdravstvenu zaštitu osoba s invaliditetom* (Free preventive healthcare for people with disabilities)****a) Brief description**

People with disabilities are entitled to *Besplatne usluge za preventivnu zdravstvenu zaštitu osoba s invaliditetom* (free preventive healthcare for people with disabilities).²⁰ It is related to various preventive examinations and travel expenses.

b) Main gaps/obstacles

No evidence (reports, papers...) was identified on gaps and/or obstacles related to this benefit.

c) Main adequacy challenges

No evidence.

1.3.1.2 *Besplatne zdravstvene usluge za hrvatske ratne invalide* (Free healthcare services for Croatian disabled war veterans)**a) Brief description**

According to the Act on the Rights of Croatian Homeland War Veterans and Members of Their Families, CDWVs of the Homeland War have access to *Besplatne zdravstvene usluge za hrvatske ratne invalide* (free healthcare services for Croatian disabled war veterans).

b) Main gaps/obstacles

No evidence (reports, papers...) was identified on gaps and/or obstacles related to this benefit.

c) Main adequacy challenges

No evidence.

²⁰ For more details see website: <https://www.zakon.hr/z/192/Zakon-o-obveznom-zdravstvenom-osiguranju>.

1.3.2 Housing

1.3.2.1 *Prilagodba stana za hrvatske ratne vojne invalide* (Home adaptations for Croatian disabled war veterans)

a) Brief description

CDWVs of the Homeland War who are not able to move without wheelchairs and other orthopaedic aids, and blind veterans with disabilities, have the right to *Prilagodba stana za hrvatske ratne vojne invalide* (home adaptations for CDWVs). The application and decision-making process, and the adaptation of the home, are regulated by a by-law issued by the respective minister.

b) Main gaps/obstacles

No evidence (reports, papers...) was identified on gaps and/or obstacles related to this benefit.

c) Main adequacy challenges

No evidence.

2 Access to some key general social protection cash benefits

2.1 Old-age benefits

2.1.1 *Nacionalna naknada za starije osobe* (National benefit for older people)

a) Eligibility conditions

The conditions for the *Nacionalna naknada za starije osobe* (national benefit for older people) are the same for people with or without disabilities.

b) Additional amount/compensation included and adequacy issues

The benefit amounts to HRK 800 (€108) per month. There is no additional amount for old people with disabilities.

c) Gaps/obstacles

There are no specific obstacles or gaps faced by people with disabilities in comparison with people without disabilities. The National Benefit for Older People Act entered into force in 2021. Most stakeholders (pensioners' associations, media, political parties...) supported the introduction of the benefit. However, the benefit is low (the same as the standard GMB benefit) and the take-up of the benefit has been much lower than foreseen (Bežovan, 2021). According to Bežovan (2019, 2021), the reasons for that could be the needs-assessment process involved²¹ and the fact that almost all needy people aged 65 or over without pensions receive the GMB (old people can acquire a higher amount of money through welfare benefits than through the national benefit).

²¹ By February 2021, only about 8,000 applications had been submitted, which was significantly less than the number of beneficiaries anticipated during the preparations for the introduction of the national benefit for older people (30,000-40,000). It seems more cost-effective for older people to receive GMB instead, as they gain passported benefits such as housing allowance or energy poverty benefit (Bežovan, 2019).

2.2 Unemployment benefits

2.2.1 *Naknada za nezaposlenost* (Unemployment benefit)

a) Eligibility conditions

The same conditions for *Naknada za nezaposlenost* (unemployment benefit) generally apply to people with or without disabilities.

b) Additional amount/compensation included and adequacy issues

There is no additional amount for people with disabilities. The level of benefit for the first three months is more or less adequate, but thereafter unemployment benefits fall below the AROP threshold defined at EU level.²² According to the Croatian Employment Service, the average monthly unemployment benefit in March 2022 was around €360,²³ while the monthly poverty threshold for 2020²⁴ was €390 for a one-person household.

c) Gaps/obstacles

Implicitly, eligibility conditions disadvantage people with disabilities. On the one hand, it is more difficult for people with disabilities to access unemployment benefits, because they are much more likely to be unemployed compared with the general population. On the other hand, the levels of the unemployment benefits are lower because people with disabilities have lower earnings.

2.3 Guaranteed minimum income schemes and other social assistance benefits

2.3.1 *Zajamčena minimalna naknada* (Guaranteed minimum benefit)

The GMB is a cash benefit that ensures the basic living needs of a single person or a household that does not have sufficient funds to meet basic living needs.

a) Eligibility conditions

Access to the GMB is based on an assets test and an income test. **The same conditions generally apply to people with or without disabilities.**

Regarding the income test, the right to the GMB cannot be exercised by a single person who is unable to work if, in the preceding month, they have earned income exceeding 130% of the GMB base (HRK 1,300, or €173, per month).²⁵ The income threshold for a single person who is able to work is 100% of the base (HRK 1,000, or €133, per month). A large number of disability-related benefits are disregarded when applying for the GMB (e.g. personal disability allowance, allowance for assistance and care, and orthopaedic allowance).

People able to work who are not registered with the employment service do not have a right to the GMB. In addition, homeless people in a shelter and users of accommodation or organised housing are not entitled to the GMB.

There are conditions on residence and nationality, but these are no different for people with disabilities.

²² The at-risk-of-poverty (AROP) threshold is 60% of the national median equivalised disposable income (after social transfers).

²³ See: <https://www.hzz.hr/en/statistics/>.

²⁴ Last available data from the Central Bureau of Statistics.

²⁵ As of 17 February 2022, the GMB base amounted to HRK 1,000 (€133).

b) Additional amount/compensation included and adequacy issues

A person who cannot work is entitled to an additional amount of GMB. If they live as a single person, they receive a supplement of 30% of the base (HRK 300, or €40, per month). If a person who cannot work is a member of a household, they receive a supplement of 25% of the base (HRK 250, or €33, per month). If the person who cannot work is a single parent, they receive a supplement of 15% of the base (HRK 150, or €20, per month).

c) Gaps/obstacles

With regard to eligibility conditions and benefit entitlements, the GMB is available to people with disabilities under approximately the same conditions as for people without disabilities (the difference is that income thresholds are a bit higher for people with disabilities). It means that access to the GMB for all citizens (including people with disabilities) is difficult because of low income and property thresholds. For this reason, only a little over 10% of Croatian citizens whose income is below the AROP threshold are entitled to the GMB (Bežovan, Šućur and Babić, 2021). The income threshold for the GMB is not tied to any poverty line. Current income eligibility thresholds are below the Croatian food basket for all household types. Data on the number of beneficiaries of the GMB show a decline in the 2017-2020 period. This decline was partly due to the very low base or the obligation of beneficiaries to participate in community service. In addition, people who cannot meet their basic needs receive a level of GMB that has not been adjusted in line with the cost of living.

2.3.2 Naknada za troškove stanovanja (Housing allowance)

The *Naknada za troškove stanovanja* (housing allowance) is intended to cover housing costs including rent, utilities, electricity, gas, heating, water, and drainage.

a) Eligibility conditions

The housing allowance in Croatia is a tied, or passported, benefit. People (with or without disabilities) are only entitled to the housing allowance if they receive the GMB or are a member of a household receiving the GMB. The right to housing allowance is determined by local government units and the city of Zagreb.

There are conditions on residence and nationality, but these are no different for people with disabilities.

b) Additional amount/compensation included and adequacy issues

The amount of the housing allowance depends on the level of actual housing costs, but it cannot be less than 30% of the GMB for that household. If the actual cost of housing is less than 30% of the GMB, the housing allowance is equal to the actual housing costs. People with disabilities are not entitled to any additional amount of housing allowance.

c) Gaps/obstacles

The main gap in access to housing benefits for people with disabilities (as well as for people without disabilities) is that only GMB recipients are eligible for housing benefits. Households that are not beneficiaries of the GMB are therefore not entitled to these benefits, even if housing costs take up a very high share of household income. Accordingly, recipients of disability-specific benefits (disability pension, compensation for impairments, personal disability allowance, up-to-employment benefit...) are not entitled to the housing benefit (they are entitled only if they are GMB recipients at the same time).

Additionally, some local authorities, which are obliged to finance the housing benefits pursuant to the Social Welfare Act, do not have enough funds to meet the housing needs of their vulnerable citizens. In other words, some local authorities do not finance

the costs of housing at all, thus breaching the regulations of the Social Welfare Act.²⁶ They justify this by pointing to the lack of funds in local budgets. On the other hand, there seems to be an issue of territorial inequalities, which have a negative impact on vulnerable households who, in those territories, do not get the same type of support and are therefore less able to cover their housing costs (Šućur *et al.*, 2016).

2.3.3 *Naknada za ugroženog kupca energenata* (Benefit for vulnerable consumers of energy)

The *Naknada za ugroženog kupca energenata* (benefit for vulnerable consumers of energy) is a benefit used to pay electric bills. The qualification criteria are stipulated in the regulation on criteria for achieving the status of vulnerable consumer of energy from network systems (Official Gazette, 95/2015).

a) Eligibility conditions

A household can achieve the status of vulnerable consumer of energy if it is supplied with energy through the public service, provided that a person:

- receives the GMB;
- is a member of a household receiving the GMB;
- receives the personal disability allowance; or
- lives in a household with a recipient of the personal disability allowance.

b) Additional amount/compensation included and adequacy issues

People with disabilities are not entitled to any additional amount of the benefit. As this benefit is intended only for paying electricity costs, the amount of the benefit will depend on the actual electricity costs (but the level of benefit cannot be higher than a maximum of HRK 200, or €27, per month). Beneficiaries do not receive a direct cash payment but have at their disposal a voucher worth up to HRK 200 per month, which they can only use to pay their electric bills.

c) Gaps/obstacles

There are no specific obstacles or gaps faced by people with disabilities. A problem is that the benefit for vulnerable consumers of energy can only be used to pay electric bills and not bills for other energy sources. The costs of other energy sources (gas, teleheating, firewood) are covered through separate social benefits, such as housing benefits or fuel benefits.

3 Provision of assistive technology and personal assistance

3.1 Assistive technology

All people with disabilities covered by health insurance in Croatia have the right to **orthopaedic and other tools and devices** according to the ordinance on orthopaedic and other tools (Official Gazette, 2019). For example, this includes: arm and leg prostheses; orthoses and orthoprostheses; wheelchairs and mobility tools; orthopaedic shoes; decubital tools; diabetes aids; digestive and stomach aids; urogenital aids; wound dressings; breathing tools; materials for haemodialysis and dialysis at home; ophthalmic, hearing and deaf technical aids; and speech tools. So, for instance, an alarm clock with a light might be provided as an assistive device for a deaf person, while a screen reader with

²⁶ According to the information obtained from the Ministry of Labour, Pension System, Family and Social Policy, the inspection revealed many cases of violations of the provisions of the Social Welfare Act relating to the housing allowance.

a speech unit might be provided for a blind person. An insured person who has an artificial cochlea implant due to deafness is entitled to a speech-processor.

These assistive tools are provided like benefits in kind and are not means-tested; but health insurance is needed, and patients usually have to pay a participation fee (ordinance on orthopaedic and other tools, Article 16). Eligibility is determined by an authorised doctor or a committee of specialists, and this depends on the medical condition or disability of a person; for some devices (for example, dental devices) it depends on the age of a person. Only devices listed in the ordinance can be provided, meaning that the Croatian Health Institute provides a tool of the appropriate standard and quality. But if an insured person orders, from the contracted supplier, a specific tool of a greater value than that of the prescribed tool determined in the ordinance, the additional cost is met by the patient.

There are some complaints regarding how well assistive technology and tools function in practice. In the 2020 report of the Ombudsperson for people with disability, reference was made to several complaints from parents of children with disabilities related to orthopaedic tools: parents emphasised how certain tools (for example, orthoses) were no longer usable due to the physical changes of the child, but said that requests for new tools had been denied (Ombudsperson for people with disabilities, 2020: 104).

Several complaints were directed towards the complicated and excessively long procedure for accessing certain orthopaedic tools, which in some cases took almost a year from the request being made to the final delivery (Ombudsperson for people with disabilities, 2020: 105). In her report the Ombudsperson stated that she had warned the Ministry of Health, the Commission for Orthopaedic Aids, and also the Croatian Parliament, that it was important to have regulations and rules that took into consideration the individual needs of each person with disabilities, including the conditions in which such people lived.

3.2 Personal assistance

Usluge osobnog asistenta (**personal assistant services**) are provided through project funding from the European Social Fund (ESF), based on tenders²⁷ involving associations for people with disabilities. Beneficiaries of personal assistant services include people with physical disabilities who need practical help with taking care of themselves, deaf-blind people with additional impairments who also need help with taking care of themselves, and people with intellectual and mental disabilities. Personal assistant services include:

- personal care (hygiene – washing teeth, face, showering, bathing, washing/combing hair, cutting nails, etc.; help with getting in and out of bed; dressing and undressing; help with going to the bathroom; assistance with consumption of food and beverages; cooking meals; administering medicine, etc.);
- doing the shopping;
- assistance with physical movement (transfer between bed and wheelchair, assistance with moving, assistance with using the phone);
- doing administrative chores – going to the doctor (to obtain a referral, fit note, prescription), bank, or post office, and delivery and pick-up of various documents;
- assistance with, and facilitation of, communication;
- accompaniment and assistance in various social activities.

²⁷ <http://www.esf.hr/natjecaji/socijalno-ukljucivanje/razvoj-usluge-osobne-asistencije-za-osobe-s-invaliditetom-faza-ii-2/>

Usluga pomoći u kući (**home assistance service**) is a service that includes assistance in organising nutrition, buying groceries, cleaning, dressing, personal hygiene and other everyday basic needs.

The service is granted to: people who need the assistance of another person due to physical, mental, intellectual or sensory disabilities or permanent changes in their health; people who require the assistance of another person due to temporary changes in their health; and older people who require the assistance of another person according to the evaluation by a social welfare centre.

The home assistance service is a means-tested, non-contributory benefit. People in households where the average income per member is below HRK 1,500 (€200) per month have the right to receive this service free of charge. If the average income per household member is HRK 1,500-2,000 per month (€200-265), half the costs of the service should be paid by the beneficiary.

Doplatak za pomoć i njegu (**care and assistance allowance**) is a cash benefit which may be paid in full (HRK 600, €80, per month) or in part (HRK 420, €55) (as of 1 April 2018). It is for people who cannot meet their essential needs for living due to disability or other reasons, and who require the care and assistance of another person in the provision of meals, buying supplies, cleaning and tidying up their apartment, dressing and undressing, helping with personal hygiene, and other essential activities for living. The benefit is means-tested. The following people are not entitled to the allowance:

- people who have concluded a contract of maintenance for life or a contract of maintenance until death;
- people who own another apartment or house which is not the apartment or house they live in and which can be disposed of or rented out for the purpose of acquiring the resources necessary for care and assistance;
- people who own business premises which they do not use to operate their registered business activity;
- single people whose average monthly income exceeded HRK 1,250 (250% of the base amount), or members of a household where the average monthly income exceeded HRK 1,000 (200% of the base amount), in the three months preceding the month when the application was filed or the procedure was initiated *ex officio*;
- people who can exercise their right to a care and assistance allowance under a special regulation;
- people whose right to a personal disability allowance has been recognised pursuant to the Social Welfare Act or other regulations; and
- people who have been provided with accommodation in a social welfare institution or by another social service provider, healthcare or other institution or organised housing pursuant to the provisions of the Social Welfare Act or other regulations.

Regardless of whether they own an apartment, house or business premises, and the amount of their average monthly income, the following people are entitled to the full amount of the care and assistance allowance (HRK 600 per month): people with severe disabilities; people with severe permanent changes in their health; and blind, deaf and deaf-blind people who are not able to live and work independently. The partial amount of the care and assistance allowance (HRK 420 per month) is available to blind, deaf and

deaf-blind people who are able to live and work independently, and people who have completely lost legal capacity.²⁸

Applications for the care and assistance allowance are processed by the competent social welfare centre in the beneficiary's place of permanent residence.²⁹

4 National debates, reforms and recommendations

4.1 National debates

For more than a decade, there have been discussions about introducing an *Inkluzivni dodatak* (**inclusive allowance**). A right to this allowance was first included in the 2011 Social Welfare Act (OG, 57/2011), which defined it as financial support intended for people with disabilities in order to create conditions for equalising their opportunities for inclusion in everyday life. According to the legislation referred to, a person with established long-term physical, mental, intellectual or sensory disabilities should be entitled to an inclusive allowance, in order to promote their full and effective participation in society on an equal basis with others. The law envisaged seven levels of financial support depending on functional capacities. It was envisaged that the conditions, criteria and methods of assessing the level of necessary support for people with disabilities, and the amount of financial support, would be regulated by a special law. However, such a special law has not been enacted to date, so this right has never been implemented.

In 2013, the ministry in charge of social welfare (Ministry of Labour, Pension System, Family and Social Policy) started preparing a draft bill on the inclusive allowance, and a working group was formed. Several round tables were held and the Ombudsperson for people with disabilities commented on these proposals. In the autumn 2013, the ministry stated that it did not have sufficient funds to pass a law that did not prescribe the income threshold, and therefore concluded that, although work on the draft law should continue, its adoption should be postponed until further notice. Since mid-2015, work on drafting a law has continued, and the members of the working group voted in favour of the introduction of a means-tested inclusive allowance that would unify the existing rights of people with disabilities. They also endorsed a system of four levels of support, given the fact that the Institute for Expertise, Vocational Rehabilitation and Employment of People with Disabilities conducts an assessment based on four levels of disability. It was also agreed to carry out an analysis of the existing rights based on disability in different systems; based on this analysis, the working group would determine the rights to be included in the inclusive allowance. However, it seems that the working group has not met since August 2015.

It turns out that since 2011 the debate on an inclusive allowance has been revived in the public from time to time. The idea of an inclusive allowance appears in discussions in different variants. According to the most widely accepted variant, an inclusive allowance would replace all existing benefits for people with disabilities. The key point of contention between the associations of people with disabilities and the competent ministry is related to the means test. Organisations of people with disabilities, as well as the Ombudsperson, support the idea of an inclusive allowance that would not be conditional on a means test (Ombudsperson for people with disabilities, 2020). In contrast, the ministry believes that

²⁸ Legal capacity is the ability of a person to take legally valid decisions and to enter into binding contractual relations. Due to serious disabilities (usually mental health and intellectual disabilities), some people could be deprived of legal capacity.

²⁹ A potential beneficiary has to file an application with the competent social welfare centre. They are then assessed at the Institute for Expert Evaluation, Professional Rehabilitation and Employment of People with Disabilities. The right is recognised from the date the application was filed or the procedure was initiated *ex officio*.

an unconditional inclusive allowance would be too big a financial burden on the budget, and advocates a means test.³⁰

It should be added that the Croatian Democratic Union (a key party of the ruling coalition), in its election programme "Safe Croatia: Programme for the elections for the Croatian Parliament 2020",³¹ promised to introduce an inclusive allowance that would merge all the rights of people with disabilities by the end of 2021. However, the enactment of an Inclusive Allowance Act was not included in the 2021 plans for legislative activities, which has been criticised by the organisations of people with disabilities.³² The main criticism is that crucial laws to improve the quality of life of people with disabilities in the Republic of Croatia (e.g. the Personal Assistance Act, the Inclusive Allowance Act, the Financing of Representative Associations of People with Disabilities Act) were not included in any plan of legislative activities.

On 19 October 2020, the Movement of People with Disabilities, within the 8th Centre of Knowledge for Social Development in the Republic of Croatia, organised a thematic conference entitled "Funding of associations, inclusive allowance and assistance services – where are we and what to expect?", with the aim of defining key steps for the adoption of legislation that would improve the quality of life of people with disabilities. The conference was attended by: representatives of associations for people with disabilities; representatives of the Ministry of Labour, Pension System, Family and Social Policy; the Ombudsperson of people with disabilities; Members of Parliament; and representatives of the Parliamentary Committee on Health and Social Policy. It was pointed out at the conference³³ that there is still no agreement on the number of people who should receive the inclusive allowance, and the issue of older people who have not passed the assessment is controversial. The ministry representative stated that the working group will have to state its position regarding the amount of the allowance, the number of levels for exercising these rights, the means test (which people with disabilities do not accept), etc. Only after that is it planned to proceed with drafting the law itself and preparing projections of financial expenditure on an inclusive allowance. The Ombudsperson for people with disabilities pointed out that the inclusive allowance should be non-means-tested, and argued that it should cover extra and increased costs related to disability (costs that are not covered through health and social insurance, and other costs a person has to pay in order to live normally).

An international panel discussion "Adequate housing for people with disabilities in the Republic of Croatia and the region – examples of good and bad practice" was held in Zagreb on 15 November 2021 through the Zoom platform.³⁴ It was pointed out that, according to a survey of attitudes and needs related to adequate housing among people with disabilities, 97.5% of people with disabilities said that they believed that the Republic of Croatia should adopt an appropriate legal framework for social housing, while 84.2% of people with disabilities stated that their housing needs have not been fully met. Decent housing is not affordable to this group.

On 15 July 2021, the Croatian Parliament unanimously adopted the 2020 report on the work of the Ombudsperson for people with disabilities. The report pointed out that, due to the COVID-19 pandemic and the earthquake in 2020, there had been a significant collapse in the human rights of people with disabilities.³⁵ All the shortcomings in the system that had been pointed out for years had made life in 2020 even more difficult for people with disabilities, which was evident from the increased number of complaints the Ombudsperson

³⁰ <https://www.hsucdp.hr/financiranje-udruuga-inkluzivni-dodatak-i-usluge-pomagaca-gdje-smo-i-sto-ocekivati/>

³¹ https://hdz.hr/userfiles/pdf/Sigurna_Hrvatska_Program2.pdf

³² <https://www.hsucdp.hr/financiranje-udruuga-inkluzivni-dodatak-i-usluge-pomagaca-gdje-smo-i-sto-ocekivati/>

³³ <https://www.hsucdp.hr/financiranje-udruuga-inkluzivni-dodatak-i-usluge-pomagaca-gdje-smo-i-sto-ocekivati/>

³⁴ <https://www.soih.hr/soih-novosti-detaljno/poziv-na-medunarodnu-online-panel-diskusiju>

³⁵ <https://vijesti.hrt.hr/hrvatska/slonjsak-epidemija-se-posebno-tesko-odrazila-na-zivot-osoba-s-invaliditetom-2184573>

had received – from 2,266 individuals and legal entities, on which she had acted 4,538 times. She had also issued 424 recommendations and warnings.

The regular health needs of people with disabilities have been put in the background. Continuity in the implementation of medical therapy, physical therapy at home and healthcare was often lacking. Due to the workload of health professionals, the specific needs of people with disabilities during hospital treatment were neglected, which led to a deterioration in health.

The increased number of complaints³⁶ clearly speaks of the problems faced by people with disabilities and their loved ones due to poverty, deprivation, and an inability to meet basic needs. When services are not available or are limited in scope, and benefits do not allow the needs for independent living to be met, placement in institutions becomes the only solution.

Associations of people with disabilities played a very significant role during 2020 and were often the only link between people with disabilities and the system; and in many areas, they were the only service-providers. However, according to Ombudsperson for people with disabilities (2020), the associations are not given enough systematic support or funding, which makes it difficult for them to maintain, or improve, the quality of the services they provide.

4.2 Recent reforms and reforms currently in the pipeline

People with disabilities and their representative organisations are expecting significant positive changes in their status with the adoption of the new Social Welfare Act, on the draft of which several working groups have worked since 2018. The draft law passed a public consultation during October and November 2021. After the Government of the Republic of Croatia adopted the final draft of the Social Welfare Act in January 2022, it was accepted by Parliament on 28 January 2022.

As regards the rights of people with disabilities, various legal changes have been proposed. The new law expands the circle of people who can be granted the right to the status of care-giver, which encourages people with disabilities to stay in their own home and prevents their institutionalisation. In addition, the (parent) care-giver is entitled to a higher amount of allowance if a person with disability cannot be included in community programmes and services due to their health condition, and the allowance for a care-giver who independently cares for two or more people with disabilities is further increased.

The categories of people with disabilities who are entitled to personal disability allowance and the allowance for assistance and care are defined more precisely. According to the new law, the right to personal disability allowance is recognised for a person with the fourth degree of disability (impairment of functional abilities) according to the regulations on expert evaluation, while the right to the allowance for assistance and care is recognised for a person with the third or second degree of disability (functional impairments). In addition, there are plans to increase the amount of the personal disability allowance from HRK 1,500 (€200) to HRK 1,750 (€233) per month and to abolish the income threshold. The original draft proposed that only salaries, work compensation, honoraria, pensions, parental and maternity benefits up to 800% of the base (HRK 4,000, or €533) per month would be disregarded as income. This means that people receiving more than HRK 5,500 (€733) per month would lose their rights to a personal disability allowance. After dissatisfaction was expressed by the associations of people with disabilities, this proposal was withdrawn by the ministry.

Representatives of some associations of people with disabilities are dissatisfied because no increase in the amount of the allowance for assistance and care was planned, and because

³⁶ According to Ombudsperson for people with disabilities (2019, 2020), the number of complaints was 1,827 in 2017, 1,957 in 2018, 2,172 in 2019 and 2,226 in 2020.

of the exclusion of the people with the first degree of severity of disability from the group of recipients of the allowance.

The new law envisages changes in general social welfare benefits that might also be beneficial for people with disabilities. Thus, the law envisages an increase in the GMB base from HRK 800 (€107) to HRK 1,000 (€133) per month. In addition, a single person with fully reduced working capacity would be entitled to an additional amount of 30% of the base per month (to date, the additional amount has been 15% of the base per month), and an adult with fully reduced working capacity who is a member of the household would receive an additional amount of 15% of the base per month (in the previous law there was no additional amount for this person). The benefit for a single parent with fully reduced working capacity is increased by an additional amount of 35% of the base (in the previous law, there was no additional amount).

The housing allowance is redefined in such a way that it amounts to a minimum of 30% of the related GMB. Assuming that people with disabilities will receive a higher amount of the GMB, they will also receive, in principle, a higher amount of housing allowance (provided that the actual cost of housing is higher than 30% of the GMB).

During the COVID-19 epidemic, no new measures of social protection have been introduced for people with disabilities, and no criteria of existing programmes have been changed or adjusted. The government has mainly relied on support measures for the economy and for job-preservation, and very little on new or modified measures of social protection (see Bežovan, Šućur and Babić, 2021a).

4.3 Good practice and recommendations on how to tackle gaps and obstacles

One of the key goals is to prevent the institutionalisation of people with disabilities and make services more accessible. In this regard, the Centre for Independent Living project in the city of Zagreb can be mentioned as an example of good practice. Co-operation between non-governmental organisations and the city of Zagreb has resulted in the project, where various services are provided to people with disabilities by associations of people with disabilities and the Centre for Community Services (a social welfare institution founded by the city of Zagreb). In 2014, the mayor of Zagreb signed an agreement with several associations of people with disabilities: the Association of People with Cerebral Palsy Zagreb, the Association of Dystrophic Patients Zagreb, the Association of People with Physical Disability, the Croatian Association of Paraplegics and Tetraplegics and the Association of Croatian Dystrophic Societies. The agreement has obliged the city to provide premises for occasional, temporary and long-term accommodation for people with disabilities, and premises for associations, co-operatives, and social enterprises providing different social services to people with disabilities. In addition to business premises, three apartments were provided to the aforementioned associations, so that they could be adapted for independent living. The Centre for Community Services was established by the city of Zagreb in December 2017, to provide different kinds of social services to people with disabilities, including accommodation for 25 people with severe physical disabilities through organised housing with support and residence services. There are five housing communities within the institution. Housing communities are a form of organised housing that is most similar to the family lifestyle. In each housing community, housing is provided for five users, who are supported by professional staff 24 hours a day. The institution also provides other social services such as early intervention and psycho-social support for people with disabilities; the intention is to scale up these services in different parts of the city, including mobile team services.

In addition, one possible measure is to increase the amounts of disability-related benefits and other social benefits used by people with disabilities: from disability pensions to benefits in the social welfare system. Given that people with disabilities have health issues, shorter working lives and long periods of unemployment, low social benefits are one of the key causes of their high poverty rates. For example, the 2020 AROP rate of people with

some or severe level of activity limitation was 72% higher than that of the whole population (31.4% compared with 18.3%).³⁷

It is important for the personal disability allowance not to be conditioned by the property or income test, because the benefit helps people with disabilities to be included in the life of the community. The level of the personal disability allowance should depend only on the severity or degree of disability. If this is not possible due to budgetary or financial reasons, then the means test should be less rigorous, in such a way that it excludes only those people with disabilities who have above-average assets and incomes for Croatian conditions.

People with disabilities should have better access to services that would help to prevent their institutionalisation. The access to services that enable independent living or staying in a family/community environment has often been difficult, especially for people with disabilities in certain parts of Croatia (rural areas). In addition, people with disabilities should have more freedom in choosing the people who will take care of them.

Employment chances for people with disabilities are significantly lower in the labour market, and many unemployed people with disabilities without a working history are not eligible for standard unemployment benefit. That is why it is important to raise the up-to-employment benefit closer to the standard unemployment benefit level.

Procedures for recognising different rights should be simplified and should not take too long. In this regard, we support the introduction of an inclusion allowance, as a right that would merge a range of present benefits for people with disabilities.

In addition, it is important to have regulations and rules that take into consideration the individual needs of each person with disabilities, and the circumstances in which such people live, when taking decisions about the provision of orthopaedic tools and assistive technology – to prevent situations where, due to the physical changes of a child, old orthoses are no longer usable, but the request for a new tool is denied.

Many people with disabilities live in inadequate housing conditions, which resulted in the requests addressed to the government and the public for the adoption of a law on social housing. For example, the Movement of People with Disabilities published a promotional video campaign, with the aim of showing the key needs and problems of people with disabilities related to social housing in Croatia.³⁸

Finally, Croatia should strengthen data-collection mechanisms, ensuring that comprehensive, reliable and disaggregated data on disability and people with disabilities are collected, in line with Article 31 (statistics and data collection) of the UN CRPD.

³⁷ https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=hlth_dpe020&lang=en

³⁸ *Udruga osoba s invaliditetom traže zakon o socijalnom stanovanju* [Associations of people with disabilities are seeking a law on social housing], <https://vijesti.hrt.hr/hrvatska/udruge-osoba-s-invaliditetom-traze-zakon-o-socijalnom-stanovanju-3680909>

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