

The application of  
the EU Charter of Fundamental Rights and  
UN Convention on the Rights of Persons with  
Disabilities (CRPD) in EU Funds:  
Practice of the Republic of Croatia

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# Enabling conditions



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## CPR 2021/1060, Article 15 and Annex III

Horizontal enabling conditions applicable to all specific objectives and the criteria necessary for the assessment of their fulfilment.

3. Effective application and implementation of **the Charter of Fundamental Rights**

4. Implementation and application of **the United Nations Convention on the rights of persons with disabilities (UNCRPD)** in accordance with Council Decision 2010/48/EC

The Member State shall ensure that enabling conditions remain fulfilled and respected throughout the programming period.

# Charter of Fundamental Rights of the European Union



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The Charter enshrines into primary EU law a wide array of fundamental rights enjoyed by EU citizens and residents – civil, political, economic and social rights.

The Charter contains 54 articles divided into chapters:

1. Dignity
2. Freedoms
3. Equality
4. Solidarity
5. Citizens' rights
6. Justice

# Convention on the Rights of Persons with Disabilities (CRPD)



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The Convention is the first international legally binding instrument setting minimum standards for rights of people with disabilities. Its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities.

## General principles (article 3)

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- Equality of opportunity;
- **Accessibility;**
- Equality between men and women;
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

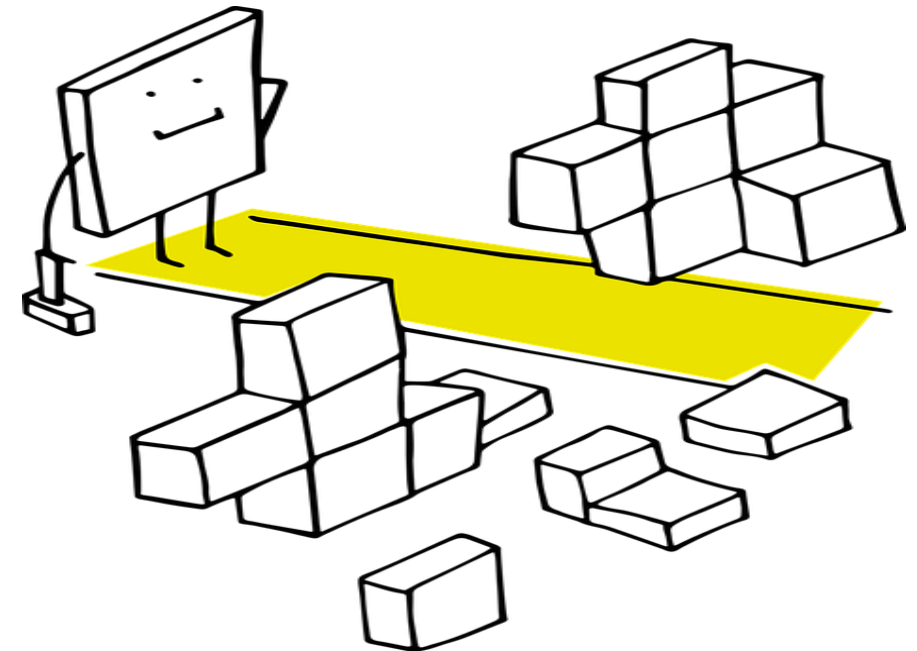
# Ensuring the application of horizontal principles through eligibility criteria

To be eligible, a project proposal must meet all established eligibility criteria.

## Eligibility criteria

The project must comply with legislative requirements in terms of ensuring accessibility for persons with disabilities, ensuring gender equality and taking into account the Charter of Fundamental Rights of the European Union.

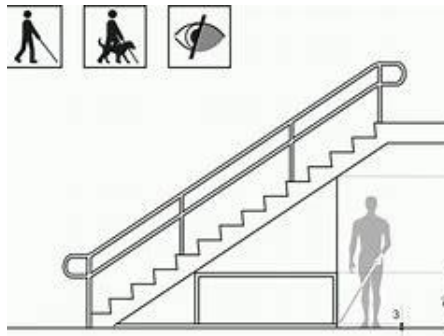
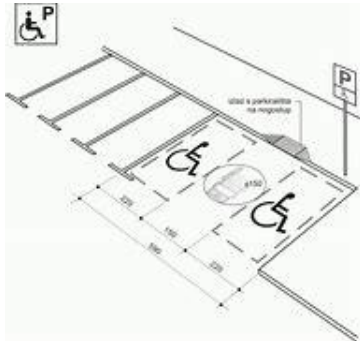
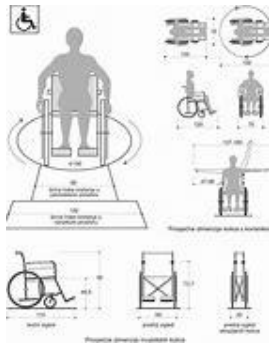
The applicant will ensure the removal of architectural barriers, i.e. ensure the accessibility of buildings for persons with disabilities and reduced mobility, in accordance with the Ordinance on Ensuring the Accessibility of Buildings for Persons with Disabilities and Reduced Mobility (Official Gazette 78/13) and the Technical Regulation on Ensuring the Accessibility of Buildings for Persons with Disabilities and Reduced Mobility (Official Gazette 12/23), which will replace the Ordinance from June 2025.





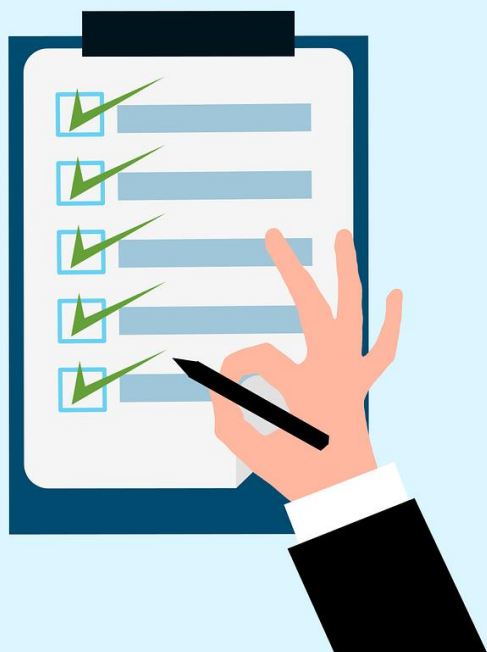
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# The Ordinance on Ensuring the Accessibility of Buildings for Persons with Disabilities and Reduced Mobility (Official Gazette 78/13)



- Under the jurisdiction of the Ministry of Physical Planning, Construction and State Property
- Prescribes the conditions and method of ensuring unobstructed access, movement, residence, and work for persons with disabilities and reduced mobility in public and commercial buildings and ensuring simple adaptation of residential and residential-commercial buildings.
- Defines obligations for the construction of new buildings and the adaptation of existing buildings during their reconstruction.
- In designing and building and performing works, the investor, designer and contractor are obliged to comply with all regulations and rules of the profession that refer to their construction.

# Checklists for assessment of project compliance with the Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities



- Before the publication of calls for proposals from the Competitiveness and Cohesion Program 2021-2027 and Integrated Territorial Programme 2021-2027, checklists are used to assess the compliance with the Charter and the Convention
- Checklists are integral part of the Rules for the implementation of these programmes.

# Checklists for assessment of project compliance with the Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities



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RULES: RULE III. AWARD OF GRANTS		
Competitiveness and Cohesion Programme 2021-2027	Date	June 2024
	Version	mv 1.1
	Annex 11	

1

## Checklist for assessing the compliance of calls with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in accordance with Council Decision 2010/48/EC

The horizontal conditions enabling the implementation of EU funds are set out in Annex III to the Regulation (EU) 2021/1060. The fulfilment of these conditions and the ensuring that they remain fulfilled and complied with throughout the programming period are a precondition for the use of EU funds. The horizontal condition no.4 is **the Implementation and application of the United Nations Convention on the Rights of Persons with Disabilities in accordance with Council Decision 2010/48/EC** (hereinafter referred to as the UNCRPD/Convention).

The fulfilment criteria for the condition no.4, which are under the responsibility of the Managing Authority, are:

- Mechanisms to ensure that the accessibility policy is taken into account during the preparation and implementation of the Programme and that legislation and standards relating to accessibility are respected.
- Mechanisms to report to the Monitoring Committee on cases of non-compliance of operations supported by the Funds with the UNCRPD and complaints related to the UNCRPD submitted in accordance with the mechanisms established under Article 69(7) of Regulation (EU) 2021/1060.

The purpose of the UNCRPD is to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities<sup>1</sup>, and to promote respect for their inherent dignity”. The document is available at the following link: [https://eur-lex.europa.eu/eli/dec/2010/48\(1\)/oj/eng](https://eur-lex.europa.eu/eli/dec/2010/48(1)/oj/eng)

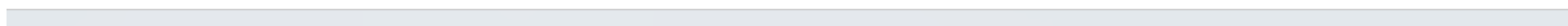
<sup>1</sup> Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. (Article 1 of the UNCRPD).

# Checklists for assessment of project compliance with the Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities



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GENERAL PRINCIPLES	YES	NO	Not applicable	Explanation
1.1. When preparing the call, was the protection and ensuring of the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities considered and the				



RULES: RULE III. AWARD OF GRANTS		
Competitiveness and Cohesion Programme 2021-2027	Date	June 2024
	Version	mv 1.1
	Annex 11	

3

promotion of respect for their inherent dignity? (Art. 1 of the Convention)				
1.2. Within the framework of the call, is it planned that the products, environments, programmes, and services that are shaped and created as a result of the call are in accordance with the principles of "universal design", that is, they are designed in such a way that they are usable by all people to the greatest extent possible, without the need for adaptation or specialised design? "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed? (Art. 2 of the Convention)				
EQUALITY AND NON-DISCRIMINATION	YES	NO	Not applicable	Explanation
2.1. Does the call ensure that the reasonable				

# Checklists for assessment of project compliance with the Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities



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RULES: RULE III. AWARD OF GRANTS		
Competitiveness and Cohesion Programme 2021-2027	Date	June 2024
	Version	mv 1.1
	Annex 12	

## Checklist for assessing the compliance of calls with The Charter of Fundamental Rights of the European Union

The horizontal conditions enabling the implementation of EU funds are set out in Annex III to the Regulation (EU) 2021/1060. The fulfilment of these conditions and the ensuring that they remain fulfilled and complied with throughout the programming period are a precondition for the use of EU funds. One of the horizontal conditions is the condition no.3: **Compliance of programmes receiving support from the funds with the relevant provisions of the Charter of Fundamental Rights of the European Union** (hereinafter: the Charter).

The fulfilment criteria for the condition no.3, which are under the responsibility of the Managing Authority, are:

Effective mechanisms to ensure the compliance with the Charter of Fundamental Rights of the European Union (the "Charter") have been established, including:

- Mechanisms to ensure that programmes supported by the Funds and their implementation comply with the relevant provisions of the Charter.
- Mechanisms to report to the Monitoring Committee on cases of non-compliance of operations supported by the Funds with the Charter and complaints relating to the Charter lodged in accordance with the mechanisms established under Article 69(7) of Regulation (EU) 2021/1060.

The Charter sets out the fundamental rights that the EU and its Member States must respect when implementing the EU law. The Charter brings together in one place all the personal, civil, political, economic, and social rights of the EU citizens. Link to the document: [EUR-Lex - 12016P/TXT - EN - EUR-Lex](#)

The European Commission has issued **Guidelines on ensuring respect for the Charter of Fundamental Rights of the European Union when implementing the European Structural and Investment Funds ('ESI Funds')** which aim to explain to the Member States the compliance with the Charter of Fundamental Rights when implementing the Funds and to provide a practical tool to assist the Member States in checking the Funds' implementing measures in relation to the Charter. The document is available at the following link: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016XC0723\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016XC0723(01))

# Checklists for assessment of project compliance with the Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities



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I. DIGNITY	YES	NO	Not applicable <sup>1</sup>	Explanation
1.1. Does the call respect human dignity? (Art. 1 of the Charter)				
1.2. Does the call respect the right to life and integrity of the person (respects free and informed consent, prohibits eugenic				

<sup>1</sup> Not applicable - the label is used when the call for submission of project proposals does not contain activities that can be linked to the indicated right/principle from the Charter.



RULES: RULE III. AWARD OF GRANTS		
Competitiveness and Cohesion Programme 2021-2027	Date	June 2024
	Version	mv 1.1
	Annex 12	

procedures, prohibits the use of the human body and its parts as a source of financial gain, prohibits reproductive cloning of human beings)? (Art. 2 and 3 of the Charter)				
1.3. Is the prohibition of torture and inhuman or degrading treatment or punishment respected? (Art. 4 of the Charter)				
1.4. Does the call respect the prohibition of slavery and forced labour (including the risk of forced or compulsory labour or trafficking in human beings)? (Art. 5 of the Charter)				
II. FREEDOMS				
Individuals, private and family life, freedom of conscience and expression				

# Reporting on non compliances



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- Submission of irregularities related to the Charter and the Convention:

<https://eufondovi.gov.hr/nepravilnosti/>



Naslovnica

Vijesti

EU fondovi ▾

Edukacije

Događanja



Ulaz u sustav

Naslovna / Nepravilnosti

## Nepravilnosti

### Gdje prijaviti nepravilnost?

Sumnju na počinjenu nepravilnost ili prijevare u upravljanju i provedbi, odnosno nepravilnosti ili prijevare u korištenju EU sredstava može se prijaviti na e-mail: [nepravilnosti.eu@mrrfeu.hr](mailto:nepravilnosti.eu@mrrfeu.hr)

ili na adresu:

Ministarstvo regionalnoga razvoja i fondova Europske unije  
Miramarska cesta 22  
10 000 Zagreb

ili neposrednim kontaktom na tel: **01/ 6400 – 600** ili fax: **01/ 4569 – 150**

Na iste se kontakte šalju i pritužbe vezane uz sumnju na neusklađenost projekata financiranih sredstvima EU-a s Poveljom Europske unije o temeljnim pravima i Konvencijom UN-a o pravima osoba s invaliditetom u korištenju sredstava EU-a.

Povelja EU o temeljnim pravima pokriva građanska, politička, socijalna, gospodarska i kulturna prava koja proizlaze iz ustavnih tradicija država članica. U njoj su objedinjena sva prava pojedinca, razvrstana prema nekoliko glavnih načela: ljudsko dostojanstvo, temeljne slobode, ravnopravnost, solidarnost, prava građana i pravda.

Konvencija UN-a o pravima osoba s invaliditetom prvi je obvezujući međunarodni instrument za ljudska prava koji se odnosi na invaliditet. Njezina je svrha promicanje, zaštita i osiguravanje punog i ravnopravnog uživanja svih ljudskih prava i temeljnih sloboda osoba s invaliditetom te promicanje poštivanja njihovog urođenog dostojanstva.

Definicija nepravilnosti i/ili prijevare te sumnja na počinjenje istih može se također prijaviti na e-mail adresu Službe za suzbijanje nepravilnosti i prijevare pri Ministarstvu financija Republike Hrvatske: [nepravilnosti.eu@mfin.hr](mailto:nepravilnosti.eu@mfin.hr), odnosno tel: **01/ 4591 – 385**, fax: **01/ 4591 – 248**

ili na e-mail adresu Ureda za suzbijanje korupcije pri Europskoj komisiji (OLAF- European Anti-Fraud Office): [olaf-courrier@ec.europa.eu](mailto:olaf-courrier@ec.europa.eu)

# Reporting on non-compliance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities



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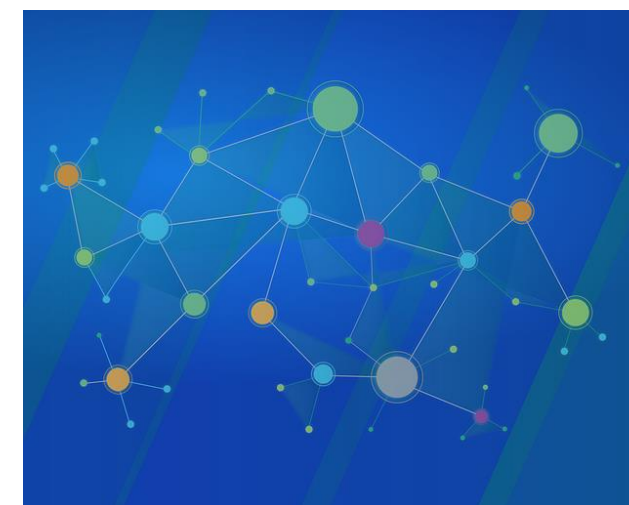
- MA reports to the Monitoring Committee once a year about potential non-compliances with the EU Charter of Fundamental Rights and the UN Convention on the Rights of the PwD
- For the purpose of reporting to the MC information is gathered from:
  - Ombudspersons' institution
  - MCS bodies via the network of nondiscrimination coordinators
  - MRDEUF's organizational unit responsible for the complaint's mechanism

# Activities in MCS bodies



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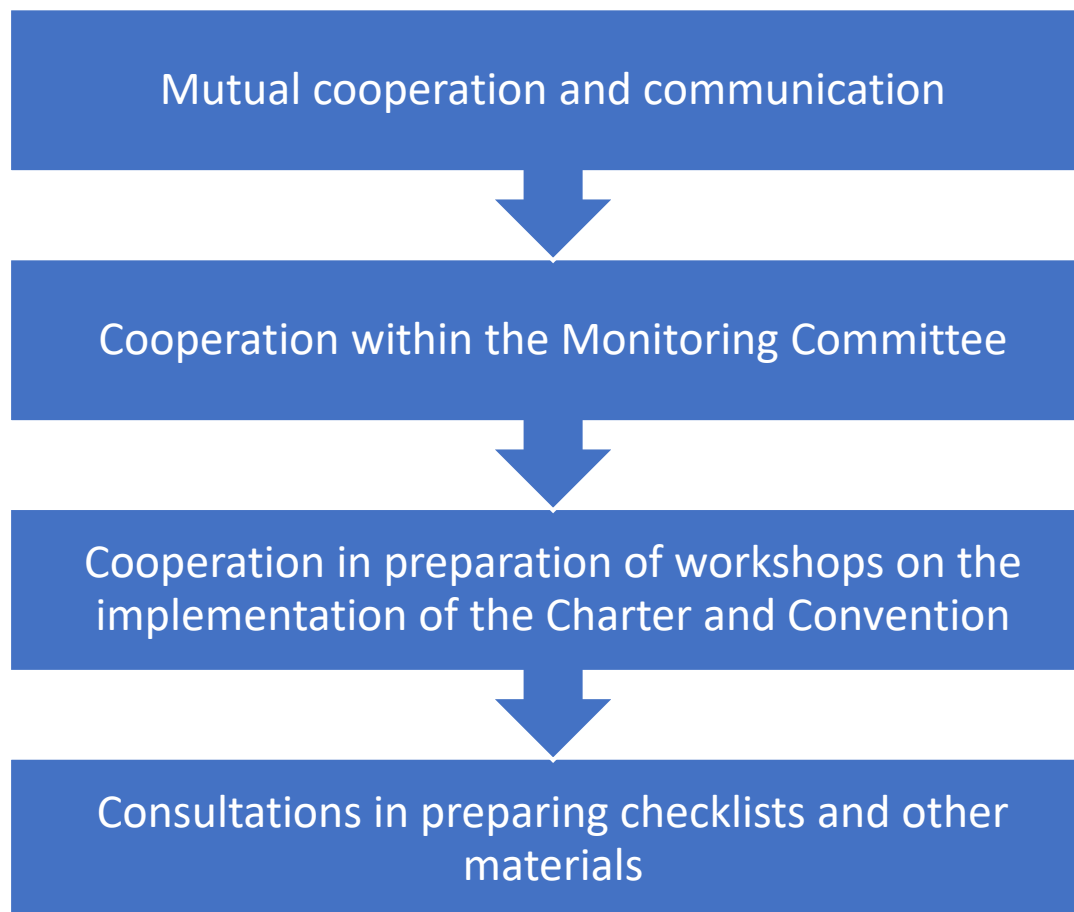
- In cooperation with the Ministry of Labour, Pension System, Family and Social Policy, **network of non-discrimination coordinators 2021-2027** was established. Members of the network are representatives of MCS bodies and partner institutions
- We are currently preparing educations for MCS bodies as well as for project applicants and beneficiaries
- Related capacity building activities are simultaneously implemented:
  - MA & IBs
  - non-discrimination coordinators
  - civil servants working on the complaint mechanism



# Cooperation with national human rights institutions/ombudsperson institutions



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# Useful materials

- The Ombudsman's Annual Report

- <https://www.ombudsman.hr/hr/interaktivno-izvjesce-za-2023/>
- [https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e\\_o\\_radu\\_Pravobraniteljic.pdf](https://www.prs.hr/application/uploads/Izvje%C5%A1%C4%87e_o_radu_Pravobraniteljic.pdf)
- <https://posi.hr/izvjesca-o-radu/#single/0>
- <https://dijete.hr/hr/izvjesca/izvjesca-o-radu-pravobranitelja-za-djecu/>



Izvješće o radu  
Pravobranitelja za  
osobe s invaliditetom  
2023.

