



Contribution by Office of the UN High Commissioner for Human Rights (OHCHR) to the 2026 Rule of Law Report - European Commission

Rule of law and human rights

The ‘rule of law’ is a concept at the heart of the United Nations’ mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#):

“Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law.”

Office of the UN High Commissioner for Human Rights (OHCHR)

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

OHCHR is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its Member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission’s Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR’s contribution

The current submission consists of a compilation of findings and recommendations contained in reports of UN human rights monitoring mechanisms including treaty-based mechanism (international human rights treaties), and Charter-based mechanism (special procedures and the Universal Periodic Review of the UN Human Rights Council). It further draws on statements and reports by the UN High Commissioner for Human Rights and the High Commissioner’s office (see diagram on the next page).

In line with the scope of the European Commission’s Rule of Law Report, this contribution covers 27 Member States of the European Union and four candidate States, namely, Albania, Montenegro, North Macedonia and Serbia.

UN human rights monitoring mechanisms

The below human rights bodies review the following nine core United Nations human rights treaties:

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- International Convention for the Protection of All Persons from Enforced Disappearance

Treaty-based mechanism

Treaty monitoring bodies

- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESRC)
- Human Rights Committee (CCPR)
- Committee on the Elimination of Discrimination against Women (CEDAW)
- Committee Against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

UN Charter-based mechanism

UN Human Rights Council

A subsidiary body of the UN General Assembly and the main intergovernmental body in the UN responsible for human rights.

Special Procedures

Independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective.

Universal Periodic Review

State-led mechanism that conducts a peer review of the human rights situation of each UN Member State

Human Rights Council-mandated Investigative Bodies

The Office of the UN High Commissioner for Human Rights (OHCHR) provides expertise and support to all of the different human rights bodies.

Human rights and rule of law (4 pillars of Rule of Law Report)

Pillar 1: Justice System

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

Pillar 3: Media Freedom

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

Pillar 2: Anti-corruption

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

Pillar 4: Checks and Balances

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)



Croatia: Inside the contribution

- **Period of contribution: January – December 2025**
- **Contents of contribution and additional information:**
 - The UN Committee on Economic, Social and Cultural Rights adopted its concluding observation on Croatia ([E/C.12/HRV/CO/2](#)) on 28 February 2025 at its 30th session and the report was published on 10 March 2025.
 - The UN Subcommittee on Prevention of Torture visited Croatia from 2 to 8 July 2023 and issued a report ([CAT/OP/HRV/ROSP/1](#)). The report was published on 21 October 2025.
 - The UN Committee on the Elimination of Racial Discrimination examined the follow-up report submitted by Croatia ([CERD/C/HRV/FCO/9-14](#)) at its 115th session, held from 22 April to 9 May 2025 and communicated a [follow-up letter](#) to Croatia (12 May 2025).
- **Summary of information which could be of particular relevance to the Rule of Law report:**
 - Under pillar 1 on justice system, relevant findings and recommendations (quality of justice and efficiency of justice system) were issued by UN human rights mechanisms.
 - Under pillar 4 on checks and balances, relevant findings and recommendations (independent authorities - NHRIs, ombudsman institutions and accessibility and judicial review of administrative decisions) were issued by UN human rights mechanisms.
- **Forthcoming relevant information (January – May 2026):**
 - The UN Committee on Enforced Disappearance will consider the State Party report from Croatia ([CED/C/HRV/1](#)) in a future session ([date to be confirmed](#)).
- **Resources:**
 - Rule of Law in Europe | [OHCHR](#)
 - Country Page | [Croatia](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review).

Pillar I: Justice System

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Efficiency of the justice system - Training of justice professionals

(a) The [UN Subcommittee on Prevention of Torture] recommends that the State Party provide capacity-building training to judges and prosecutors on the provisions of the Convention against Torture, including on the absolute prohibition of torture and on the obligation to prosecute and sanction perpetrators of acts of torture in accordance with the gravity of the acts, in line with article 4 of the Convention. ([CAT/OP/HRV/ROSP/1](#), para.31) [...]

(c) The Subcommittee further recommends that the judicial authorities organize seminars, counselling and other form of consultations and prepare guidelines aimed at promoting the greater implementation of alternative sanctions, in accordance with the conditions established by law, as well as other measures to reduce and prevent prison overcrowding. ([CAT/OP/HRV/ROSP/1](#), para.33)

Pillar IV: Checks and Balances

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Independent authorities - ombudsman institutions

The UN Subcommittee on Prevention of Torture notes that, as regards budgetary allocations, the finances of the national preventive mechanism are not clearly separated from those of the Office of the Ombudsperson. The mechanism does not have a dedicated, ring-fenced budget for its work, even though the Act on the National Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires that the funds allocated to the mechanism be recorded in a separate line within the budget of the Office of the Ombudsperson (art. 10). In this context, the Ombudsperson allocates unearmarked resources for the performance of the mechanism's tasks. While approximately €2,300,000 were allocated to the Office of the Ombudsperson in 2023, only €34,500 were earmarked for costs specific to the mechanism, namely the hiring of external experts and the translation of its annual report. Other costs, including salaries, are covered by the general budget. ([CAT/OP/HRV/ROSP/1](#), para.17)

The Subcommittee recommends that the State Party initiate discussions with the Office of the Ombudsperson with the aim of separating the tasks and budgets of the Office and of the national preventive mechanism so that both have sufficient resources to carry out their respective mandates effectively and independently. ([CAT/OP/HRV/ROSP/1](#), para.19)

The Subcommittee also recommends that the State Party allocate to the national preventive mechanism the financial resources it needs, as required by article 18 (3) of the Optional Protocol and the Subcommittee's guidelines on national preventive mechanisms, ensuring that it enjoys complete financial and operational autonomy in the performance of its functions. The funding for the mechanism should be provided through the State Party's budget in a separate line within the budget of the Office of the Ombudsperson that refers specifically to the mechanism and covers all the resources it needs to discharge its mandate. The Subcommittee further recommends that this funding be at such a level as to allow the mechanism to carry out its visiting programme, hire its own staff, including external experts, and regularly engage in training programmes. ([CAT/OP/HRV/ROSP/1](#), para.20)

The UN Committee on Economic, Social and Cultural Rights is concerned that the increasing demand for handling complaints, additional tasks and an expansion of the mandate for the Ombudswoman of the Republic of Croatia in recent years has not been matched by a corresponding increase in resources, personnel and expansion of the physical premises. ([E/C.12/HRV/CO/2](#), para.6)

The Committee recommends that the State Party provide the Office of the Ombudswoman of the Republic of Croatia with adequate financial and human resources to enable it to fully discharge its mandate, including the promotion and protection of economic, social and cultural rights. ([E/C.12/HRV/CO/2](#), para.7)

Accessibility and judicial review of administrative decisions - Transparency of administrative decisions and sanctions

The UN Subcommittee on Prevention of Torture is concerned that not all allegations of violations are fully investigated and, therefore, sanctions are not applied where they are required. While noting that there were four ongoing criminal procedures relating to torture in 2022, the Subcommittee notes that, in 2022, out of 39 complaints for torture and ill-treatment filed with authorities, only 3 led to disciplinary proceedings, all of which resulted in a “warning and training” sanction. ([CAT/OP/HRV/ROSP/1](#), para.36)

The Subcommittee is concerned that, when sanctions are handed down, they are applied conditionally and implemented only in cases of reoffending. Such a practice fails to hold perpetrators to account, which is inadequate in terms of the deterrence value of the sanctions. ([CAT/OP/HRV/ROSP/1](#), para.37)