



**PERMANENT MISSION OF THE REPUBLIC OF CROATIA
TO THE UNITED NATIONS OFFICE AND
OTHER INTERNATIONAL ORGANIZATIONS
G E N E V A**

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The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva presents its compliments to the Special Procedures Branch of the Office of the High Commissioner for Human Rights, and, referring to the joint communication from Special Procedures (REF: AL CRO 1/2019) of 18 February 2019, has the honour to forward the response of the Government of Croatia.

The Permanent Mission of the Republic of Croatia to the United Nations Office in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the High Commissioner for Human Rights the assurances of its highest consideration. *VBH*

Geneva, 11 April 2019



**SPECIAL PROCEDURES BRANCH
OFFICE OF THE UN HIGH COMMISSIONER
FOR HUMAN RIGHTS**

In relation to the Joint communication from Special Procedures dated 18 February 2019 and in order to provide information on the alleged violence against women during procedures relating to their reproductive health, the Croatian authorities wish to inform of the following:

In 2014, the association Roda launched the initiative “Break the Silence” relating to the alleged inadequate treatment of women in Croatian maternity wards. During 2015 and 2016, the Ministry of Health Inspectorate together with gynaecology and obstetrics specialists carried out inspection oversight of the legality and professionalism of work in all the maternity wards in hospital healthcare facilities within the Croatian Public Healthcare Service Network. The oversight included a review of general hospital acts, staff structure, immediate inspection of the premises, of medical-technical equipment as well as insight into medical documentation. In addition to differences observed in the organizational structure of maternity wards in terms of unequal workload of healthcare workers with regard to the number of births in certain maternity wards, the inspection recognized the lack of communication skills as a key problem for both healthcare and non-healthcare staff.

Upon carrying out oversight, the Ministry of Health (hereinafter: the Ministry) prepared recommendations for improving the work in maternity wards, which were delivered to all hospital healthcare institutions. The recommendations emphasized the need for organizing workshops with the aim of strengthening the communication skills of hospital staff in order to achieve a better level of cooperation and to develop a relationship of greater trust. The hospitals were obliged to inform the Ministry of all activities undertaken. Please note that pursuant to the new Healthcare Act, implementing regulations are currently being drafted which will define, among other things, the personnel norms, i.e. the required number of physicians and other healthcare staff for each individual activity, including gynaecology and obstetrics.

Presentations containing the facts established for each monitored parameter as well as for each individual health institution were held in the premises of the Ministry to the representatives of hospital healthcare institutions, i.e. to the heads of organizational units for gynaecology and obstetrics as well as to representatives of the association “Roda”. The association “Roda” was also informed in writing of the conclusions and proposed measures following the oversight carried out.

In 2018, as part of the “Break the Silence” initiative, the association “Roda” collected 401 patient complaints relating to gynaecology procedures in healthcare institutions, which were delivered to the Ministry. The complaints were concerning a period of more than 15 years (the oldest complaint dated back to 1983). They were mainly related to the patients’ dissatisfaction with analgesia provided during interventions and procedures, with insufficient or inappropriate communication, and with unprofessional treatment.

Since as many as 400 complaints were anonymous, and many of them did not include the name of the healthcare institution, they could not be used to carry out targeted health inspection oversight.

Since a more detailed analysis and individual treatment were not possible due to complaint anonymity, the Health Inspectorate of the Ministry in cooperation with gynaecology and obstetrics specialists immediately started carrying out oversight in all clinical hospital institutions in Croatia. The availability of various forms of analgesia during childbirth and invasive gynaecology and obstetrics procedures was primarily subjected to oversight, with special emphasis on the daily availability of anaesthesiology services. Certain differences have been found in the organization of anaesthesiology services as well as in the types of analgesia provided in the above-mentioned procedures. In addition, shortcomings have been identified relating to the provision of information to patients by healthcare workers about the planned gynaecological procedures, resulting in the patients' misunderstanding of the actual procedure and the method of analgesia applied.

Regarding the various allegations of inappropriate communication or unprofessional behaviour expressed in the anonymous complaints collected during the "Break the Silence" initiative, due to anonymity of complaints, it was impossible to establish the facts. In this sense, the Ministry of Health deems unacceptable and condemns each case of inappropriate communication or unprofessional behaviour, while also expressing regret and taking appropriate action. Following the oversight carried out and the analysis of the results, at the end of 2018, a Proposal of Measures for the Improvement of Women's Healthcare was adopted and published on the Ministry's web site. It emphasizes that every woman is entitled to adequate analgesia and anaesthesia, in accordance with medical indication. Healthcare professionals are obliged to explain to each woman the possibilities of different types of analgesia and anaesthesia as well as their indications and contraindications for the planned procedure, including all the advantages and risks. Each woman and the attending physician must sign an informed consent for the accepted procedures – the indicated procedure and type of analgesia / anaesthesia. Following the instructions of the Ministry, expert groups of the Croatian Medical Association are developing guidelines for the application of various types of analgesia and anaesthesia for certain interventions.

Additionally, by a letter dated 21 November 2018, health institutions received recommendations on the need to continue organizing workshops, lectures and trainings about which the health care institutions reported back to us.

Following the media coverage of patient I.N.L.'s case, the health inspection together with representatives of the profession conducted oversight in the University Hospital Centre Split (hereinafter: UHC Split). It has been established that in the Emergency Services Department of the UHC Split, most of the interventions including uterine cavity evacuation, among other things, are carried out in local anaesthesia. In case of insufficient analgesia, other methods are applied during the procedure, in communication with the patient and based on her condition. During surgical procedures, in order to prevent injuries that can occur as a result of uncontrolled movements, routine fixation of the patient's leg is carried out. Probable lack of communication results in patients' misunderstanding of the actual procedure and of the method of analgesia applied. Due to the provisions on the protection of personal data and the rights of patients, the Ministry is not allowed to disclose details of medical procedures in cases of individual patients,

regardless of the fact that various information was previously published in the media. It is important to point out that no deviations from the rules of the medical profession were observed during the inspection oversight. The Ministry has reported back to the association “Roda” about the activities undertaken and continues to inform the public through the media and the website of the Ministry.

Please note that in accordance with Article 27 of the Healthcare Act (Official Gazette 100/18), each person is entitled to request, directly or in writing, from the director of a health institution, administration or a person authorized to conduct the affairs of a healthcare company or from a private healthcare worker to protect their rights with respect to the quality, content and type of healthcare service provided to them. The director, administration or the person authorized to conduct the affairs of the healthcare company or the private healthcare worker are obliged to act upon the complaint without delay and inform the complainant of the measures taken in writing, within no later than eight days from the day of receipt of the complaint. If they fail to proceed in the manner stipulated, the Act stipulates breach provisions. If the person is not satisfied with the measures taken, he or she may request from the minister, or from a competent chamber or competent court to protect their rights.

All hospital healthcare institutions have established the Standard Operating Procedures (SOPs) on how to receive complaints and how to proceed upon them. Regarding the inability of representatives of civil society associations and patient representatives to participate in performing oversights, we point out that the manner of performing inspection oversight and therefore health and inspection oversight is regulated by the provisions of the State Administration System Act as well as by the Healthcare Act clearly defining who may carry out inspection oversights (inspectors and other civil servants authorized to carry out oversight), powers, rights and duties of inspectors carrying out oversight. The provisions of the Act on the Protection of Patients' Rights provide patients with the opportunity to inspect the manner of achieving their rights by means of the Commission for the Protection of Patient Rights in regional self-government units. Please note that the oversight of professional work of healthcare workers is also carried out by competent professional chambers (the Croatian Chamber of Physicians, Croatian Chamber of Midwives, Croatian Chamber of Nurses) as a public authority, which is yearly funded by the State Budget of the Republic of Croatia.

In case of identified shortcomings and irregularities, as well as of established responsibility of individual health workers, the following multi-level measures may be undertaken:

1. At the level of the health institution, in accordance with the Statute and other general acts of the institutions and in accordance with the Labour Act;
2. Health Inspection in accordance with the powers prescribed by the Healthcare Act stipulating, among other things, the possibility of prohibition of work due to the lack of quality and content of the health service, a proposal for further professional training, the transfer of cases to the competent chamber in case of established professional failure or a breach of the principle of medical ethics and deontology;
3. Competent chambers in accordance with the laws of profession and general acts adopted under these laws which prescribe the manner of instituting and conducting disciplinary

proceedings, disciplinary measures and fines. Disciplinary measures include the possibility of issuing a warning, public reprimand, and temporary or permanent revocation of the stand-alone work permit.

4. In case of possible elements of a criminal offence, or unethical treatment, cases are handed over to the State Attorney's Office for further procedure.

Since no failures were found that would require the application of these measures were found during the health inspection, they were not applied.

Concerning the Women's Health Action Plan of 27 November 2018, a meeting was held at the Ministry where the Ministry supported the proposal of the Croatian Institute for Public Health to draft and adopt the National Action Plan for Reproductive Health in line with the goals of the World Health Organization Global Strategy for the health of women, children and adolescents 2016–2030. It was agreed that the experts of the Croatian Institute for Public Health would prepare a situational analysis and a framework proposal of the relevant document so that the Ministry can initiate activities relating to its preparation and adoption.