

APPENDIX

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Croatia

ECRI wishes to point out that the analysis contained in its report on Croatia as indicated on page 7, is dated 16 October 1998, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Croatia to engage in a process of confidential dialogue with ECRI on its draft text on Croatia and a number of her comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the national liaison officer expressly requested that the following observations on the part of the authorities of Croatia be reproduced as an appendix to ECRI's report.

OBSERVATIONS PROVIDED BY THE AUTHORITIES OF THE REPUBLIC OF CROATIA CONCERNING ECRI'S REPORT ON THE REPUBLIC OF CROATIA

Constitutional Provisions

The Constitution of the Republic of Croatia specifies that members of all national groups and minorities shall have equal rights. The Constitution provides for equality before the law and non-discrimination. The Government would like to stress that enumeration of the national minorities in the Preamble to the Constitution, after amendments to the Constitution in 1997, did not change anything in the status and rights of minorities in Croatia. The rights of minorities in the Republic of Croatia remain protected in accordance with the international law standards. The initial proposal in the Parliament was not to mention the specific minorities in the Preamble, but the minority representatives in the Croatian Parliament proposed the criteria of enumeration. This criteria was accepted by a two-thirds majority of all representatives of the Croatian Parliament. The criteria is recognised in the field of international law as a principle of autochtony. The minorities which are not mentioned in the Preamble have equal rights as they have had before and as the other minorities have, according to all relevant international standards and Conventions of the Council of Europe related to the Minorities.

The Government has established a working group for the purpose of drafting the law on minority rights. The activities are mainly aimed at replacing the Constitutional Law on Human Rights and Freedoms and on the Rights of Ethnic Minorities and Communities in the Republic of Croatia and its suspended provisions. Upon its completion and prior to the beginning of the legislative procedure, the proposed text will be discussed with the members of the Commission for Democracy through Law of the Council of Europe and the members of the Minority Council in Croatia.

D. Civil and Administrative Law Provisions

11. The Government of the Republic of Croatia would like to inform ECRI that several Croatian experts are drafting a new law on the association, bearing in mind the comments from Council of Europe experts and the remarks received from various non-governmental organisations. In this respect, the Governmental Office for Cooperation with NGO's was established in November 1998. This Office has already produced some concrete results, especially in the field of financing the NGO's specialised in human rights.

I. Employment

J. Housing

The Government of the Republic of Croatia has taken notice of the fact that in the data provided by the various international organisations the Serbs are frequently objecting much more than Croatians, especially regarding employment and housing in the liberated areas, Upon comparison of the number of complaints submitted to the Governmental bodies from Croatians and viewing the same problems in the same areas, it is obvious that the problem is of financial nature. More specifically, the problems lay in a slow process of restructuring and other economic problems. The reason for this disproportion in numbers is that Serbs turn their complaints primarily to the NGO's and international organisations, whereas Croatians transmit their complains to the Governmental bodies. The numbers can be compared and the results show that approximately the same percent of Croatians and Serbs are not satisfied with a process of employment and housing in the liberated areas. Therefore, the given reasons are objective, hence mostly of economic and financial nature.

As the Law on the Temporary Takeover of Specified Property (1995) and the Law on the Lease of Flats in the Liberated Territory (1995) have been abrogated as of July 1998, the problems mentioned in Paragraph 24 no longer exist. The Housing Commissions, as mentioned in the Report , are established with the aim to speed the procedure and remove administrative complications and if anyone is unsatisfied with their work, he/she can turn to the Court.

Current data shows that approximately 60 000 Croatian Serbs have returned to the Republic of Croatia. The Government strongly believes that this figure proves that the Government provides conditions for normal life and is promoting mutual understanding of all people in all areas of society.

Other Areas

- *The Danube Region*

The Government of the Republic of Croatia is fully aware that the situation in the Danube Region is still sensitive, but it has established various mechanisms and bodies to facilitate the process of return of all previous inhabitants of this region. After the reintegration of the Danube Region into the legal system of the Republic of Croatia, the Government is promoting a more positive attitude of tolerance, goodwill, and is working on providing assurances of a safe, secure and stable environment to all people in the Region.

- *Jewish Community*

The Republic of Croatia, as every democratic state based on the rule of law, has accepted the possibility of existence of extremist groups that have a right to freely express their opinions, as long as they do not violate the rights and freedoms of other persons. The legislation prohibits discrimination, maltreatment and violence on the basis of the said differences, and also applies to the Jewish community in the Republic of Croatia.

Finally, the Government of the Republic of Croatia would like to stress its awareness of the importance of combating racism and intolerance and the role of education in this process. In this regard, the Croatian National Committee for the Education on Human Rights in cooperation with UNESCO and Council of Europe experts has prepared a Programme on Education on Human Rights which will be implemented in all the primary and grammar schools in Croatia in the near future.