ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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Comments of the Government of Croatia on the Fifth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Croatia

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GOVERNMENT OF THE REPUBLIC OF CROATIA

COMMENTS ON THE FIFTH OPINION OF THE ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES (ACFC) ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES BY THE REPUBLIC OF CROATIA

Zagreb, July 2021

INTRODUCTION

The Government of the Republic of Croatia welcomes the Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities. The Opinion evaluates the Fifth Report submitted by the Republic of Croatia in compliance with its commitments under the Framework Convention. The Government of the Republic of Croatia would moreover like to thank the Advisory Committee for recognising the many activities undertaken with the aim of further advancing the status of national minorities in the Republic of Croatia. The Report also specifies the Croatian Government's constructive approach in the monitoring process stipulated in the Framework Convention, the submission of all required information during and after the visit of the Advisory Committee's members to Croatia in March 2020, and the organization of meetings with representatives of the bodies charged with implementation of the Framework Convention for the Protection of National Minorities.

Regular activities have contributed to progress in the implementation of the Framework Convention, particularly seminars organized by the Office for Human Rights and the Rights of National Minorities, as the staff service of the Government of the Republic of Croatia, with the participation of representatives of the Council of Europe Advisory Committee on the Framework Convention, representatives of national minority NGOs and national minority councils, MPs representing national minorities in the Croatian Parliament, representatives of the relevant governmental bodies and representatives of the Council for National Minorities. During the term in which the Republic of Croatia presided over the Committee of Ministers of the Council of Europe (May–October 2018), one of the priority areas was the *Effective Protection of the Rights of National Minorities and Vulnerable Groups*, wherein particular attention was dedicated to the status of national minorities, minority and regional languages, and the integration of members of the Roma national minority, including a high-level conference held in June 2018 to mark the twentieth anniversary of the ratification of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Such attention to vulnerable groups was also accorded in the framework of Croatia's presidency of the Council of the European Union, from January to June 2020.

The implementation of the Framework Convention for the Protection of National Minority Rights has significantly contributed to the exercise of national minority rights in the Republic of Croatia, and the Government of the Republic of Croatia will continue to uphold implementation of this internationally binding document. In addition to enforcing international treaties to which the Republic of Croatia is a party, numerous bilateral agreements on the protection of national minority rights which Croatia has concluded are also vital to the enhancement of rights of national minorities.

The Republic of Croatia is committed to respecting the fundamental human rights and freedoms, the rule of law and the protection of the rights of all of its citizens in compliance with the highest values of its own constitutional and international legal order, and the Report specifies numerous examples of progress since 2016. The Croatian Government's resolve to further improve the status of members of national minorities has been reflected in legislative activities, such as enactment of the Act on the Elections of National Minority Council and Representatives, implementation of the

Operational Programme for National Minorities for 2017-2020, enhancement of the capacity of national minority umbrella organizations and the national minority councils and representatives, and numerous activities of which we shall here cite the comprehensive projects "*Support to the Effective Implementation of the Constitutional Act on the Rights of National Minorities"*, *"Support to National Minorities at the Local Level*" and "*Gathering and Monitoring of Basic Data for Effective Implementation of the National Roma Inclusion Strategy*." The latter in particular has been underscored as an example of best practices by the Council of Europe Ad hoc Committee of Experts on Roma and Traveller Issues and the EU Agency for Fundamental Rights.

Progress in the implementation of national minority programmes aimed at protecting and promoting cultural and national identities is additionally shown by data on the funding allocated from the Central Budget of the Republic of Croatia for the needs of national minorities. For example, the funds expended to ensure implementation of the Constitutional Act on the Rights of National Minorities have grown from HRK 131,152,781.00 in 2016 to HRK 188,402,597.34 in 2019, or 44%, while funding for the state-level Council for National Minorities has increased from HRK 31,819,500.00 in 2016 to HRK 36,005,157.00 in 2019, or 13%.

The protection and development of minority rights and interethnic tolerance are vital prerequisites for stability, democratization and progress of any society, and numerous activities aimed at promoting minority rights will be undertaken again in the coming period. The fundamental points of departure, priorities and objectives outlined in the Croatian Government's programme for its 2020-2024 term in office indicate that the Government will accord particular attention to "the further development of a society which respects human rights and the rights of national minorities and the continuation of the development of an inclusive and tolerant society." Furthermore, in the elaboration of the programme document, it is stated that the Government shall continue to promote the culture of tolerance, consistently implement policies to foster the rule of law and the rights of national minorities guaranteed by the Constitution, the Constitutional Act on the Rights of National Minorities and other laws, and also consistently protect and promote human and minority rights guaranteed by international treaties, bilateral treaties and the Treaty of Accession of the Republic of Croatia to the European Union.

Comments of the Government of the Republic of Croatia on the assessments of the Advisory Committee pertaining to the Fifth Opinion of the Council of Europe Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by the Republic of Croatia

SUMMARY OF THE FINDINGS

Policies concerning national minorities and Roma

Paragraph 7

See the response accompanying Article 4 (*paragraphs 79 and 80*)

Participation in public affairs and in socio-economic life

Paragraph 9

See the response accompanying Article 15 (*paragraphs 212-219*)

Recommendations for immediate action

Paragraph 15

See the response accompanying Article 6 (*paragraphs 60, 117, 126 and 139*)

Paragraph 17

See the response accompanying Article 6 (*paragraph 60)*

Further recommendations

Paragraphs 19 and 20

See the response accompanying Articles 10 and 11 (*paragraphs 163-177*)

Paragraph 22

See the response accompanying Article 15 (*paragraphs 212-219*)

Paragraph 23

With regard to paragraph 23 of the Fifth Opinion, on the obligations of local and regional selfgovernments with regard to minority councils and representatives, notably to finance their work and secure workspace, and to ensure the effective and meaningful participation of minority councils and representatives in local and regional decision-making, we refer to the provisions of the Constitution of the Republic of Croatia on local and regional self-government (Articles 137 and 138), which stipulate that local and regional self-government units are autonomous in administering the affairs under their purview, subject only to oversight of constitutionality and legality by authorised state bodies, and that local and regional self-government units are entitled to their own revenues and to freely dispose of them in the administration of affairs under their purview as envisaged by the Constitution and law.
As to funding and securing workspace for the functioning of minority councils and representatives, local and regional self-government units provide this in accordance with the law and their financial and spatial capacity, equally for all minority councils.

Paragraph 24

See the response accompanying Article 15 (*Paragraphs 256, 259 and 264*)

ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention Scope of application

Paragraph 33 and footnote 9

We inform you that the provisions of the Croatian Citizenship Act (Official Journal nos. 53/91, 70/91-corrected text, 28/92, 113/93, 130/11, 110/15 and 102/19) pertaining to the acquisition of citizenship are applied uniformly with regard to all foreign citizens residing in the Republic of Croatia, including members of national minorities, wherein uniform and equal application of said law is ensured. With reference to the allegation that there is no special procedure for the determination of statelessness in the Republic of Croatia, we note that the status of an individual without citizenship is determined during the course of the procedure to regulate temporary or permanent residence of non-citizens, wherein the possession of a valid travel document is one of the legal prerequisites for the regulation of the foreigner's status.

Determination of the status of statelessness is a matter characterized by three cumulatively fulfilled criteria:

1. this is a matter that constitutes an independent legal unit, i.e., on which a formal decision is made;

2. this matter is resolved by a court with jurisdiction or other body vested with public authority that is different from the one conducting the procedure (foreign court or foreign body vested with public authority);

3. by virtue of its legal nature, the preceding matter is vital to the adoption of a resolution, and it is only by resolving this matter that all necessary facts may be ascertained.

Furthermore, the allegation that individuals of indeterminate citizenship status are mostly spouses from the former Yugoslavia is not accurate. Namely, these are persons who, in procedures to resolve status issues, did not submit certificates from their home countries that they are not recorded in the register of citizens, with regard to their place of birth and citizenship of their parents, nor had the home country submitted notification that there is no possibility for their retroactive entry in the registry of citizens. In such procedures, it is necessary to contact the country of origin via diplomatic missions/consular offices abroad. The Ministry of the Interior has apprised police administrations/police stations and the members of mobile teams that persons legally residing in the Republic of Croatia, but who lack evidence of citizenship (a foreign travel document or citizenship certificate), should be instructed to undergo a verification of citizenship status through an official foreign body, and that, insofar as they cannot do so, the verification shall be conducted by official means, with their consent.

It should be noted that according to a study by the UNHCR and the agency IPSOS d.o.o. entitled "Persons without Citizenship and Persons Subject to Risk of Loss of Citizenship in Croatia," published in 2018, there is a relatively low number of stateless individuals in the Republic of Croatia, and that in line with various estimates their numbers range from 500 to 3,000. It also states

that during research it was ascertained that various stakeholders define statelessness using a broad range of aspects pertaining to unresolved status-related issues of individual persons, and not necessarily statelessness as such.

By enforcing its national legislation, the Republic of Croatia shall continue to prevent cases of statelessness, wherein particular attention shall be paid to the Roma population, persons lacking established identities, i.e., "undocumented" individuals, and so-called succession or transition cases involving persons with indeterminate citizenship status, and cooperation with the relevant international organizations and NGOs shall continue.

Data collection and the population census

Paragraph 38

We are pleased that the Advisory Committee has noted that the new 2021 census will ensure proportional representation among census takers from the ranks of national minorities in compliance with their share in the overall population in a given area. This may lead to an increased level of trust among the members of national minorities.

Article 4 of the Framework Convention Legal framework for combating discrimination

Paragraph 56

With regard to paragraph 56 of the Fifth Opinion, please note that central budgetary allocations for the organisation and provision of free legal aid have continuously increased since 2017, with a more significant increase for primary legal aid. In particular, in 2017 allocations for primary legal aid increased by 50% compared to the preceding year, with a further 20% increase in 2018, 50% in 2019 and 10% in 2020.

While resources for free legal aid projects were disbursed with a delay in earlier years, by improving its organisational capacity and human resources, the Ministry of Justice transferred the funds allocated for this purpose in 2019 in accordance with the indicative tender calendar, thus financing the most primary legal aid projects ever and allocating the highest amount ever for such projects. In 2020, due to the COVID-2019 pandemic, the Ministry of Justice put into place a special organisation of operations to adjust to the situation; this, however, did not cause a major delay in the tendering process. Moreover, individual amounts allocated to primary legal aid providers increased in 2020.

Parallel to the increase in funds allocated for primary legal aid projects, the number of financed providers of primary legal aid has been growing and their territorial availability improving, and, as a rule, funding is reapproved every year for projects already financed in preceding years. Most of the primary legal aid providers who receive funding include the provision of primary legal aid to members of national minorities and other vulnerable groups. Apart from projects providing primary legal aid to vulnerable social groups, priority has also accorded to projects in which primary legal aid activities are planned in less developed areas or by arranging field visits to such areas. Consequently, funds are allocated every year to projects envisaging primary legal aid

provision through field visits to rural and less developed areas inhabited by national minorities, e.g., projects of certified associations such as the Centre for Peace, Non-Violence and Human Rights in Osijek, the Civil Rights Project in Sisak, the Serb National Council (national coordination body of Serb national minority councils in Croatia), the Information and Legal Centre, etc. In 2019 and 2020, the then Ministry of Justice financed a project of the Serb National Council for the provision of free legal aid to members of national minorities and other economically disadvantaged citizens in Šibenik-Knin and Zadar Counties, i.e., more specifically, in the territories of the towns and municipalities occupied during the Homeland War – the towns of Knin, Obrovac and Benkovac and the Gračac Municipality. The project primarily aims to provide primary legal aid to members of the Serbian national minority in relation to procedures concerning the reconstruction of houses damaged in the war, housing care, convalidation of pensionable service from the period of the Homeland War, and regulation of the returnee status of both Croatian or foreign citizens who had domicile in Croatia in 1991.

According to the 2018 report of the European Commission for the Efficiency of Justice (CEPEJ) (European judicial systems, Efficiency and quality of justice, CEPEJ STUDIES no. 26, 2018 Edition [2016 data]; p. 78.), budgetary allocations for free legal aid in Croatia in 2016 were equivalent to €2.60 per capita.

However, according to CEPEJ's 2020 report (European judicial systems CEPEJ Evaluation Report, Part 1, Tables, graphs and analyses, 2020 Evaluation cycle [2018 data]; pp. 39-40), budgetary allocations for free legal aid in Croatia in 2018 were equivalent to €3.25 per capita, which puts Croatia among the countries which allocate more funds for free legal aid per capita than other countries with a comparable per capita GDP (under €20,000).

Paragraph 60

With regard to paragraphs 17 and 60 of the Fifth Opinion, Article 125 of the Criminal Code specifies the criminal offence of "Violation of Equality", defining it as the deprival, limitation or placement of conditions upon the right to acquire goods or receive services, the right to pursue any activity, the right to employment and career advancement on the basis of – *inter alia* – race, ethnicity, skin colour, language, religion, national or social origin, or conferral of privileges or advantages pertaining to the same rights on that same basis (Paragraph 1) by any individual. The penalty envisaged for this crime is imprisonment for up to three years, and the same penalty is envisaged for whoever persecutes individuals or organisations on the grounds of their commitment to equality (Paragraph 2).

Furthermore, please note that, in order to improve the functioning of the free legal aid system and make it more accessible, the overall funds for the organisation and provision of free legal aid have been increased every year, depending on the capacity and limits of the central budget. Over the past three years, funds for the provision of primary legal aid have significantly increased, while funds for secondary legal aid remained at the same level. In 2017 in particular, allocations for primary legal aid increased by 50% compared to the preceding year, with a further 20% increase in 2018, 50% in 2019 and 10% in 2020. Furthermore, the funds allocated for primary legal aid in 2019 were 50% of the overall funds allocated for free legal aid.

Parallel to the increase in funds allocated for primary legal aid projects, the number of financed primary legal aid providers has been growing and their territorial availability improving, and, as a rule, funding is reapproved every year for projects already financed in preceding years. Most of the primary legal aid providers who receive funding include the provision of primary legal aid to members of national minorities and other vulnerable groups. Apart from projects providing primary legal aid to vulnerable social groups, priority has also been accorded to projects in which primary legal aid activities are planned in less developed areas or by arranging field visits to such areas. Consequently, funds are allocated every year to projects envisaging primary legal aid provision through field visits to rural and less developed areas inhabited by national minorities, e.g., projects of certified associations such as the Centre for Peace, Non-Violence and Human Rights in Osijek, the Civil Rights Project in Sisak, the Serb National Council (national coordination body of Serb national minority councils in Croatia), the Information and Legal Centre, etc.

Equality data and measures to promote full and effective equality

Paragraph 74

Croatia commends the Advisory Committee for recognizing the project "*Gathering and Monitoring Basic Data for Effective Implementation of the National Roma Inclusion Strategy*" as a positive example of an analytic framework for the formulation of long-term and short-term action priorities, which is based on the social and geographic mapping of the Roma in Croatia.

Operational Programmes for National Minorities

Paragraphs 79 and 80

Croatia is pleased that the Advisory Committee welcomes the Operational Programmes for National Minorities (2017-2020). However, sharing its concern over the existence of "certain ambiguously formulated activities," we would like to highlight that new Operational Programmes for National Minorities (2021-2024) with further improved activities are already being prepared.

National Roma Inclusion Strategy

Paragraphs 84-86

Given the fact that the "Roma Strategy does not incorporate concrete measures aimed at antigypsyism as a specific form of racism" and cognizant that anti-Roma racism is a multifaceted phenomenon that enjoys broad social and political acceptance, we would like to underscore that the Republic of Croatia, as an active member of the IHRA (International Holocaust Remembrance Alliance), has endorsed the adoption of the working definition of anti-Roma racism (antigypsyism) as follows:

- *"Antigypsyism/anti-Roma discrimination is a manifestation of individual expressions and acts as well as institutional policies and practices of marginalization, exclusion, physical violence, devaluation of Roma cultures and lifestyles, and hate speech directed at Roma as well as other*

individuals and groups perceived, stigmatized, or persecuted during the Nazi era, and still today, as 'Gypsies'."

In compliance with this stated endorsement, we shall incorporate this definition into our activities and documents, taking into consideration that discrimination against the Roma is a crucial barrier to the inclusion of Roma in wider society, which prevents them from simultaneously enjoying equal rights and opportunities, as well as socio-economic participation.

Article 5 of the Framework Convention Preservation and development of minority identities, languages and cultural heritage

Special treatment of the cultural heritage, history, languages, scripts, traditions and cultures of national minorities is promoted and deemed justified. They should enjoy systematic institutional protection and be developed and maintained through active cultural policies aimed at the preservation and development of the arts and culture of national minorities in the Republic of Croatia.

With regard to the cultural heritage, traditions and art of all national minorities, a uniform systematic institutional approach with the aim of preserving the rich and diverse heritage of national minorities in Croatia will be necessary. The latter is also necessary for the sake of informing and educating the majority Croatian people about the cultural heritage of national minorities, which would secure mutual cultural-educational enrichment, appreciation and respect, as well as the consequently more robust integration of national minority communities into Croatia's multicultural and pluralist society.

The Ministry of Culture and the media continually co-finance cultural programmes that contribute to the preservation of the cultural heritage of minorities in the Republic of Croatia. Through the regular activities under its purview, the Ministry will also continue to further support the implementation of projects and programmes that contribute to the preservation of the culture, languages, traditional customs and artistic creativity of registered national minorities in Croatia's territory.

For many years now, through the Fund for the Promotion of Pluralism and Diversity of Electronic Media, the Electronic Media Agency has encouraged the production and release of audiovisual and radio programming and content, including those of non-profit television and radio broadcasters and non-profit media service providers as specified in Articles 19 and 79 of the Electronic Media Act, non-profit electronic publishers and non-profit audiovisual and radio producers that are of public interest. This, among other things, also pertains to programming that contributes to the protection and promotion of human rights, particularly the rights of minorities and socially vulnerable groups.

The implementation of the recommendations for urgent action, recommendations for further action and further guidelines contained in the Fifth Opinion by the relevant state bodies and institutions will considerably rectify and justly improve the status and position of national minorities and consequently further reinforce the democratic and civic social structure of the Republic of Croatia.

Paragraph 90 and footnote 79

With regard to a section of paragraph 90, please note that, under Article 3 of the Act Ratifying the European Charter for Regional or Minority Languages (OG no. 18/97), the provisions from Part III of the European Charter apply to Italian, Hungarian, Serbian, Czech, Slovak, Ruthenian and Ukrainian.

We would like to note that the Republic of Croatia stated in Article 4 of the Act Ratifying the European Charter, in accordance with Article 21 of the European Charter, that it would not apply the provisions of Article 7(5) of the European Charter to nonterritorial languages, which includes some of the languages stated above (Boyash Romanian, German, Istro-Romanian and Slovenian). However, we emphasize that, in practice, the rights guaranteed by the Charter are applied to these languages as well, as reported in Croatia's Sixth Periodic Report on the Application of the European Charter for Regional or Minority Languages.

Paragraphs 90, 95 and 97

With regard to the exception pertaining to Article 7(5) of the European Charter for Regional or Minority Languages, we would like to note that the relevant authorities are currently deliberating on the possibility of withdrawing this exception in order to secure application of Part II (objectives and principles of the Charter) to non-territorial languages, including the Roma language.

Article 6 of the Framework Convention

Hate speech and hate crimes, policing and respect for human rights

Paragraph 117 and 126

By way of introduction, we would like to emphasize that criminal law in the Republic of Croatia where this pertains to combating racism and xenophobia is aligned with the convention law (e.g. International Convention on the Elimination of All Forms of Racial Discrimination, Additional Protocol to the Convention on Cybercrime) and the relevant European Union law (Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law).

With regard to paragraphs 15, 117 and 126 of the Fifth Opinion, we would like to underline that, in general, the State Attorney's Office devotes particular attention to hate crimes and hate speech, which naturally includes those perpetrated against members of national minorities, as those protected groups are most frequently the target of such crimes. Every year, state attorney's offices participate in a number of activities related to the struggle against hate crimes and hate speech, attend a number of training seminars related to hate crimes and hate speech (as both trainers and participants) organised by the Judicial Academy, the Croatian Government's Office for Human Rights and the Rights of National Minorities and NGOs, and they participate in conferences and

round tables on the topic. Moreover, the State Attorney's Office is a partner of the Croatian Law Centre in a project submitted to DG JUST in response to a call for proposals to "prevent and combat racism, xenophobia and other forms of intolerance" (REC-RRAC-RACI-AG-2017), with a view to improving the recognition of hate crimes and adequate prosecution and sanctioning by the competent authorities in cases of hate crimes. In addition, the State Attorney's Office has a representative in the Working Group for Monitoring the Procedural Protocol in Cases of Hate Crimes, as well as in a working group for amendments to that Protocol.

Therefore, with regard to paragraphs 15 and 126 of the Fifth Opinion, please note that the state attorney's offices continuously and systematically deal with hate crimes and so-called hate speech, i.e. the criminal acts of public incitement to violence and hatred, and press charges against perpetrators when the necessary criteria are met. This applies to all modalities of committing an offence, including via the Internet or other media.

Please note that the detection of criminal acts lies primarily within the remit of the police, whereas sanctioning is within the remit of the courts.

With regard to paragraph 117 of the Fifth Opinion pertaining to the procedure of the state attorney's offices, when they receive a criminal complaint concerning a hate crime or hate speech, they first have to ascertain whether there are elements of a criminal act, and if not, whether a misdemeanour has been committed. This is also our response to the assertion that most cases of hate speech and hate-motivated violence are treated as misdemeanours.

Paragraph 120

With regard to paragraph 120 of the Fifth Opinion, please note that public expression of an ideology with a racist connotation which claims superiority of on the grounds of race, colour, language, religion, nationality or national or ethnic origin is sanctioned in the Republic of Croatia as unlawful conduct. Graver forms of such unlawful conduct are sanctioned under the provisions of the Criminal Code, specifically Article 325 (public incitement to violence and hatred), and under the provisions stipulating other criminal offences with reference to hatred as a constituent element of the offence.

Furthermore, although the Criminal Code does not expressly criminalise the production and storage of written, pictorial or other material containing racist depictions, please note that the provision of Article 38 would bear significant practical weight in such situations: "Whosoever intentionally aids and abets another in a criminal act shall be punished as if they themselves had perpetrated it, but the sanctions may also be mitigated". Therefore, a person who produced or stored material used by another person to commit a criminal act under Art. 325 of the Criminal Code or any other hate-motivated criminal act would qualify as one who aided and abetted under the cited provision from the General Section of the Criminal Code. Moreover, as opposed to the aforementioned provision which penalizes the acts of aiding and abetting prior to perpetration of the criminal act, Article 303 of the Criminal Code envisages a separate criminal act entitled "Assisting the perpetrator following the perpetration of a criminal act", to punish whoever conceals or harbours the perpetrator of a criminal act for which imprisonment of five years or more severe punishment is prescribed, or shields the perpetrator from discovery or apprehension concealing the

means by which the criminal offence was perpetrated, evidence of the criminal act or objects produced or obtained by the criminal act, or in any other manner whatsoever. The punishment envisaged for this criminal offence is six months to five years in prison.

Portrayal of minorities in the media

The Fifth Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities in the Republic of Croatia entirely reflects and outlines a clear and accurate picture of the needs and problems confronted by all 22 national minorities in the cultural, social, educational and health-care fields, and the level of just and correct political representation that should not rest on any form of discrimination.

All recommendations and guidelines provided in the Fifth Opinion and given with the objective of improving the status of national minorities in the Republic of Croatia are deemed correct, objectively feasible and justifiable, particularly those pertaining to the prevention and sanctioning of hate speech and hate crimes on national and/or religious grounds.

Within the context of the recommendation for active monitoring, response and adequate sanctioning of hate speech and/or discrimination accessible in the public media via legal norms, we stress that the Media Act and the Electronic Media Act stipulate a ban on the publication or broadcasting of any content which incites or encourages incitement and dissemination of hatred or discrimination on the base of race or ethnicity or skin colour, sex, language, faith, political or other convictions, national or social origin, financial status, trade union membership, education, social status, marital or familial status, age, health, disability, genetic heritage, gender identity, expression or sexual orientation and anti-Semitism and xenophobia, or the ideas of fascist, nationalist, communist and other totalitarian regimes. The above offences are sanctioned on the basis of the provisions of the Criminal Code, and in case of media service providers of audio and audiovisual programming, the regulatory body (Electronic Media Council) may temporarily or permanently rescind their concession, which has in fact been done on several occasions.

The Electronic Media Bill is currently undergoing legislative deliberation. It contains draft provisions which additionally stipulate the accountability of electronic content providers, including for the content generated by users, and imposing upon them the obligation to undertake all measures to prevent the publication of content which incites violence or hatred, and further undertake all to prevent the publication of content which incites the perpetration of the criminal act of terrorism, criminal acts pertaining to child pornography and criminal acts pertaining to racism and xenophobia.

Paragraphs 126 and 139

With regard to paragraphs 15, 126 and 139 of the Fifth Opinion, the Criminal Code (Official Gazette nos. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19; hereinafter: Criminal Code) specifies a separate criminal offence "Public incitement to violence and hatred" (Article 325). This provision aligns national criminal legislation with the requirements of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of

racism and xenophobia by means of criminal law. The criminal act is of a general nature (*delicta communia*). In accordance with the Council Framework Decision, paragraph (1) foresees a penalty of up to three years in prison for whoever, via the press, radio, television, computer system or network, at a public gathering or in other any other way whatsoever publicly incites violence or hatred directed against a group of people or a member of such a group due to their race, religion, national or ethnic origin, descent, skin colour, gender, sexual orientation, gender identity, disability or any other traits, or whosoever makes available to the public fliers, pictures or other material instigating such violence or hatred. In accordance with the ECRI's recommendation to sanction the organiser or leader of a group inciting violence and hatred by means of criminal law, criminalisation of the act was introduced in paragraph (2), which envisages sanctions for whosoever organises or leads a group of three or more persons to perpetrate an act specified in paragraph (1), and the participation in such a group has also been criminalised (para. 3), which conforms with the relevant international documents (e.g., Convention on the Elimination of All Forms of Racial Discrimination). Paragraph (4) envisages a penalty of up to three years' imprisonment for whoever publicly approves, denies or grossly trivialises the crimes of genocide, crimes of aggression, crimes against humanity or war crimes directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent or skin colour in a manner likely to incite violence or hatred against such a group or a member of such a group. Furthermore, paragraph (5) stipulates a penalty for the attempt to commit the criminal acts specified in paragraphs (1) and (4).

Moreover, Art. 87(21) of the Criminal Code contains the definition of a hate crime as a criminal act perpetrated on the basis of a person's race, skin colour, religion, national or ethnic origin, disability, gender, sexual orientation or gender identity. Unless a more severe punishment is explicitly stipulated by the Criminal Code, such conduct is taken as an aggravating circumstance. The definition of hate crime conforms to the requirements of Council Framework Decision 2008/913/PUP of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. In its Special Section, the Criminal Code stipulates that a criminal offence motivated by hatred is a qualifying circumstance for certain criminal acts and envisages a more severe sanction for it, for example, for criminal acts involving bodily harm, grave bodily harm, grievous bodily harm, female genital mutilation, threats, etc. In case of other crimes, motivation due to hatred should be taken as an aggravating circumstance. The reason for harsher sanctioning is the discriminatory motive manifested in violence against a member of a specific group, with possibly grave social consequences (escalation of violence against a specific group, emigration of the group's members etc.). Please note that the Amendments to the Criminal Code (OG no. 101/17) introduced language as new grounds for discrimination in Art. 87(21) and Art. 325(1). Furthermore, the Amendments to the Criminal Code (OG no. 126/19) introduced a harsher criminal law policy of sanctioning specific hate crimes (bodily harm, severe bodily harm, grievous bodily harm, female genital mutilation, threats) by increasing the envisaged term of imprisonment.

Paragraphs 130, 134, 138 and 139

Given that the regulation of hate speech on social networks remains a challenge in all societies, it is vital to mention that within the context of comprehensive efforts to combat all forms of radicalization in society, a new Electronic Media Act is being prepared. It will expand the

accountability of editors, not just for newspaper texts but also for reader comments, with the objective of a more rapid reaction to hate speech and other forms of intolerance.

Paragraphs 129-140

For many years now, through the Fund for the Promotion of Pluralism and Diversity of Electronic Media, the Electronic Media Agency has encouraged the production and release of audiovisual and radio programming and content, including those of non-profit television and radio broadcasters and non-profit media service providers as specified in Articles 19 and 79 of the Electronic Media Act, non-profit electronic publishers and non-profit audiovisual and radio producers that are of public interest. This, among other things, also pertains to programming that contributes to the protection and promotion of human rights, particularly the rights of minorities and socially vulnerable groups.

Article 8 of the Framework Convention Religious property and funding of religious organisations

Paragraph 141

Note that procedures pertaining to the restitution of property do not fall under the purview of the Commission on Relations with Religious Communities.

Article 9 of the Framework Convention Minority print media and broadcasting

Paragraphs 149-162

In compliance with the agreement between Croatian Radio-Television and the Government of the Republic of Croatia covering the 2018-2020 period, in its programming intended for both the majority people and minorities, Croatian Radio-Television respects the diversity of national minorities and religious views. HRT's programming is informative, professional and attentive to all social and minority groups, and its radio and television news broadcasts at the national level care is taken to ensure the representation of themes associated with national minorities. Furthermore, besides dedication to culture and cultural heritage, history, literature, music and other areas of achievement, educational programming content accords special attention to the achievements of national minorities. Croatian Radio's programming aired in regions with a greater presence of national minorities encompasses broadcasts in the languages of national minorities (in Italian in Pula and Rijeka, in Hungarian and Slovak in Osijek), as well as specialized musical content. Regional channels in Knin and Dubrovnik run broadcasts in the Croatian language intended for the Serbian and Bosniak national minorities.

In line with its financial and human resources, HRT invests efforts to maintain achieved standards of production, co-production and broadcasting of programming intended to inform the members of national minorities in the Republic of Croatia.
The recommendations set forth in the Fifth Opinion of the Council of Europe Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities

align with the intentions of HRT's top management to create all-encompassing and high-quality content intended to provide information to national minorities.

In line with its production, human and financial resources, HRT will continue to create programming content aimed at national minorities while maintaining the high professional standards of a public service in cooperation with minority communities and the Council for National Minorities.

Article 10 of the Framework Convention Use of minority languages before administrative and judicial authorities

Paragraphs 163-177

With regard to paragraphs 19 and 20 (Further Recommendations) and paragraphs 163-177 of the Fifth Opinion, which primarily have to do with the use of minority languages in administrative and judicial bodies and the display of signs and topographical markers in minority languages, and in which regard the Advisory Committee calls on the authorities to reduce the minimum threshold for the official use of the national minority languages and scripts in local self-government units, indicating that a certain number of units have still not aligned their charters with the Act on the Use of the Languages and Scripts of National Minorities or the Instructions for Consistent Application of the Act on the Use of the Languages and Scripts of National Minorities (OG no. 33/12), we would like to state the following:

The Republic of Croatia guarantees the right to equal official use of the languages and scripts of national minorities in accordance with the Constitution of the Republic of Croatia (OG no. 85/10 – consolidated text, and 5/14 – Decision of the Constitutional Court of the Republic of Croatia), the Constitutional Act on the Rights of National Minorities (OG nos. 155/02, 47/10 – CCRC Decision no. 1029/2007, 80/10 and 93/11 – CCRC decisions nos. 3597/2010 and 3786/2010) and the Act on the Languages and Scripts of National Minorities (OG nos. 51/00 and 56/00 – correction). Article 12 of the Constitutional Act on the Rights of National Minorities (hereinafter: CARNM) stipulates that equal official use of the language and script used by national minorities is guaranteed in the territory of a local self-government unit where the national minority members constitute at least one third of the overall population of said unit. The Article furthermore stipulates that equal official use of the language and script used by members of a national minority is also guaranteed when this is enshrined in international treaties which, in accordance with the Constitution of the Republic of Croatia, constitute a component of the legal order of the Republic of Croatia, or stipulated in the charter of a particular local or regional self-government unit in accordance with special legislation on the use of national minority languages and scripts in the Republic of Croatia. Consequently, the legal requirement for equal official use of a national minority language and script is stipulated by the CARNM; however, equal official use can also be prescribed by international treaties and charters of local or regional self-government units, regardless of the share of members of a national minority in the overall population of a given unit.

With regard to the indication that a certain number of local self-government units have still not amended their charters to comply with the Act on the Languages and Scripts of National Minorities or the Instructions for Consistent Application of the Act on the Languages and Scripts of National Minorities, please note the following:

In accordance with the results of the 2011 Census, the members of a national minority constitute a third of the overall population in 27 local self-government units, which means that they meet legal requirements for equal official use of their minority language and script.

According to the available data, gathered on an annual basis through the e-System for Monitoring the Implementation of the Constitutional Act on the Rights of National Minorities, those units have predominantly regulated equal official use of the languages and scripts of national minorities in their charters. Some of them have regulated all of the rights stipulated in the Act on the Languages and Scripts of National Minorities, while others have regulated only some of those rights (e.g., bilingual traffic signs, names of streets and squares, names of places and geographic localities, right to the issue of bilingual public documents or the printing of bilingual forms used for official purposes…), and one unit (Gračac Municipality) has not regulated these rights individually, but has included a general provision in its charter, stipulating that national minority councils and representatives are entitled, inter alia, to equal official use of the language and script of the national minority in line with the Act on the Languages and Scripts of National Minorities.

With regard to the equal official use of the language and script of the Serbian national minority in Vukovar, we would like to add that, on 28 October 2020, the Vukovar Town Council adopted a new Conclusion (that the achieved level of understanding, solidarity, tolerance and dialogue between the citizens of Vukovar of Croatian nationality and those of the Serbian national minority is on a level which enables cooperation and co-existence, and that the requirements for an extension of the scope of guaranteed individual rights and collective rights of Serbian minority members living in Vukovar, as well as for amendments to the Charter-level Decision to grant new rights to the Serbian national minority in Vukovar have not been met).

Additionally, we were informed in the course of preparing the 2019 Report on Enforcement of the Constitutional Act on the Rights of National Minorities that members of the Serbian national minority in Vukovar exercise rights such as bilingual materials for sessions of the Town Council, bilingual minutes of sessions, issue of bilingual public documents and bilingual forms used for official purposes.

The Constitutional Court of the Republic of Croatia has ordered the Town of Vukovar the observance of its own charter-level decisions and the deadlines which clearly stipulate that each year, and not later than every other year, the Vukovar Town Council must adopt a supplement to the Charter-level Decision whereby the previously agreed-to new rights of the members of the Serbian national minority within the zone of the town of Vukovar are recognized, simultaneously applying the conclusions and standpoints adopted in the Constitutional Court's decision, and to forthwith notify the Constitutional Court on progress in this regard, wherein the Constitutional Court reserves the right to initiate a procedure at its own initiative pursuant to Article 38(2) of the Constitutional Act to assess compliance of this provision with the Constitution and law.

Paragraph 170

With regard to Paragraph 170 of the Fifth Opinion:

The Criminal Procedure Act (OG nos. 52/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19; hereinafter: Criminal Procedure Act) stipulates in Art. 8 that the Croatian language and Latin script are to be used in criminal proceedings, unless the use of an additional language or script has been introduced by law in specific areas.

The body conducting proceedings composes its rulings, summonses and other writs in the Croatian language and Latin script. Complaints, appeals and other submissions are filed with a court in Croatian language and Latin script. If a co-official language or script has been introduced by law in a specific jurisdiction, submissions may also be filed with the body conducting proceedings in that language or script.

Parties and other participants in proceedings are entitled to use their own language, including the sign language of the deaf or deaf-blind. If a procedural action is not conducted in a language spoken and understood by the person concerned, interpretation of statements, including to and from sign language for the deaf and deaf-blind, and the translation of documents and other written evidence are provided. The court will enter in the record that the person was informed of those rights as well as their response. The person will be informed of their right to an interpreter, including for sign language, and a translator before the first interrogation takes place.

A defendant who does not speak or understand the language of the proceedings, or is deaf, deafmute or deaf-blind, is entitled to interpretation and translation.

The defendant will receive a translation of the letter of rights, decision on deprivation of liberty, investigation order, evidence warrant, bill of indictment, private complaint (accusatory pleading), summons, court decisions from indictment to final decision, and documents in extraordinary legal remedy proceedings. If the above writs are not available in the language spoken or understood by the defendant, they will be interpreted, and subsequently translated into a language they speak and understand within the shortest possible time. If the defendant is unable to read the above writs, they shall be presented in a manner comprehensible to them.

The body conducting proceedings may, at its own initiative or upon a written and reasoned request of the defendant, issue a decision to translate evidence or a part thereof if this is necessary for invoking the procedural rights of the defence. By way of exception, instead of translation, interpretation or an orally presented summation of evidence may be provided, provided that it does not violate the procedural rights of the defence and that the defendant has an attorney. The defendant is entitled to appeal the decision denying them translation of evidence or a part thereof which the defendant deems necessary for invoking the procedural rights of the defence.

The defendant is entitled to interpretation and translation of their conversations and correspondence with their attorney for the purposes of preparing defence, seeking legal remedy or other procedural steps deemed necessary for invoking the procedural rights of the defence. Interpretation/translation will be ensured at the defendant's request.

A court ruling may not be based on evidence collected in violation of the defendant's right to interpretation/translation.
A defendant deprived of liberty may file submissions with the body conducting proceedings in their own language.

Furthermore, Article 64(1)2) of the Criminal Procedure Act stipulates that the defendant is entitled to use their own language in proceedings, i.e., the language they speak and understand, including sign language of the deaf and deaf-blind, and, if they do not understand Croatian or they are deaf or deaf-blind, they are entitled to an interpreter.

Under Article 51(1)1) of the Criminal Procedure Act, the injured party is entitled to use their own language, including sign language of the deaf and deaf-blind, and is entitled to an interpreter or translator if they do not speak or understand Croatian or if they are deaf or deaf-blind.

Moreover, apart from the rights specified in Art. 8(3) of the Criminal Procedure Act, under Art. 51.a of the Act, the injured party who does not speak or understand the language in which proceedings are conducted is entitled, upon request and at the court's expense, to translation of information relevant for the exercise of their rights in the criminal proceedings into a language they understand, especially of rulings at the end of the proceedings, including the statement of reasons or a summary thereof, except in cases where a ruling does not contain a statement of reasons in accordance with this Act. By way of exception, the injured party will be provided with interpretation of the above information, unless this would prevent them from exercising their procedural rights.

The injured party is entitled to submit a reasoned request for a specific document or other written evidence they consider relevant to be translated into a language they understand. If the body conducting proceedings grants the injured party's request, it will provide for the translation of the entire document or other written evidence or of the specific parts vital to the injured party to be able to actively participate in the proceedings.

The body conducting proceedings issues a decision on interpretation or translation into a language understood by the injured party, taking care that their procedural rights are not undermined thereby. The injured party is entitled to appeal against the decision denying them interpretation or translation.

Under Art. 145(6) of the Criminal Procedure Act, the costs of interpretation and translation into minority languages incurred by the application of constitutional and legal provisions governing the right of the members of minorities in Croatia to use their own language and the costs of interpretation and translation for the defendant are not collected from persons who are required to bear the costs of the criminal proceedings according to the provisions of this Act.

The Misdemeanour Act (OG nos. 107/07, 39/13, 157/13, 110/15, 70/17, 118/18; hereinafter: Misdemeanour Act) stipulates in Article 87 that the Croatian language and Latin script are to be used in misdemeanour proceedings, unless the use of an additional language or script has been introduced by law in specific areas under court jurisdiction.

Parties, participants in proceedings, witnesses and other participants in proceedings are entitled to the use of their own language. If proceedings or individual procedural actions are not conducted in the language of the person concerned, interpretation of their own and other people's statements

is provided, upon request, as well as translation of documents and other written evidence. If a person does not understand the language of the proceedings, interpretation and translation are provided in any case. Interpretation and translation are done by sworn interpreters.
The court composes summonses and rulings in the Croatian language and Latin script. Complaints, appeals and other submissions are filed with a court in the Croatian language and Latin script. If a co-official language or script has been introduced by law in a specific jurisdiction, submissions may also be filed with the body conducting proceedings in that language or script.

A translation of summonses, rulings and submissions are delivered to the defendant who is detained and to the person serving a sentence in the language they use in the proceedings.

A foreign citizen detained on account of suspicion of misdemeanour, or in custody or prison due to a criminal offence, or who has been deprived of liberty for other reasons, may file submissions with the court, from beginning to end of the proceedings, in their own language. They must be informed of their right to interpretation and translation before the first interrogation of the persons specified in paragraph (5) of this Article, and they may waive the right if they can use the language in which the proceedings are conducted. The court will enter in the record that the person was informed of those rights as well as their response.

Interpretation and translation costs incurred by the application of the provisions of this Article are born by the court.

Under Art. 138(6) of the Misdemeanour Act, the costs of interpretation and translation into minority languages incurred by the application of constitutional and legal provisions governing the right of the members of minorities in Croatia to use their own language are not collected from persons who are required to bear the costs of the criminal proceedings according to this Act.

Article 11 of the Framework Convention Display of minority language signs and topographic markers

Paragraphs 171-177

See the response accompanying Article 10 (Paragraphs 163-177)

Article 15 of the Framework Convention Effective participation in public affairs and decision-making – Parliament

Paragraphs 212- 219

With regard to paragraphs 9, 22 (Further Recommendations), 212, 213, 214, 215, 216, 217, 218 and 219, in which the Advisory Committee expressed its opinion regarding the representation of national minorities in the Croatian Parliament, we respond as follows:

Article 16 of the Croatian Parliamentary Elections Act (OG nos. 116/99, 109/00, 53/03, 69/03 – cons. text, 44/06, 19/07, 20/09, 145/00, 24/11, 93/11 – CCRC Decision, 120/11 – cons. text, 19/15, 66/15 – cons. text, and 104/15 – CCRC Decision) stipulates that the Republic of Croatia guarantees members of national minorities in Croatia the right to representation in the Croatian Parliament.

National minorities in Croatia are entitled to elect eight representatives to Parliament, elected in a special constituency comprising the country's entire territory.

Furthermore, Article 17 stipulates that members of the Serbian national minority elect three MPs in accordance with the Constitutional Act on the Rights of National Minorities, members of the Hungarian national minority elect one MP, members of the Italian national minority elect one MP, members of Czech and Slovak minorities elect one joint MP. Furthermore, Article 17 of said Act stipulates that members of Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Istro-Romanian and Jewish minorities elect one joint MP, and members of Albanian, Bosniak, Montenegrin, Macedonian and Slovenian national minorities elect one joint MP.

The Constitution of the Republic of Croatia defines the Republic of Croatia as a democratic state in which the government's power derives from the people and rests with the people as a community of free and equal citizens, and the people exercise this power through the election of their representatives and through direct decision-making. The people, Croatian citizens aged 18 and over exercise the power of government by electing their representatives (members of Parliament), who are guaranteed a free term in the civic representative body that is the Croatian Parliament on the basis of equal and general suffrage. It is important to emphasize that all citizens of Croatia, including both ethnic Croats and members of national minorities, constitute "the people" within the meaning of constitutional provisions.

Members of the Croatian Parliament elected by several national minorities represent all of the national minorities that elected them, i.e., they are representatives of all listed minorities, and not just the minority to which they belong. The terms of those MPs are equal in the scope and content of their powers, rights, obligations and responsibilities as the terms of MPs elected from the slates of political parties registered in Croatia and MPs elected from the slates of voters.

As to the possibility stipulated by Article 15(3) of the Constitution, please note that, over and above general suffrage, the right of the members of national minorities to elect their representatives to the Croatian Parliament may be stipulated by law.

In conclusion, through its legislation in the area of minority rights as well as electoral legislation, the Republic of Croatia has, in a quality manner, achieved a high level of integration of national minorities in the state's political system (as one of the latest examples, we can mention that a member of the largest national minority in Croatia currently holds the office of Deputy Prime Minister in charge of Social Affairs and Human Rights).

With reference to paragraphs 215 and 218 of the Fifth Opinion concerning the civic initiative 'Narod odlučuje' (The People Decide), launched by a group of Croatian citizens in May 2018 and calling for a constitutional referendum on Croatia's electoral system, and with reference to the Advisory Committee's deep concern about initiatives calling for a reduction of rights to effective participation of persons belonging to national minorities in public affairs, notably their right to be represented in the parliament, we respond as follows:

Civic initiatives and the right of citizens to propose a referendum are a component of democracy, and citizens are guaranteed that right by the Constitution and law. The justifiability of the content

of an individual initiative, i.e., the admissibility of a specific motion for a referendum is another matter altogether. This is for the Constitutional Court to decide in accordance with the provisions of the Constitution and the Constitutional Act on the Constitutional Court of the Republic of Croatia (OG nos. 99/99, 29/02, 49/02), and, if 10% of the overall electorate of the Republic of Croatia calls for a referendum, the Constitutional Court will determine, at the request of the Croatian Parliament, whether the content of the proposed referendum question conforms with the Constitution and whether the requirements for a referendum have been met. The Croatian authorities by definition distance themselves from any initiatives which are contrary to the Constitution, law and legal order of the Republic of Croatia.

As to the suggestion of certain representatives of national minorities to regulate calls for a referendum on abolishing national minority rights by the Referendum Act, we respond as follows:

Matters which can or cannot be decided in a referendum may only be regulated by the Constitution, and not by the Referendum Act.

Therefore, it would be contrary to the Constitution of the Republic of Croatia to regulate or prohibit initiatives for a referendum on abolishing national minority rights by the Referendum Act, as evident from the position of the Constitutional Court stated in several of its decisions: CCRC Ruling No. U-VIIR-4640/201 of 12 August 2014 (OG no. 104/2014), CCRC Decision No. VIIR164/2014 of 13 January 2014 (OG no. 15/14), CCRC Ruling No. U-II-6110/2013 of 12 August 2014 (NN 104/2014), and CCRC Communication on the Civic Constitutional Referendum on the Definition of Marriage No. SuS-1/2013 of 14 November 2013 (OG no. 138/13).

Specifically, the Constitutional Court established that the Constitutional Act on the Constitutional Court of the Republic of Croatia indicates that there are matters on which a referendum may not be held by the force of the Constitution, and it is for the Constitutional Court to ascertain them in each individual case.

Consequently, the prohibition of referenda on matters concerning the restriction or reduction of human rights and fundamental freedoms, contained in chapters II and III of the Constitution, may only be stipulated by the Constitution.

Effective participation in public affairs and decision-making processes – local and regional minority councils

Paragraph 227

In relation to paragraph 227, in which the Advisory Committee indicates that numerous complaints were shared with them about the lack of effective influence in the decision-making of local or regional minority councils, and that the representatives of those minority councils feel that they are insufficiently informed, can only intervene orally if asked, and have no right of veto on any decision possibly affecting their minority. They also feel that the jurisdiction of the councils stipulated in Article 31(1) of the Constitutional Act on the Rights of National Minorities are largely ignored and not implemented in practice, and that decisions concerning national minorities are often made without consulting them. They indicated that even when the national minority councils

delivered opinions to the representative bodies of local and regional self-governments on matters concerning their own national minorities, they were often not taken into consideration. We would like to respond to this as follows:

Decisions and other general legal ordinances in local and regional self-government units are adopted by the representative bodies of the units by the majority of members present at the relevant sitting, and in specific cases by the majority of all members of the representative body.

Therefore, the adoption of a decision represents the will of the majority of members elected to a representative body, and all general ordinances adopted by representative bodies are subject to oversight and legal review in a procedure regulated by law.

That being said, under Article 31 of the CARNM, national minority councils are entitled to propose measures to self-government units for the improvement of the position of a national minority in the country or a specific territory within it, including submission of proposals for general ordinances regulating matters of importance for the national minority to the bodies adopting such ordinances. This serves to ensure that national minority councils have influence on decisionmaking.

Furthermore, the provisions of Article 32 of the CARNM regulate the course of action in case a national minority council considers a general ordinance of a self-government unit or some of the provisions thereof to be contrary to the Constitution, the CARNM or special laws governing the rights and freedoms of national minorities, which may result in the suspension of such an ordinance.

In particular, in the legal system of the Republic of Croatia, the power to suspend general ordinances of local and regional self-government units lies with state administration bodies, each within its remit, at their own initiative or upon review of the decision of a (municipal or town) mayor or county executive on the suspension of a general ordinance. Consequently, it would be contrary to law for national minority councils to have a special right of veto on the decisions of representative bodies.

Paragraph 228

With regard to paragraph 228 of the Fifth Opinion, concerning the suggestion to commit local and regional self-government units to full application of Article 31(1) of the CARNM or, alternatively, to adopt a new law, a *lex specialis*, which would regulate the scope of competence of national minority councils and the rights and obligations of local and regional self-government units in detail when it comes to national minority councils and representatives, please note that the valid legislative framework, which is binding for everyone, is comprehensive enough for national minority councils to be able to exercise their role in local and regional self-government units as established by the CARNM.

Effective participation in public affairs and decision-making processes – civil service

Paragraphs 234-237

With reference to paragraphs 234-237 of the Fifth Opinion, where it is stated that the recruitment of members of national minorities in civil service should be promoted, and that the Advisory Committee considers it essential for the authorities to enhance participation of national minorities in public life through affirmative measures, such as offering civil service internships and providing state scholarships to minority members, please note that recruitment in the civil service at the national, regional and local levels is regulated by primary and secondary legislation so as to guarantee equal employment opportunities to all candidates, regardless of their national affiliation. That being said, national minorities are guaranteed priority in hiring under equal conditions, in accordance with Article 22 of the CARNM, which means that when two candidates in a competition achieve the same overall score on the written test and interview, the candidate who declared their affiliation to a national minority in the job application will be accorded priority.

Furthermore, since a halt on new recruitments to public bodies and institutions which receive funds for salaries from the central budget has been in force for a few years now, recruitment there is possible only in exceptional and expressly stipulated cases. As a result, employment through the regular civil service recruitment procedure (for trainees) has been made more difficult, which is also reflected in the restricted possibilities for employing national minority members.

Effective participation in socio-economic life – Access to housing

Paragraphs 256, 259 and 264

The core legislation under which housing matters are resolved is the Act on Housing in the Stateassisted Areas (OG nos. 106/18, 98/19). Prior to this law's entry into force, the effective core legislation was the Act on the Areas of Special State Care (OG nos. 86/08, 57/11, 51/13, 148/13, 76/14, 147/14, 18/15). The enactment of the Act on Housing in the State-assisted Areas (OG 106/18, 98/19) set, among other things, the prerequisites for effective interdepartmental cooperation between the Central State Office and state administrative bodies and the relevant local self-government units in the implementation of joint housing programmes, so that this Central State Office expanded its activities to participate in the National Roma Inclusion Strategy, alongside regular housing programmes, completion of reconstruction programmes for wardamaged family homes, care for displaced persons, returnees and refugees, and activities that involve providing housing for domestic violence victims, persons who have lost their sole real estate suitable for residence due to flood, fire or similar reasons, persons for whom international protection has been approved, professionals for whom there is a special verified need in stateassisted areas, etc. One of the additional features of the adoption of the Act on Housing in the State-assisted Areas is the reduction of rents for houses and flats and considerably more favourable conditions for the purchase of state-owned housing units, wherein the ethnicity of the user is neither a condition nor barrier to the exercise of this right.

In 2019, the Annual Programme for Housing and Improvement of Living Conditions for the Roma National Minority was adopted. Within the framework of the annual programme for 2019, the Central State Office received 889 decisions whereby the right to allocation of household appliances and furniture was confirmed for Roma beneficiaries, as well as 14 decisions whereby the right to

donation of construction material for the repair, expansion, completion or construction of family homes was confirmed for Roma beneficiaries who own their homes. The delivery of appliances and furniture was completed for 865 families, while delivery was not completed for 24 families primarily because the beneficiaries were not present at the time of delivery, nor did they subsequently contact the supplier to claim the undelivered appliances. Implementation of the decision on donation of construction material for the repair, expansion, completion or construction of family homes for Roma beneficiaries who own their homes was merged into a regular programme for the allocation of construction material and these decisions will be implemented within the framework of the regular programme and in line with the funding available to the Central State Office for the line-item covering reconstruction, expansion or construction of family homes. Thus far, contracts on the donation of construction material have been concluded with 9 beneficiary families, and its delivery has been scheduled for the first quarter of 2021. Funding in an amount of HRK 1,500,000.00 have been allocated for implementation of the programme in 2019, and the total expended funds for delivered household appliances and furniture in 2019 is HRK 1,640,000.00, HRK 140,000.00 more than the initially planned funds.

As part of the Annual Programme for Improvement of Living Conditions of the Roma National Minority for 2020, the Central State Office received 712 decisions whereby the right to allocation of household appliances and furniture was confirmed for Roma beneficiaries. Delivery of appliances was completed, while delivery of basic furniture should be complete by the end of November 2020. Funding of HRK 1,500,000.00 has been secured.

The core activity of the Central State Office is care for displaced persons, refugees and returnees. As of today's date, there are 27 remaining persons of varying status, while out of the 2,324 unresolved housing requests filed by former tenancy-rights holders registered in 2017, today 60 unresolved requests remain, which are being handled in the first instance by the county administrative departments organized to perform delegated state administrative tasks pursuant to the Regulation on Establishment of the Status of Former Tenancy-Rights Holders and Their Family Members and the Conditions and Procedure for Securing Their Housing (OG no. 133/13). The time frame for the resolution of requests filed for former tenancy rights holders largely depends on the availability of the filers of requests for housing, since most of them are outside of the borders of the Republic of Croatia, a circumstance that significantly impacts the tempo of resolving requests. In the period from 2017 to the present, 299 contracts have been concluded covering the purchase of housing outside of areas of special state care or outside of state-assisted areas under conditions that are more favourable than market conditions and as defined by the Decision of the Government of the Republic of Croatia on the Sale of State-owned Housing (OG no. 144/13). This Decision pertains exclusively to real estate outside of areas of special state care, while in areas of special state care and in state-assisted areas, the purchase of housing units is even more favourable and regulated by the Act on Housing in the State-assisted Areas and the Regulation on the Sale Price of State-owned Family Houses or Flats Managed by the Central State Office for Reconstruction and Housing (OG no. 24/19).

The housing needs of the most vulnerable categories of displaced persons and refugees are being resolved as part of the multi-year Regional Housing Programme. This programme commenced with the Sarajevo Declaration of 2005, and it continued with the joint declaration signed by the

foreign ministers of Croatia, Bosnia-Herzegovina, Montenegro and Serbia in Belgrade in 2011. Housing is thereby being secured in Croatia, Bosnia-Herzegovina, Montenegro and Serbia. The Republic of Croatia and the Council of Europe Development Bank signed the Framework Agreement on 3 December 2013 which defines the legal framework for the use of finances from the Regional Housing Programme Fund and the entire programme is conducted in compliance with the provisions of the Agreement and the Ratification Act for the Framework Agreement between the Republic of Croatia and the Council of Europe Development Bank regarding the Regional Housing Programme (OG no. 3/2014). The donor funds are allocated in a maximum ratio of 75%, while the remainder is financed by contributions from the state. The selection of individuals for participation in the regional housing programme is done in collaboration with the UNHCR. The programme is administered by the Council of Europe Development Bank (CEB) in which framework the Regional Housing Programme Fund (RHP Fund) was established, through which donor funds are allocated to partner states. The primary programme donor is the European Union, while the CEB performs the functions of programme secretary, RHP Fund manager and financial institution. The planned number of persons who would receive assistance through the RHP has changed over time, because from the initial idea, through the signing of the joint declaration by the ministers to the commencement of programme implementation, the projected Fund resources also changed, and in the meantime the Republic of Croatia became a member of the European Union. Thus far, financing for nine sub-projects has been approved in the Republic of Croatia. T date, housing capacity has been constructed and secured for 325 families through the sub-projects HR1 – Korenica, HR2 – Knin, HR3 – Glina, HR4 – housing unit purchase and HR5 – Benkovac and HR6 – (Re)construction of family homes. The amount of funds that the Central State Office for Reconstruction and Housing currently has at its disposal is €17.1 million. The estimated costs are €23,225,346.00, not including VAT, and Croatia's share not including VAT is €6,102,210.00. The contracted amount of grants without VAT is €17,123,136.00, and the planned deadline for programme completion is 30 June 2022. Within the framework of the nine sub-projects, there are plans to provide housing for 410 families.

Within the framework of the regular housing programme, beneficiaries are treated regardless of their ethnicity, wherein priority lists compiled in compliance with the Rebulation on Rating Applications for Housing (OG no. 14/2019) particularly take into account the circumstances of large families, families with minor children, single-parent families, disability of applicants or members of their families, status as tenants and other circumstances on which basis applicants are accorded ratings for the need of classification into the order of exercising the right to housing. The intent of the Act on Housing in the State-assisted Areas is to provide housing for the most vulnerable categories of applicants with the aim of resolving their housing problems through one of the housing models foreseen in the law. The set objective therefore pertains to alleviating social risk and overcoming social exclusion with regard to economic status, with active assistance to both individuals and individual social groups of any ethnicity, particularly in demographically threatened areas in which there is a series of interlocking problems such as unemployment, low incomes and poor housing prospects, and these problems impact a high number of Croatian citizens regardless of their ethnicity, so in this sense there is no discrimination with regard to the applicants. In this vein, the purpose of the housing programme is to encourage people to return, remain and settle in state-assisted areas by means of special legislation in the Republic of Croatia and in areas which in the sense of this law are deemed areas of special state care, which contributes to the

demographic and economic development of these areas and consequently contributes to the reduction of social insecurity, the reduction of social differences, the improvement of living conditions and the halting of adverse demographic trends.

Implementation of the National Housing Programme has a completion rate of almost 100% in relation to funds secured from the central budget, whereby the largest possible contribution is made to resolving the housing problems of individuals who want to live in one of the state-assisted areas in the Republic of Croatia, or in areas of special state care. Moreover, in comparison to 2015, the sum for the national housing programme earmarked in the central budget for 2020 has doubled to HRK 111 million (€14.8 million), whereby the physical scope of housing has also been doubled. From 2017 to the end of 2019, funds in a total amount of HRK 79,193,069.79 have been spent through the line-item for the construction and reconstruction in war-stricken areas, and a total of 273 family homes have been renovated. In 2020, HRK 22,100,000.00 and the reconstruction of 50 family homes have been planned. Indicators of the results are the number of renovated damaged housing units, the number of disbursed aid grants, and the number and amount of invested funds for the purpose of completing reconstruction works. In the period from 1 January 2018 to 30 October 2020, a total of 2,158 housing units have been constructed or reconstructed through various models. Thus, during this period 203 housing units damaged in war were reconstructed, 60 aid grants for housing units with damage ratings from I to VI were disbursed, and 17 monetary aid grants were disbursed to refund own funds paid out. 180 furniture sets and 467 household appliances were delivered to families that are beneficiaries of the right to reconstruction. 12 stateowned residential buildings with 161 flats and 564 individual flats and 30 state-owned houses were renovated, as were 9 other buildings (roof structures and external fittings). Based on these activities, the extent of the housing programme increased in comparison to 2017. The time frame for meeting the set objectives depends on various factors, and is mainly contingent upon the fact that there is a great need for housing. Every year new applications are received from applicants, so that every year the applications are again rated and their positions on the priority list are once more ascertained, all in order to grant priority to the neediest groups of applicants in that year within the framework of the housing stock of the Central State Office for Reconstruction and Housing and the budgetary funding secured for this purpose. The tempo in which housing is provided thus largely depends on the overall socio-economic context in the current year, so that it is impossible to entirely determine the specific time-frame within which the rights of parties who submit housing applications will be resolved. Furthermore, the filing of a housing application does not immediately mean that the right to housing will be acknowledged for the applicants, because the primary stipulated requirement for the exercise of this right is that the applicants and the members of their families do not own another habitable house or flat to resolve their housing problems in the Republic of Croatia or other country in which they have resided or still do reside, if they have not expropriated it in the past 15 years prior to filing an application on the priority list or initiating an ex officio procedure or they did not secure the legal status of protected tenant or exercised the corresponding right to housing under another regulation in the Republic of Croatia or another state in which they reside or in which they have resided, from which it follows that within the framework of the jurisdiction of the Central State Office for Reconstruction and Housing the greatest emphasis is placed on activity to combat poverty and encourage development in the underdeveloped areas of the Republic of Croatia.