



FIFTH OPINION ON CROATIA

Advisory Committee
on the Framework
Convention for
the Protection of
National Minorities
(ACFC)

Adopted on 1 February 2021

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ACFC/OP/V(2021)2

Published on 10 June 2021

Secretariat of the Framework Convention for the Protection of National Minorities
Council of Europe
F-67075 Strasbourg Cedex
France

www.coe.int/minorities

TABLE OF CONTENTS

SUMMARY OF THE FINDINGS	5
Personal scope of application	5
Population census	5
Legal and institutional framework	5
Hate speech and hate crime	5
Intercultural dialogue	5
Portrayal of minorities in the media and minorities' media	5
Policies concerning national minorities and Roma	5
Minorities' education, language and culture	5
Participation in public affairs and in socio-economic life	6
RECOMMENDATIONS	7
Recommendations for immediate action	7
Further recommendations	7
Follow-up to these recommendations	8
MONITORING PROCEDURE	8
Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee	8
Preparation of the state report for the fifth cycle	8
Country visit and adoption of the Fifth Opinion	8
ARTICLE-BY-ARTICLE FINDINGS	9
Data collection and population census (Article 3)	9
Legal framework for combating discrimination (Article 4)	11
Institutional framework for combating discrimination (Article 4)	13
Equality data and measures to promote full and effective equality (Article 4)	14
Operational Programmes for National Minorities (Article 4)	15
National Roma Inclusion Strategy (Article 4)	15
Preservation and development of minorities' identity, language and cultural heritage (Article 5)	16
Intercultural dialogue and mutual respect (Article 6)	18
Hate speech and hate crime, policing and respect for human rights (Article 6)	19
Portrayal of minorities in the media (Article 6)	22
Religious properties and funding of religious organisations (Article 8)	23
Minorities' printed media and broadcasting (Article 9)	24
Use of minority languages with administrative and judicial authorities (Article 10)	26
Display of minority language signs and topographical indications (Article 11)	27
Intercultural education, teacher training, textbooks and teaching materials (Article 12)	29
Effective access to education (Article 12)	29
Teaching in and of minority languages (Article 14)	31
Effective participation in public affairs and decision-making process – Parliament (Article 15)	33
Effective participation in public affairs and decision-making process – Council for National Minorities (Article 15)	34
Effective participation in public affairs and decision-making process – local and regional minority councils (Article 15)	34
Effective participation in public affairs and decision-making process – public administration (Article 15)	35
Effective participation in socio-economic life – access to employment (Article 15)	36

Effective participation in socio-economic life – access to health care (Article 15).....	38
Effective participation in socio-economic life – Access to housing (Article 15).....	39
Bilateral and multilateral co-operation (Articles 17 and 18).....	41

SUMMARY OF THE FINDINGS

Personal scope of application

1. Croatia continues to apply the provisions of the Framework Convention for the Protection of National Minorities (hereinafter “the Framework Convention”) to twenty-two constitutionally recognised national minorities.

Population census

2. The system of representation of national minorities relies on the results of the population census, and the existing thresholds to access some minority rights are too high and to the disadvantage of numerically smaller national minorities. Trust in census results is not unanimous and not all persons belonging to national minorities have confidence in the system to declare their ethnicity. Multiple affiliation, categorised as ‘other’ in census results, discourages respondents from declaring their belonging to more than one ethnic group. Equality data disaggregated by ethnicity are, on the whole, lacking.

Legal and institutional framework

3. The legislative framework pertaining to national minorities is overall in conformity with the provisions of the Framework Convention. Comprehensive anti-discrimination legislation has been enacted and structures to promote equal treatment and address individual cases of discrimination at national and regional levels are in place. Discrimination towards persons belonging to certain groups persists, notably the Roma and Serb national minorities, including returnees. Strengthening the Ombudsperson’s Office and improving the efficiency of the free legal aid system, as well as increasing and evaluating the impact of human rights and non-discrimination training for the law enforcement and the judiciary, would contribute to improve outreach to the most vulnerable groups and fight the under-reporting of discrimination cases.

Hate speech and hate crime

4. Hate crime, as well as incidents of hate speech in the media and in the political discourse, have increased over the reporting period. The surge in radical nationalism has had an overall negative impact on the enjoyment of minority rights, particularly in heavily affected post-conflict areas. The public debate related to national minorities is dominated by anti-minority rhetoric and prejudice, persons belonging to the Serb and the Roma national minorities being the most affected. Historical revisionism affects the Serb, Roma and Jewish national minorities.

Intercultural dialogue

5. Croatia is a culturally diverse country, which also hosts refugees, migrants and returnees and dealing with a post-conflict situation. The trauma of the past still persists with families from both the Croatian majority population and national minorities (primarily Serbs) still looking for family members or relatives who disappeared during the 1991-1995 war. Positive examples of a reconciliation process that occurred in the summer of 2020 are the presence of the new Croatian Deputy Prime Minister - who belongs to the Serb national minority – at the commemoration of the liberation of Croatia’s territory, and the mourning of the Serb victims of the 1991 – 1995 war by the Croatian Prime Minister and other members of his cabinet.

Portrayal of minorities in the media and minorities’ media

6. Negative stereotypes in print, audio-visual and social media are condemned and sanctioned to an extent which is too limited. The presence of national minorities in national radio and television broadcasts is insufficient and public media lack human and financial resources to ensure quantitative and qualitative media production for persons belonging to national minorities.

Policies concerning national minorities and Roma

7. In the framework of its National Roma Inclusion Strategy, the Croatian Government has further implemented policies and programmes to improve the social inclusion of Roma in all fields of life and conducted a Baseline Data Study on Roma Inclusion in the Croatian Society. Furthermore, it has adopted Operational Programmes for National Minorities for the period 2017-2020, both a general one for the protection and promotion of the rights of all national minorities, and specific ones for seven national minorities. The adoption of these programmes has been unanimously welcomed by persons belonging to the national minorities as it contributes to the exercise of the rights of national minorities and increases their cultural autonomy. However, some of the planned actions under the Operational Programmes for National Minorities lack clear indicators, timeframes or funding allocation. Furthermore, only a small number of the activities foreseen under these programmes have been implemented so far. For the Roma national minority, new areas should be explored through independent research under the envisaged post-2020 National Roma Inclusion Strategy, such as gender inequalities and the impact of early marriages on school dropouts and absenteeism, especially in the transition from primary to secondary education.

Minorities’ education, language and culture

8. The establishment of the Independent Sector for National Minority Education within the Ministry of Science and Education is a positive development. The authorities continue to support the promotion of national minorities’ cultural autonomy and have increased state subsidies in this respect. More efforts are needed to ensure that needs of all different national minorities, including numerically smaller ones, are effectively addressed. The culture and history of national minorities, and their contribution to society at large, need to be further promoted and taught to students in all schools to promote inter-ethnic reconciliation and diversity in society. The legislation on the use of minority language scripts is not properly implemented throughout the country.

Participation in public affairs and in socio-economic life

9. The degree of representation and consultation of national minorities at various levels is overall satisfactory. The adoption of the Act on Election of Council Members and Representatives of the National Minorities has prescribed the election of national minority councils and representatives and stabilized the election date in May every four years. The representation of national minorities in parliament, however, is unbalanced since numerically smaller national minorities are represented by persons belonging to another national minority. Not all regional and local minority councils are effective; their power of intervention being too limited and insufficiently clear. The number of persons belonging to national minorities employed

in state bodies and public services remains low compared to the percentage of national minorities among the population. Gender balance is insufficiently implemented in representation structures at all levels.

10. Access to employment in the private sector remains problematic for certain national minorities. Despite welcomed state investments in improving housing conditions, a number of Roma families still live in illegal settlements. An analysis of the impact of the Covid-19 pandemic on national minorities, in particular the Roma, is expected to ensure that all necessary measures are taken to guarantee minorities' access to healthcare and basic hygiene requirements, such as clean water, electricity, and sewerage facilities.

RECOMMENDATIONS

11. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Croatia.

12. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee. In particular, they should take the following measures to improve the implementation of the Framework Convention further:

Recommendations for immediate action

13. The Advisory Committee urges the authorities to ensure that both the census procedure and questionnaire are in accordance with international standards, so as to increase trust in data collection process and census results; the category of 'other' should not be used to classify or reflect multiple affiliation.

14. The Advisory Committee urges the authorities to develop a comprehensive strategy to promote inter-ethnic dialogue and an inclusive society, as well as monitor and evaluate its impact; to support periodical assessment on attitudes towards national minorities and perception of inequality and discrimination in the society.

15. The Advisory Committee urges the authorities to resolutely address and publicly condemn all instances of public incitement to violence and hatred, hate crimes, as well as radical nationalism, historical revisionism, glorification of persons convicted for having committed war crimes, and anti-minority rhetoric in the public and political discourse, and to ensure that cases of hate crimes affecting persons belonging to national minorities are prevented, effectively investigated and appropriately sanctioned. It also urges the authorities to step up efforts to ensure that all alleged cases of online hate speech concerning persons belonging to national minorities, along with those in the print and audio-visual media, are effectively monitored and, where applicable, sanctioned.

16. The Advisory Committee urges the authorities to promote inclusive and quality education; resolutely combat school segregation; ensure school attendance for all children during compulsory education; further reduce school absenteeism and early drop-out among Roma children and conduct an in-depth study on both internal and external causes of these issues, closely involving persons belonging to the Roma national minority and Roma mediators, as well as all competent authorities at state and municipal levels with a view to adjusting educational policies and measures.

Further recommendations

17. The Advisory Committee calls on the authorities to promote and implement measures to combat and sanction any form of discrimination, including intersectional discrimination, whilst paying particular attention to groups at risk such as Roma and Serb national minorities and returnees; in this respect, it calls on the authorities to further improve the efficiency of the system of free legal aid to ensure equal access to justice for all persons belonging to national minorities, in particular the most vulnerable who are subject to discrimination.

18. The Advisory Committee calls on the authorities to ensure a more prominent presence of national minorities in public media by *inter alia* increasing the quantity and quality of media production for persons belonging to national minorities, as well as by increasing financial and human resources allocated for public radio and TV programmes developed for, about and by national minorities, in close consultation with their representatives.

19. The Advisory Committee calls on the authorities to reduce the minimum threshold for the official use of language and script of national minorities in local self-government units and to ensure that legal requirements are observed and applied by all local authorities.

20. The Advisory Committee reiterates its call on the authorities to implement the right of persons belonging to national minorities to display street names and indications on public buildings in minority languages and scripts in accordance with the national legal framework and Article 11 (3) of the Framework Convention. They should also raise awareness at all levels and among the public about these legal obligations, as a demonstration of the diverse character of areas in which persons belonging to national minorities reside, traditionally and at present. In the implementation of these obligations, close consultations should be conducted between the authorities and representatives of minorities and the majority.

21. The Advisory Committee calls on the authorities to further develop and implement intercultural education in all schools and for all students about the contribution of national minorities to Croatian society, as well as their history and culture, as a part of the curricula of history, music and civic education. Education should be based on independent research and be designed in co-operation with representatives of the national minorities, with a view to reducing the prevalence of negative stereotypes and counteracting the tendencies in society of historical revisionism. Teacher training and updated textbooks and teaching materials in minority languages should be provided accordingly.

22. The Advisory Committee calls on the authorities to ensure that the rights to effective participation of persons belonging to national minorities in public affairs, notably their right to be represented in the parliament, as well as other minority rights, are not limited.

23. The Advisory Committee calls on the authorities to assess on a regular basis the fulfilment of the local and regional self-government units' legal obligations as regards the effectiveness of support to all minority councils and representatives. The state authorities should make sure that all minority councils have sufficient resources to be able to participate effectively in local and regional decision-making processes and to preserve their independence.

24. The Advisory Committee calls on the authorities to improve housing and living conditions, with a particular focus on the Roma national minority and Serb returnees, and to find suitable and sustainable solutions to legalise informal settlements.

Follow-up to these recommendations

25. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth cycle Opinion. It considers that follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present Opinion.

MONITORING PROCEDURE

Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

26. The Advisory Committee was informed that the Fourth Opinion of the Advisory Committee on Croatia and the Fourth Resolution of the Committee of Ministers on the implementation of the Framework Convention by Croatia¹ were disseminated to relevant authorities and representatives of national minorities already in the process of preparation of the state report.

27. Recommendations of the Opinion and of the Resolution requesting immediate action of institutions were shared in Croatian and English and discussed particularly at seminars on the implementation of the Framework Convention with all relevant stakeholders.² During these seminars, representatives of relevant authorities presented activities and progress in those areas related to the recommendations.

Preparation of the state report for the fifth cycle

28. The state report, due on 1 February 2019, was received on 2 April 2019.³ The members of the Council for National Minorities⁴ were consulted in its preparation.

29. In its letter to States Parties dated 5 July 2018 announcing the fifth monitoring cycle, the Advisory Committee asked member states to pay particular attention to gender equality in their reporting. The Advisory Committee welcomes the inclusion of a number of gender-related items of information in the state report.⁵

Country visit and adoption of the Fifth Opinion

30. This fifth cycle Opinion on the implementation of the Framework Convention by Croatia was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers.⁶ The findings are based on information contained in the fifth state report, other written sources and information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Zagreb, Vukovar, Osijek, Kuršanec, Čakovec and Rijeka from 9 to 13 March 2020. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation before, during and after the visit and to the other persons it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 8 October 2020 was transmitted to the Croatian authorities on 19 October 2020 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Croatian authorities on 21 December 2020.

31. A number of the articles in the Framework Convention are not covered in the present Opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be reduced or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a state of affairs which may be considered acceptable at this stage may not necessarily be so in further monitoring cycles. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

¹ [Resolution CM/ResCMN\(2017\)55](#) adopted on 11 May 2017 at the 1286th meeting of the Committee of Ministers' Deputies.

² See [fifth state report](#), p.4.

³ See fifth state report available in [English](#) and [Croatian](#).

⁴ The Council for National Minorities includes the eight members of parliament representing national minorities.

⁵ See [fifth state report](#), in particular ps.14-21.

⁶ The submission of the state report, which was due on 1 February 2019, was regulated by Resolution [Res\(97\)10](#) of the Committee of Ministers. However, the adoption of this opinion was regulated by [CM/Res\(2019\)49](#) on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, as adopted by the Committee of Ministers on 11 December 2019.

ARTICLE-BY-ARTICLE FINDINGS

Personal scope of application (Article 3)

32. Croatia applies the provisions of the Framework Convention to all twenty-two national minorities officially recognised under the Constitution.⁷ According to Article 5 of the Constitutional Act on the Rights of National Minorities, only citizens are entitled to enjoy the rights of national minorities.⁸ According to the authorities, no other groups have made a request for formal recognition as a national minority, and the Advisory Committee was not made aware of any other groups of persons seeking protection under the Framework Convention during the fifth cycle visit.

33. As regards the limitation of the scope of application to Croatian citizens, the Advisory Committee reiterates that such a general restriction should be avoided as it may have a discriminatory effect on persons belonging to national minorities, in particular given that *de facto* statelessness among persons belonging to certain national minorities still exists in Croatia, and that, according to representatives of the Macedonian and Roma national minorities, procedures for obtaining Croatian citizenship are seen as too complicated.⁹ The Advisory Committee also reiterates that “citizenship is not a basis upon which *a priori* to exclude the enjoyment of minority rights.”¹⁰ The authorities should rather pursue an inclusive approach, reflecting for each right separately whether there are legitimate grounds to differentiate access based on citizenship.¹¹

34. As regards the level of awareness and understanding of the Framework Convention, the Advisory Committee welcomes the fact that the Government Office for Human Rights and Rights of National Minorities (hereinafter “the GOHRRNM”) publishes the state reports on the implementation of the Framework Convention by Croatia on its website,¹² as well as the opinions of the Advisory Committee and the comments on these opinions submitted by the government. The Advisory Committee notes that representatives of national minorities in national, regional or local minority councils or in parliament are usually aware of these documents. There are, however, representatives of national minority associations at the local level who are not necessarily familiar with these documents.

35. The Advisory Committee encourages the authorities to apply the Framework Convention on an article-by-article basis for non-citizens having self-identified as belonging to a national minority.

36. The Advisory Committee encourages the authorities to further increase, at all levels, general awareness about the Framework Convention and opinions of the Advisory Committee, to publish them on relevant official public websites in minority languages and make them accessible by other means to persons belonging to national minorities.

Data collection and population census (Article 3)

37. The last population and housing census was conducted in April 2011.¹³ The Croatian Parliament adopted the 2021 Census Act on 28 February 2020 and the census questionnaire is already finalised.¹⁴ The census will be conducted in two phases across the country: a self-completed online questionnaire and door-to-door interviews.

38. The 2021 Census Act prescribes the organisational and financial aspects in the implementation of the census; requirements for census interviewers will be prescribed before their recruitment in February 2021. According to information provided by the State Bureau for Statistics, in the recruitment process, proportional representation of interviewers from national minorities will be ensured in accordance with their share in the total population in a particular locality. If it is known that a large number of persons belonging to a particular national minority live in the area surveyed, the interviewer should know the language of that minority, or be a member of that minority. As to selection criteria, a candidate must: be aged 18 or over; have completed secondary education; have good computer literacy; have passed a selection test in order to rank.

39. Furthermore, interviewers should account for all units within the borders of the assigned area even if some housing units may be illegal. In addition, interviewers should inform persons belonging to national minorities about the possibility of

⁷ The [Constitution](#), as amended in July 2010, lists all 22 national minorities. Its Preamble establishes the Republic of Croatia as “the nation state of the Croatian nation and the state of the members of its national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Rusyns, Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians and others who are its citizens and who are guaranteed equality with citizens of Croatian nationality...”. As in previous opinions of the Advisory Committee, the term ‘Ruthenian(s)’ has been used in the present opinion, instead of ‘Rusyn(s)’.

⁸ See Article 5 of the [Constitutional Act on the Rights of National Minorities](#) for the definition of a ‘national minority’.

⁹ See the contribution from the Community of Macedonians of the Republic of Croatia, [fifth state report](#), p. 160 and the 2018/2019 Report about Roma in Croatia focusing on structural and horizontal preconditions for successful implementation of the National Roma Integration Strategy, submitted by a Roma NGO in Rijeka, p.10. According to official statistics from the Ministry of the Interior, in December 2019, there were 26 stateless persons (those are the persons that have been issued 1954 Convention Travel Documents) and 62 persons of undetermined citizenship in Croatia. However, 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, estimates ‘stateless individuals’ in Croatia between 500 and 3 000 depending on whether persons with unresolved status are included or not. UNHCR legal aid partners assist approximately 500 persons in regularisation of their status on an annual basis. Only an average of 180 per year are successfully resolved, because of cumbersome administrative requirements and lengthy procedures.

¹⁰ See [Report on non-citizens and minority rights](#), adopted by the Venice Commission at its 69th session, 15-16 December 2006, para. 84.

¹¹ See [ACFC Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 29-30.

¹² See the website of the [Government Office for Human Rights and Rights of National Minorities](#).

¹³ According to the [2011 Population, Households and Dwellings Census](#), reproduced in the [fifth state report](#) (p.161), 7.8% of the population declared an ethnic identity other than Croat.

¹⁴ The [2021 Census Act](#) and the census questionnaire have been translated into English.

obtaining a census questionnaire in the language of a national minority.

40. The authorities indicated that the 2021 census questionnaire will include – as for previous censuses – voluntary and open-ended questions on ethnicity, mother tongue and religion. The State Bureau for Statistics assured that there are no limits and that anything can be freely declared, including multiple ethnic (or other) affiliation. Once the data is processed, these answers will be reflected in the census results under the category of ‘other’.¹⁵

41. The authorities intend to conduct an information campaign through promotional activities and mass media to acquaint the public with the purpose, meaning, content and importance of the census to encourage as many people as possible to answer the online questionnaire during the first phase. The Advisory Committee was informed that the GOHRRNM, the Council for National Minorities, as well as minority organisations, councils and representatives will encourage persons belonging to national minorities to freely express their ethnic, language, religious and other affiliations prior and during the 2021 census. This intention was also expressed by the Roma minority council in Medimurje County.¹⁶

42. Representatives of certain national minorities contest the 2011 census results¹⁷ and consider that the actual numbers of their respective minority are significantly higher than suggested by the 2011 census results,¹⁸ due to persons belonging to national minorities not reporting owing to fear of discrimination if they declare their ethnicity.¹⁹ On the other hand, some municipality officials, such as those in Vukovar, argue that there may have been irregularities during the last census which may have resulted in overstating the numbers of some national minorities.

43. Furthermore, according to some interlocutors of the Advisory Committee, during the previous census, no specific information on the importance of the census for the enjoyment of some minority rights was provided to persons belonging to national minorities with limited information about the opportunity to choose multiple affiliations. Indeed, a number of minority representatives suggested that the census results would have been different, had individuals been made aware of the possibility of indicating multiple affiliations.²⁰

44. The Advisory Committee reiterates that reliable information and knowledge about the ethnic, linguistic and religious composition of the population is an essential condition for implementing effective policies and measures to protect persons belonging to national minorities and for helping to preserve and assert their identity. Therefore, provided that the basic principles of free and voluntary self-identification and informed decision are respected,²¹ the opportunity to express multiple affiliations should be provided explicitly, the respective data should be adequately processed, analysed and displayed, and minority representatives should be included in the organisation and operation of such data collection processes.²² Furthermore, it should also be possible to give multiple answers to questions on languages used in daily communications. In this respect, it would be advisable not to focus in the census questionnaire on “mother tongue” as this will not reflect the knowledge and use of national minority languages.

45. Bearing in mind that a threshold of 33% is applied in Croatia for the use of minority language scripts, the Advisory Committee highlights that there is a risk of misinterpretation of census results and, in this respect, refers to UNECE recommendations, which state: “in view of the eligibility (or non-eligibility) criteria, local administrations may also be tempted to influence the overall results for their area in order to increase (or reduce) the prospects of falling under a certain government scheme (for example introducing bilingual administration if the linguistic minority reaches a certain percentage of the total population). In such cases, special organisational measures that ensure checks and balances at local level may have to be set up on a mandatory basis through the census legislation in addition to the quality control measures of the national statistical institute”.²³

46. In accordance with Article 3 of the Framework Convention, the Advisory Committee reiterates that the principle of free and voluntary self-identification must be respected. Therefore, census interviewers should be properly trained, especially on how to inform respondents that their ethnic, linguistic or religious affiliations declaration is non-mandatory, and on how to address open-ended questions, and not to affiliate a person to a specific group based on the presumption of visible or linguistic characteristics.

¹⁵ In 2011, fewer than 40 persons out of the 4 284 889 persons residing in Croatia declared dual ethnicity (State Bureau for Statistics).

¹⁶ According to the 2011 population census, there are 16 975 Roma living in Croatia, while estimates vary between 30 000 and 40 000. According to the [National Roma Inclusion Strategy 2013 to 2020](#) (p.26), Roma in Croatia include three main groups: Kalderaši and Lovari who mainly speak Romani (*romani čhib*), and Boyash Roma who speak Boyash Romanian (an old Romanian dialect which they call *ljinba d'bajaš*). According to the 2018 [‘Roma Inclusion in the Croatian Society: a Baseline Data Study’](#), 61% of the interviewed Roma declared themselves as Boyash, including the 6% using the equivalent word Koritari; 3% as Čergari, 3% as Ashkali; 1.5% as Lovari; 0.5% as Kolompari or Gagari, whilst 25% said ‘other’, and 6% did not know or refused to answer. According to the same study, 74.1% of the interviewed Roma declared speaking Boyash Romanian, 36.5% Romani, and 17% other languages, including Albanian, Macedonian and Italian.

¹⁷ See the [Fourth Opinion](#) of the Advisory Committee on Croatia, para. 14, which referred to “irregularities in the [2011] enumeration process that appear to have particularly affected persons belonging to the Serb and Roma minorities.”

¹⁸ Albanian, Bosniak, Czech, Roma and Serb national minorities referred to the under-reporting of ethnicity in the census. See also [Fourth Opinion](#) of the Advisory Committee on Croatia, para.12, concerning similar remarks by representatives of the Slovak national minority.

¹⁹ Some representatives of the Roma national minority indicated, however, that the awareness of the Roma national minority has changed over recent years as they are increasingly politically active and declaring themselves as Roma.

²⁰ See [Fourth Opinion](#) of the Advisory Committee on Croatia, para. 12.

²¹ [ACFC Thematic Commentary No. 4](#), para.9.

²² [ACFC Thematic Commentary No. 4](#), para.16-17.

²³ ‘The fundamental principles of official statistics in the context of population and housing censuses’ of [UNECE recommendations](#) of the Conference of European Statisticians Recommendation for the 2020 Censuses of Population and Housing”, United Nations Economic Commission for Europe, New York and Geneva, 2015, Annex II, para 41.

47. The Advisory Committee observes that there is overall a certain degree of mistrust in both the procedure and the accuracy of the results of the last census, which negatively impacts the confidence in the representativeness of some institutions, in particular where the enjoyment of certain minority rights is dependent on census-based thresholds. It therefore regrets that the 2021 census questionnaire has already been finalised without giving sufficient opportunity for persons belonging to national minorities to provide feedback about previous experience and challenges faced and suggestions for the forthcoming census.

48. The Advisory Committee welcomes the plans to ensure proportional representation of national minorities among interviewers as it may lead to a greater confidence in census results from national minorities. However, in the absence of a quota system for recruiting persons belonging to national minorities as interviewers, it remains unclear how the authorities can guarantee their envisaged proportional representation among interviewers.

49. As regards the basic requirements expected in the recruitment process of census interviewers, the Advisory Committee points out that it might be difficult for certain national minorities to fulfil the requirements of completed secondary education and good computer literacy which may have a disproportionate effect, in particular for the Roma. In those particular cases, census interviewers should be accompanied by persons belonging to national minorities from the area, who could help to ensure that the questions are correctly interpreted and well understood, leading to a more accurate data collection.

50. Given the potential frequency of multiple identities in Croatia's diverse society, the Advisory Committee considers highly relevant that, prior to the census, specific information is provided to the public, and to persons belonging to national minorities in particular, regarding the possibility of indicating multiple affiliations. Furthermore, the Advisory Committee is concerned by the fact that in previous censuses multiple affiliations have not been reflected as separate categories, but categorised as 'other', which may have discouraged the respondents from declaring their belonging to more than one ethnicity for fear that a minority threshold might not be met, thus negatively impacting the rights of that particular national minority. It thus reiterates its view that an open list containing at least the constitutionally recognised minority affiliations and most common minority languages, or a possibility to mark 'multiple' and then specify, could encourage more individuals to freely indicate their affiliation, including by simply crossing various boxes.²⁴

51. The Advisory Committee considers it important to have the possibility to declare multiple ethnic affiliations in the

census.²⁵ Having in mind that in Croatia the enjoyment of minority rights is dependent on thresholds and census-based evidence, the Advisory Committee underlines that declaring multiple affiliations under the population census should not have any negative impact on applying thresholds for minority rights. Furthermore, it considers that, in post-conflict areas in particular, declaring multiple affiliation could be a potential asset for reinforcing inter-ethnic dialogue and demonstrating a cohesive society.

52. The Advisory Committee urges the authorities to ensure that both the census procedure and questionnaire are in accordance with international standards, so as to increase trust in data collection process and census results; the category of 'other' should not be used to classify or reflect multiple affiliation.

53. The Advisory Committee encourages the authorities to consult with national minority representatives in future data collection exercises, including on the census methodology and the questionnaire; and ensure the involvement of representatives of national minorities in the analysis and display of the data.

54. The Advisory Committee encourages the authorities to translate, as planned, the 2021 census questionnaire into all languages spoken by national minorities; ensure the representation and training of persons belonging to national minorities, including Roma, among census interviewers; to distribute information through public meetings and raise awareness through public media on the importance of the principle of free and voluntary self-identification prior to the census and the possibility for national minorities to declare their ethnic, linguistic or religious affiliation, and multiple affiliations.

Legal framework for combating discrimination (Article 4)

55. Both the National Plan to Combat Discrimination for 2017-2022 and its Action Plan for 2017-2019²⁶ aim to strengthen the Anti-Discrimination Act adopted in 2008, which prohibits, in Articles 1 and 2, direct and indirect discrimination on the grounds of, *inter alia*, race or ethnic affiliation, religion and language.²⁷ The Act on the Rights of National Minorities, the Labour Act, the Gender Equality Act, the Civil Partnership Act, the Civil Servants Act and the Criminal Code also contain anti-discrimination provisions. Article 125 of the Criminal Code specifies the criminal offence of "Violation of Equality", defining it as the deprivation, 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

²⁴ See [fourth opinion](#) of the Advisory Committee on Croatia, para. 13.

²⁵ As practiced in certain states parties to the Framework Convention, the mixed national and ethnic identification could be presented in the census results as follows: a) first identification (declared in reply to the first question); within this category those who provided only one national or ethnic identification would appear; the total answers would then be 100% of respondents; b) second identification (declared in response to the question on more than one affiliation); c) total of all national/ethnic identifications regardless of the number and order of declarations (answers to the first or to the second question), including the number of people who provided their 'other' identification together with their national affiliation (the total would then probably be above 100% of respondents).

²⁶ See these documents and the monitoring report of the Action Plan on [GOHRRNM website](#).

²⁷ ECRI's [Fifth Report on Croatia](#), adopted in March 2018, para. 9, "note[d] with satisfaction that the Act [was] widely considered to be a very comprehensive law covering key aspects of [its] General Policy Recommendation No. 7." See also ECRI recommendations, para. 15.

(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).

56. According to interlocutors of the Advisory Committee, the free legal aid system based on the Free Legal Aid Act²⁸ for civil cases is not fully functional, lacks in quality and effectiveness²⁹ and leads to inequality among citizens, since, depending on their financial status, they are put in an unequal position in exercising or protecting their rights. This is particularly the case for the most socially vulnerable living in more remote or isolated areas, and for returnees, most of them belonging to the Serb national minority. Although state budgetary allocations for the organisation and provision of free legal aid, in particular primary legal aid,³⁰ have continuously increased since 2017,³¹ reaching €3.25 per capita in 2018,³² the efficiency of the free legal aid system is still regarded as insufficient by the Ombudsperson's office due to a lack of transparency of the system for obtaining legal aid, lack of information to those in need of legal aid and a lack of efficiency of some authorities taking decisions of free legal aid.³³ The Advisory Committee was informed that the UNHCR continues to provide free legal aid in civil registration to undocumented and stateless persons through its partner (Civil Rights Project Sisak) and that the Ministry of Justice financed in 2019 and 2020 projects for the provision of free legal aid to members of the Serb national minority and other economically disadvantaged citizens in Šibenik-Knin and Zadar counties.

57. The Advisory Committee reiterates the importance for the authorities to prioritise attention to minority rights as an integral part of the government human rights agenda and the need to

develop, in close consultation with minority representatives, effective mechanisms to ensure that persons belonging to national minorities enjoy their rights without negative consequences resulting from that choice.

58. The Advisory Committee notes that the non-discrimination legal framework is positively assessed by national minorities. However, the registered number of criminal cases connected to discrimination remains rather low, while the number of civil discrimination cases is even decreasing.³⁴ Non-governmental organisations which have the ability to file an *actio popularis*³⁵ do not appear to have the necessary human and financial resources to engage in this field. Furthermore, representatives of national minorities feel that the awareness about and the implementation of the Anti-Discrimination Act, especially at the local level, is insufficient. In this respect, the Advisory Committee takes note that, following a proposal from the Ombudsperson,³⁶ the government established a Working Group for Monitoring the National Plan to Combat Discrimination 2017-2022 on 15 April 2019, but regrets that no national minority representatives participate in this Working Group.³⁷

59. The Advisory Committee welcomes the increase of financial support for free legal aid by the authorities in 2018-2020. Nevertheless, it considers that the efficiency of the free legal system needs to be improved to ensure that it provides for equal access to justice for all persons belonging to national minorities, in particular the most vulnerable, especially where as many as one fifth of the Croatian population live at a risk of poverty.³⁸

60. The Advisory Committee calls on the authorities to promote and implement measures to combat and sanction any form of discrimination, including intersectional discrimination,

²⁸ A new Free Legal Aid Act entered into force on 1 January 2014 (Official Gazette no. 143/13) which ensures access to free legal aid. The procedure for receiving free legal aid has also been simplified in that recipients can directly approach primary legal aid providers (authorised organisations, legal clinics or government administration offices) and adjusted to the needs of both its recipients and providers. Currently, 49 associations, including several Roma NGOs, and three legal clinics are registered with the Ministry of Justice as entities authorised to provide primary legal aid. The funds for free legal aid are secured in the central budget and allocated to the authorised organisations and law school legal clinics, based on their approved projects. When approving specific projects, special weight is given to the focus of services offered by primary legal aid providers on legal assistance to vulnerable social groups, including national minorities (ps.41-45 of the [fifth state report](#)).

²⁹ Problems include slowness in apportioning and allocating state budget funds to certified providers of aid; funds available are time-limited, which often raises doubts about the continuity of aid providers' work, and their ability to provide legal aid to the most socially at-risk persons, those in more isolated, rural areas.

³⁰ Free legal aid is provided as primary or secondary legal aid. [Primary legal aid](#) (provided by state administration offices in counties, the City Office for General Administration of the City of Zagreb, authorised associations and legal clinics) includes general legal information, legal advice, drafting submissions before public bodies, the European Court of Human Rights and international organisations, representation in proceedings before public bodies, as well as legal assistance in out-of-court peaceful dispute settlement. [Secondary legal aid](#) (provided by attorneys at law) includes legal advice, drafting submissions in the procedure of protection of workers' rights before the employer, drafting submissions in court proceedings, representation in court proceedings, legal assistance in the peaceful dispute settlement, and exemption from payment of court costs and court fees.

³¹ In 2017 allocations for primary legal aid increased by 50% compared to 2016, with a further 20% increase in 2018, 50% in 2019 and 10% in 2020.

³² See European judicial systems CEPEJ Evaluation Report, Part 1, Tables, graphs and analyses, 2020 Evaluation cycle [2018 data]; pp. 39-40.

³³ See the [Annual Ombudsperson's Report for 2019](#) (available in Croatian), pages 13-14: During 2019, the Ombudsperson received 50% more complaints than in 2018 due to non-realisation of free legal aid due to difficulties in hiring lawyers and the length of time to resolve requests for secondary free legal aid. This is because some county administrative departments resolve requests untimely, but also citizens, due to lack of information, submit requests too late and in the meantime the deadlines for filing complaints, appeals, lawsuits or other legal remedies expire. Many potential users of free legal aid do not use the Internet as a primary source of information and would need to be more intensively informed by public bodies through media and leaflets. Furthermore, county administrative departments do not apply the same rule for appointing a lawyer in the system of secondary free legal aid: some departments require citizens to submit the consent of the lawyer who will represent them, while others appoint lawyers at the time of the decision approving the free legal aid.

³⁴ [2019 Croatia country report on non-discrimination by the European network of legal experts in gender equality and non-discrimination](#), ps.66-67.

³⁵ See Article 24 of the [Anti-Discrimination Act](#) – Joint legal action for the protection against discrimination.

³⁶ See the [Annual Ombudsperson's Report for 2018](#), p.13.

³⁷ The Working Group includes, however, a member of civil society: the Osijek-based Centre for Peace, Non-violence and Human Rights.

³⁸ See the [Annual Ombudsperson's Report for 2018](#), p.18.

whilst paying particular attention to groups at risk such as Roma and Serb national minorities and returnees; in this respect, it calls on the authorities to further improve the efficiency of the system of free legal aid to ensure equal access to justice for all persons belonging to national minorities, in particular the most vulnerable who are subject to discrimination.

61. The Advisory Committee invites the authorities to include representatives of national minorities in the composition of the Working Group for Monitoring the National Plan to Combat Discrimination 2017-2022.

Institutional framework for combating discrimination (Article 4)

62. The Ombudsperson, a multi-mandated³⁹ independent authority, acts as the commissioner of the Parliament responsible for combating discrimination and promoting and protecting human rights and supervises compliance with the Anti-Discrimination Act, with the exception of certain discrimination grounds that fall within the remit of three specialised ombudspersons.⁴⁰ Its competences include dealing with complaints of discrimination, including in the private sector, providing information to persons who complain of discrimination about their rights and remedies, increasing public awareness, conducting surveys and collecting and analysing data on discrimination.⁴¹

63. Although the Ombudsperson cannot issue binding decisions or impose sanctions, it can give warnings, proposals, opinions and recommendations. While the Ombudsperson has the right to file criminal charges to the State Attorney's office, to launch joint proceedings before civil courts as an intervener *sui generis* and to initiate cases before misdemeanour courts, it can only initiate cases before civil courts for cases of discrimination concerning the collective interests of a certain group, but not individual ones.⁴²

64. The Ombudsperson's office indicated that relations with the Parliament and certain public offices have improved; the human and financial resources to address alleged cases of discrimination, including concerning persons belonging to national minorities, are assessed as sufficient. However, it acknowledged that further human and financial resources would help increasing awareness about its competences and possibilities for protection and the number of mobile teams,⁴³ to reach out more remote geographical areas and vulnerable communities. Its regional offices based in Osijek, Rijeka and Split are effective examples for increasing its visibility.⁴⁴ In Čakovec and Vukovar, where respectively a significant number of Roma and Serbs live, there are no such offices.⁴⁵

65. According to the Ombudsperson, the Roma and the Serb national minorities are among the groups most exposed to various forms of discrimination.⁴⁶ Persons belonging to the Serb minority face primarily discrimination in the employment sector.⁴⁷ Serbs who returned to places of their pre-war residence - mostly elderly people with very low income and who are living in under-developed rural areas where basic services are unavailable – are also affected by discrimination, typically on multiple grounds, including national origin, age, and financial status.⁴⁸ Persons belonging to the Roma minority face discrimination in the fields of education, employment,⁴⁹ housing and health protection and are exposed to ethnic profiling, notably when entering shopping centres.⁵⁰ Roma women face double discrimination on account of both gender and ethnic origin.⁵¹

66. The Advisory Committee notes that the Ombudsperson continues to play an important role in ensuring equality and thus fighting racism and intolerance in cases involving allegations of misconduct by public authorities or civil servants. It welcomes the fact that the avenue of redress provided by the Ombudsperson appears to be relatively well known, and its independence generally recognised and valued by human rights activists and national minority associations and representatives.

³⁹ Ombudsman, National Preventive Mechanism, National Human Rights Institution and Equality Body (Ombudsman Act of 25 Sept. 1992).

⁴⁰ The Ombudsperson for Persons with Disabilities, the Ombudsperson for Children, and the Ombudsperson for Gender Equality.

⁴¹ ECRI, in para. 17 of its [Fifth Report on Croatia](#), noted that the Ombudsperson conforms with recommendations of ECRI General Policy Recommendation no. 2. on national specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level.

⁴² See recommendation of para. 18 of [ECRI Fifth Report on Croatia](#), p.14.

⁴³ In Međimurje County, the mobile teams work with the police, teachers, social workers and representatives of the Roma national minority.

⁴⁴ As in the previous years, the most complaints received in 2018 by the Ombudsperson's office were from the Zagreb County and the City of Zagreb, followed by the Primorje-Gorski Kotar, Split-Dalmatia, and Sisak-Moslavina counties where regional offices exist ([Annual Ombudsperson's Report for 2018](#), p.5. See also ps.7-8 for complaints filed in the three regional offices).

⁴⁵ Instances of discrimination in the field of employment faced by persons belonging to the Roma national minority in Čakovec were reported to the Advisory Committee during its visit and Roma interlocutors were not aware that they could address a complaint to the Ombudsperson.

⁴⁶ See the [Annual Ombudsperson's Report for 2018](#), ps.39-48. See also the [2019 Croatia country report on non-discrimination by the European network of legal experts in gender equality and non-discrimination](#), p.6.

⁴⁷ See the [Annual Ombudsperson's Report for 2018](#), p.51. An Albanian representative also complained about discrimination faced by persons belonging to this national minority in the field of employment, especially in the private sector.

⁴⁸ See the [Annual Ombudsperson's Report for 2018](#), p.49. The exposure to heightened risk of hate speech and ethnically motivated violence, and the insufficiently effective system of housing care, including delays in the reconstruction of war-damaged houses, contribute to these difficulties. As an example, the Ombudsperson acted upon a case in 2018 when a returnee family's house and farm buildings had been set on fire. The police established that the fire had been started deliberately, but the perpetrators have not yet been found.

⁴⁹ In Čakovec, instances of alleged discrimination by private employers were reported to the Advisory Committee by persons belonging to the Roma national minority.

⁵⁰ See the [Annual Ombudsperson's Report for 2018](#), p.54. See also the [2018/2019 Civil Society Monitoring Report on implementation of the National Roma Integration Strategy in Croatia focusing on structural and horizontal preconditions for successful implementation of the Strategy](#), p.21.

⁵¹ "Roma women are excluded from the labour market to a much greater extent, with 75% of them unemployed or working as housewives, and 58% of those in working age having never been employed, while only 20.8% of Roma women and 54.4% of Roma men worked for money in the last 365 days" ([Annual Ombudsperson's Report for 2018](#), p.54).

However, the Advisory Committee observes that, despite an 8.6% increase of the number of complaints received by the Ombudsperson in 2018 compared with the previous year,⁵² the number of complaints submitted by national minorities remains low. Against this background, the Advisory Committee underlines the particular importance of awareness-raising among national minorities, and the most vulnerable ones like the Roma, on measures they can take when faced with discrimination, and of ensuring that they are not prevented from accessing justice in such cases due to a lack of awareness and financial means. The Advisory Committee further notes that the Ombudsperson has not been able to make sufficient use of its strategic litigation possibilities. It considers that the Ombudsperson's office should be equipped with the necessary human and financial resources to carry out this function.

67. Furthermore, the Advisory Committee takes note of existing measures undertaken to promote non-discrimination: the National School for Public Administration participates in the implementation of training aimed to promote human rights, non-discrimination and equality intended for state officials, civil servants and employees in legal entities with public authority, elected officials and officials in local and regional self-governments.⁵³ Training for police officers, state attorneys and judges on human rights and on combating racial discrimination and racist violence are organised under the National Plan for the Protection and Promotion of Human Rights. Free of charge training is also provided by the Ombudsperson's office to judges, state attorneys, media, the police, public servants, NGOs and trade unions. The Advisory Committee has not received any information on how many officials have taken part in this training or the impact it has made on the enjoyment of minority rights.

68. The Advisory Committee considers that more investment should be made in training programmes, particularly for law enforcement bodies, legal professionals and public officials, so as to overcome discrimination, including intersectional discrimination, prejudice and structural disadvantages faced by persons belonging to national minorities and increase trust in these institutions. National minority representatives should be systematically involved in such training to provide testimonials.

69. The Advisory Committee encourages the authorities to equip the Ombudsperson's office with sufficient human and financial resources so it may make full use of its strategic

litigation possibilities, increase its awareness-raising activities, set up mobile teams to reach out to remote areas inhabited by Roma communities and establish additional regional offices, starting with Čakovec and Vukovar.

70. The Advisory Committee invites the authorities to evaluate the effectiveness of training on human rights and non-discrimination provided to law enforcement, legal professionals and public officials and its impact on the enjoyment of the rights of persons belonging to national minorities, as well as adapt training programmes where needed.

Equality data and measures to promote full and effective equality (Article 4)

71. During the negotiation process for Croatia's accession to the European Union, results concerning the implementation of legislation for combating discrimination and hate crime were recorded and the authorities' activities were co-ordinated in terms of data collection, analysis and monitoring of the implementation of relevant legislation.⁵⁴

72. The Ombudsperson, however, is of the view that a general lack of data is recurrent in Croatia.⁵⁵ As an example, there is a lack of information on how many Roma have health insurance (see Effective participation in socio-economic life-access to health care under Article 15 below), as well as a lack of statistical data on the beneficiaries of social welfare services that could provide insight into how many Roma families use the General Minimum Allowance.⁵⁶

73. The Advisory Committee reiterates the importance of regularly collected reliable and disaggregated equality data⁵⁷ so as to ensure that authorities base their equality promotion policy instruments on data related to the actual situation and access to rights of persons belonging to national minorities. Manifestations of multiple discrimination that may be experienced should be taken into account. Particular attention must be paid to persons belonging to the most disadvantaged groups.⁵⁸

74. The Advisory Committee regrets the general lack of disaggregated data by ethnicity in Croatia. The Advisory Committee therefore welcomes the GOHRRNM's initiative to publish a brochure for public bodies and institutions stressing the need of collecting data for fighting discrimination and to set up a database on equality data through the Twinning project⁵⁹ which, however, is currently not functional. It also acknowledges

⁵² Most of the complaints filed in 2018 were in the area of discrimination (12%), followed by labour and civil service relations (11%), and the judiciary and health care, with 10% each. The biggest increase, 70%, was noted in the field of protecting the rights of war veterans and their family members. On the other hand, the biggest drop was recorded in the area of enforcements, with 40% fewer complaints than the year before, followed by property relations, and reconstruction and housing care (source: the [Annual Ombudsperson's Report for 2018](#), p.4).

⁵³ No information could be provided by the authorities concerning the ethnic affiliation of the participants to such training.

⁵⁴ "the use of statistical evidence in order to establish indirect discrimination is not regulated by national law. There are no obstacles, in anti-discrimination law or in civil procedural legislation, to the use of statistical evidence. There is still no case law on this issue" European network of legal experts in gender equality and non-discrimination, [2019 Croatia country report on non-discrimination](#), p.26.

⁵⁵ "As regards combating discrimination on account of race, ethnicity, skin colour and national origin, statistical data on the national minorities in the Republic of Croatia are either mostly non-existent or insufficiently reliable or verifiable, or are collected irregularly" ([Annual Ombudsperson's Report for 2018](#), p.50).

⁵⁶ Ibid.

⁵⁷ Equality data include *inter alia* qualitative studies, surveys, interviews, and anonymous testing. For more information on what is expected in terms of equality data, see [European handbook on equality data](#) (2016 revision). See also 'Equality data indicators: Methodological approach Overview per EU Member State Technical Annex' published by the European Commission in 2017.

⁵⁸ See [ACFC Thematic Commentary No. 4](#), para.66.

⁵⁹ See some outcomes of the [Twinning project](#) "Comprehensive system for anti-discrimination protection" whose beneficiaries were the Office of the Ombudsperson and the GOHRRNM. The database on equality data was part of the second component.

the authorities' recent efforts to collect and analyse data concerning the Roma, namely through the 'Roma Inclusion in the Croatian Society: A Baseline Data Study' carried out in 2018 by the GOHRRNM and the Centre for Peace Studies.⁶⁰ The Advisory Committee regards this study as a positive example of an analytical framework for designing short-term and long-term action priorities, based on social and geographical mapping of the Roma population in Croatia, which can help the authorities measuring the mid-term and long-term effects of the implementation of the National Roma Inclusion Strategy. The Advisory Committee expects that similar studies will be conducted regularly to allow for comparisons over time.

75. The Advisory Committee calls on the authorities to increase their efforts to set up a database on equality data with disaggregated data concerning discrimination faced by national minorities, and to design effective policies and measures based on this evidence.

Operational Programmes for National Minorities (Article 4)

76. In order to further improve the implementation of the Constitutional Act on the Rights of National Minorities, the government adopted, on 24 August 2017, Operational Programmes for National Minorities for the period 2017-2020. One such Programme is general and applies to all national minorities listed in the Preamble to the Constitution and for which 35 activities have been identified;⁶¹ other Programmes are tailored to the needs of the Serbs, Italians, Hungarians, Roma, Albanians, Czechs and Slovaks, for which a total of 57 activities were identified.⁶²

77. During the reporting period, the GOHRRNM conducted numerous seminars and training related to the rights of national minorities and designed public campaigns to raise awareness of national minorities about their rights or increase awareness among the general public of minority issues.⁶³

78. Interlocutors of the Advisory Committee unanimously welcomed the adoption of the Operational Programmes for National Minorities. Persons belonging to the Czech, Hungarian,

Roma and Serb national minorities welcomed in particular the adoption of specific operational programmes designed for their respective minority and expressed satisfaction about clearly defined activities, responsibilities and deadlines. Members of the Council for National Minorities generally expressed satisfaction about the opportunity given to them to develop, implement and monitor, in collaboration with public services, many of the specific activities of the Operational Programme(s) for National Minorities, but some of them regretted that 55% of all planned activities under these programmes had not yet been fully implemented and 40% not even started.⁶⁴

79. The Advisory Committee welcomes the adoption of Operational Programmes for National Minorities for the period 2017-2020, but regrets delays in the implementation of some of the planned activities. Furthermore, the Advisory Committee considers that the goals of these Operational Programmes are sometimes vaguely formulated and are not specific enough: activities referred to as "continuous" lack a specific timeframe, and some of the actions have no qualitative and quality indicators. By comparison, the Advisory Committee finds the National Roma Inclusion Strategy better designed.

80. The Advisory Committee calls on the authorities to design and implement the Operational Programmes for National Minorities 2021-2024 in close consultation with persons belonging to national minorities, ensuring that these programmes include concrete targets, clear indicators, timeframes and budgetary allocation.

National Roma Inclusion Strategy (Article 4)

81. The authorities continue implementing policies aimed at improving the living conditions and social inclusion of the Roma by further developing the National Roma Inclusion Strategy 2013-2020 (hereinafter "the Roma Strategy"),⁶⁵ and intend to continue the Roma Strategy beyond 2020.⁶⁶ Over the reporting period, the GOHRRNM, which is responsible for supervising the planning, implementation and monitoring of the Roma Strategy, co-ordinated various public consultations involving a large number of national and local stakeholders in all counties with a

⁶⁰ The GOHRRNM acknowledged in the foreword of this 'Baseline Data Study' the difficulty in measuring impact of policies without data, see foreword of the [Roma Inclusion in the Croatian Society: a Baseline Data Study](#), p.9.

⁶¹ Activities pertaining to all national minorities focus *inter alia* on monitoring the exercise of their right to use their language and script, the provision of education in the language and script of national minorities, the protection and preservation of their cultural autonomy, appropriate access to the media, securing resources for the work of national minority associations, ensuring representation of national minority representatives in state and local level representative bodies and in administrative and judicial bodies, as well as their participation in public life and governance in local affairs through councils, and representatives of national minorities, promotion of development programmes in areas where historically persons belonging to national minorities also live, and which are demographically, economically or socially impaired and well below the average of national development.

⁶² The [Operational Programmes for National Minorities of the Government of the Republic of Croatia](#) are publicly available in Croatian but have not been translated into English. See the [fifth state report](#), p.8, for more details. The GOHRRNM contributes to the drafting of national strategies, programmes and action/operational plans for the protection of national minority rights. It also monitors their implementation, prepares [annual reports on the implementation of the Constitutional Act and on the use of funds provided for the needs of national minorities in the national budget](#), which are later submitted to the Parliament in accordance with the Constitutional Act, and publishes them on its [website](#). These reports are not translated into English but most of the information is available in English through state submissions to the competent committees and bodies of international organisations.

⁶³ For examples of seminars, training activities and awareness-raising campaigns, see the [fifth state report](#), ps.8-9, 11, 18-19, 22.

⁶⁴ According to a Report on the Implementation of the Operational Programmes for National Minorities for the period from 24 August 2017 to 24 February 2019 adopted by the government on 1 August 2019, out of a total of 92 identified activities, only four activities have been finalised, 54 activities are ongoing and the others have not yet started.

⁶⁵ For more details, see the English version of the [National Roma Inclusion Strategy 2013 to 2020](#), adopted in November 2012.

⁶⁶ The authorities indicated that, while it is difficult to predict even short-term developments following the earthquake from March 2020 and still ongoing Covid-19 pandemic, the plan is to have an initial draft of a post 2020 Roma Strategy ready at the time of publishing the new European Commission Policy Guidelines on Roma inclusion in October 2020.

large Roma population.⁶⁷ It has shared baseline data and the results and lessons learnt from the evaluation of the previous Action Plan conducted by the Commission for the monitoring of the implementation of the Roma Strategy.⁶⁸

82. The Advisory Committee heard complaints from representatives of the Roma national minority that little attention is paid to the implementation of Roma Strategy measures at the level of some local and regional self-government units.⁶⁹ These interlocutors explain the lack of responsibility as due to limited involvement of these local and regional authorities in the initial design and implementation of the Roma Strategy.

83. The Advisory Committee welcomes the state authorities' commitment to continue improving the living conditions and social inclusion of Roma, not only in the four key action areas of the Roma Strategy (education, employment, housing and health), but also in additional areas including social welfare, legal status, and statistical data collection. It notes with satisfaction that a number of activities of the Roma Strategy targeted and involved Roma youth and women.⁷⁰ It also welcomes the longstanding existence of the Commission for the monitoring of the implementation of the National Roma Inclusion Strategy, its composition and the high political support it receives.⁷¹

84. However, the Advisory Committee notes with concern that despite longstanding policy measures adopted by the government, the situation of the Roma minority remains characterised *inter alia* by high levels of social exclusion, school drop-out rates, unemployment, and poor living conditions (see Articles 12 and 15). The Roma Strategy fails to include concrete measures targeting antigypsyism as a specific form or racism. The Advisory Committee takes note of the authorities' endorsement of the IHRA working definition of 'antigypsyism'⁷² and commitment to incorporate it into its new National Roma Inclusion Strategy and draws the authorities' attention to relevant ECRI recommendations⁷³ which could be used to design specific measures in this area. It also notes that several measures related to the Roma Strategy are implemented by local authorities or NGOs through EU short-term funded projects which is not conducive to achieve sustainable impact.

85. Furthermore, the Advisory Committee is of the view that the impact of Roma Strategy-related policy measures and activities needs to be more systematically analysed from a gender perspective. It takes note of the information received from some Roma interlocutors that an independent research on gender equality should be considered when designing a post-2020 Roma strategy addressing intersectional and multiple discrimination resulting from the alleged traditional role of women and girls within Roma families and early and/or arranged marriages. The Advisory Committee considers it relevant to undertake such independent research provided it is carried out in close consultation with Roma women and girls.

86. The Advisory Committee strongly encourages the authorities to involve a broader range of regional and local authorities in the design of the next National Roma Inclusion Strategy and to include concrete measures addressing antigypsyism in society, as well as independent research on gender-based intersectional and multiple discrimination, ensuring sustainability of actions through long-term state funding.

Preservation and development of minorities' identity, language and cultural heritage (Article 5)

87. Pursuant to Article 15 of the Constitutional Act on the Rights of National Minorities, persons belonging to national minorities may establish associations, trusts and foundations in order to preserve, develop, promote and express their national and cultural identities.⁷⁴ The Ministry of Culture and the Agency for Electronic Media through the Fund for the Promotion of Pluralism and Diversity of Electronic Media, co-finance cultural programmes that contribute to the preservation of the cultural heritage of minorities in Croatia.

88. Various programmes and projects for promoting the cultural autonomy of national minorities in the fields of culture, education, information and publishing are financed from the state budget⁷⁵ and their implementation monitored by the Ministry of Culture and the Council for National Minorities. The Council for National Minorities and the GOHRRNM award

⁶⁷ See for instance the CAHROM [Thematic report on national experiences of social and/or geographical mapping of Roma communities and their concrete impact in policy developments and data collection](#) hosted by Croatia in May 2019.

⁶⁸ Apart from monitoring the National Roma Inclusion Strategy, this Commission has among its tasks to monitor the allocation and spending of funds for the implementations of the Strategy. For more details about the Commission, see the [fifth state report](#), ps.34-35

⁶⁹ In 2017, only a few municipalities had developed a local action plan for Roma inclusion (see the [2018/2019 Civil Society Monitoring Report on implementation of the National Roma Integration Strategy in Croatia focusing on structural and horizontal preconditions for successful implementation of the Strategy](#), ps.13-14).

⁷⁰ See various activities targeting Roma women and youth and involving Roma minority associations, see [fifth state report](#), ps.14-21.

⁷¹ The Commission is in place since 2003 and has been in all mandates chaired by one of Croatia's deputy prime ministers, while its members have been appointed on an equal number from among the representatives of the relevant government authorities and the representatives of the Roma national minority. The Deputy chairperson is the Roma national minority member in the Croatian Parliament. See a positive assessment of the Commission's structure in CAHROM [Thematic Report on the Empowerment and Participation of Roma and Travellers in Advisory Bodies and Consultation Mechanisms \(with a focus on Roma Women and Youth\)](#), February 2016, p.31.

⁷² See the [legally non-binding working definition of 'antigypsyism/anti-Roma discrimination'](#) adopted on 8 October 2020 by the International Holocaust Remembrance Alliance (IHRA).

⁷³ See [ECRI General Policy Recommendation No.13 revised on combating antigypsyism and discrimination against Roma](#), adopted on 24 June 2011 and amended on 1 December 2020.

⁷⁴ [Fifth state report](#), ps.86-87.

⁷⁵ Funds from the state budget are allocated to associations and institutions of national minorities for the implementation of programmes that support - or create the conditions for - their cultural autonomy and programmes arising from bilateral agreements and treaties. The state funding to ensure the implementation of the Constitutional Act on the Rights of National Minorities grew from HRK 131.1 million in 2016 to HRK 188 million in 2019 (44% increase) while funding for the state-level Council for National Minorities increased from HRK 31,8 million in 2016 to HRK 36 million in 2019

financial support to programmes and projects of associations and institutions of national minorities based on general criteria.⁷⁶

89. In order to promote the rights of persons belonging to national minorities and protect and promote their cultural, national, linguistic and religious identity, the Council for National Minorities, within the available funds of the state budget,⁷⁷ provides financial support to the activities of officially registered associations and umbrella associations of national minorities.⁷⁸ The Council also finances with capital donations the purchase, construction or renovation of NGO headquarters, as well as a large number of operating costs for the work of the associations.

90. As regards the preservation and development of minority languages, the European Charter for Regional or Minority Languages entered into force in Croatia in 1998.⁷⁹ While the Croatian authorities indicated on numerous occasions since 2013⁸⁰ that they would withdraw their reservation and apply the Charter to Romani, Croatia has not yet done so.⁸¹ The authorities reiterated during this monitoring cycle that the withdrawal of the reservation is still under consideration.

91. The authorities' continuous support for the promotion of national minorities' cultural autonomy and the increase by 21% of state subsidies in this respect during the reporting period, has been welcomed by persons belonging to national minorities. A representative of the Albanian national minority, however, indicated that funding allocated to the Albanian minority was not sufficient to preserve its cultural heritage. Other numerically smaller national minorities with ageing population (such as Austrians and Germans) are further disadvantaged by the lack of more targeted cultural activities towards the elderly such as activities in homes for retired persons. State support to cover the costs of employees, in particular for umbrella organisations, is insufficient, as reported by a representative of the Ukrainian and Ruthenian national minorities' umbrella organisation.

92. The Advisory Committee heard about positive initiatives at local level promoting minorities' culture. In Osijek, where all 22 officially recognised national minorities are present, the Day of National Minorities is celebrated every year on 9 May, and cultural activities of minorities are supported and regarded as significantly enriching local social life. In Rijeka, the only Croatian city participating in the Council of Europe's intercultural cities programme, initiatives and EU-funded projects conducted under 'Rijeka 2020 European Capital of Culture' involved local minorities and contributed to the promotion of their culture.⁸²

93. The Advisory Committee reiterates that the creation of suitable conditions for persons belonging to minority groups to preserve and develop their cultures and to assert their respective identities is considered essential for an integrated society.⁸³ While welcoming the involvement of external donors in various projects and initiatives, the Advisory Committee reiterates that the primary responsibility for addressing the above lies with the state authorities. Heavy reliance on external funding can undermine the authorities' ownership of the process and hamper the effectiveness and long-term impact of this work.

94. The Advisory Committee welcomes the authorities' strong and continuous commitment to financially support the cultural autonomy of national minorities. However, it considers that different elements of the culture of all national minorities, including their history, language, cultural heritage and contribution to society at large, need to be fairly and equally promoted throughout the Croatian society. It considers that financial support for the cultural autonomy of national minorities should be increasingly allocated to meet the need for integration and cohesion between different minority groups and the majority in society.

95. Given the achieved standards of minority protection in Croatia, the authorities should withdraw their reservation to Article 7.5 of the European Charter for Regional or Minority

(13% increase). This includes HRK 840 000 allocated for the cultural autonomy of Roma, HRK 60 000 for national minority festivals, and HRK 500 000 for financial support for an Italian drama under a bilateral treaty with Italy. See also Annex 4 of the [fifth state report](#), p.179, for an overview of the funds allocated to associations and institutions of national minorities from the state budget through the Council for National Minorities for the period 2014-2018.

⁷⁶ The criteria include the contribution to the preservation of ethnic, cultural and linguistic identity, whilst promoting integration into society; the promotion of tolerance and respect of the constitutional order; the building of multi-ethnic and multicultural trust; or the implementation of provisions of bilateral agreements and treaties on the protection of the rights of national minorities to which Croatia is a signatory.

⁷⁷ In the state budget, in part administered by GOHRRNM, funds for financing national minorities' umbrella associations are provided every year. These funds have increased: HRK 22 805 000 in 2017, HRK 40 500 000 in 2018 and HRK 55 500 000 for 2019 and for 2020.

⁷⁸ See Non-governmental Organisations Act, as well as the Ordinance on the Registration Templates and Method for Maintenance of the Register of Associations of the Republic of Croatia and the Register of Foreign Associations in the Republic of Croatia, Official Gazette, no. 74/14 and 70/17 and no. 4/15 respectively. Persons belonging to all national minorities listed in the Constitution have founded their own associations, except for the Turks and Vlachs. Most national minorities have also established their umbrella associations, which include among their members numerous smaller associations of national minorities established and operating in the territory of a municipality, city or county. For a list of national minorities' association and umbrella organisations, see the [fifth state report](#) ps.81-86.

⁷⁹ The rights guaranteed by the Charter are applied to the Czech, Hungarian, Italian, Ruthenian, Serbian, Slovak, Ukrainian, as well as Boyash Romanian, German, Istro-Romanian and Slovenian languages (see [Sixth Report of the Committee of Experts on the European Charter for Regional or Minority Languages on Croatia](#), para. 1).

⁸⁰ See [CAHROM thematic report on the promotion and protection of languages spoken by Roma](#).

⁸¹ When ratifying the European Charter for Regional or Minority Languages in 1997, Croatia made the reservation "that (...) the provisions of Article 7, paragraph 5, of the Charter shall not apply." Article 7.5 covers the promotion of non-territorial languages. See also the [Sixth Report of the Committee of Experts on the European Charter for Regional or Minority Languages on Croatia](#), p.7.

⁸² The cultural and artistic programme of 'Rijeka 2020 European Capital of Culture' was defined by three themes: water, work and migrations. The cultural programme was divided into seven intertwined thematic 'flagships'. Each flagship was developed in co-operation with numerous domestic and foreign partners. Some of the most relevant programmes for promoting the culture and identity of national minorities were '27 Neighbourhoods', 'Times of Power', and 'Kitchen of Diversity'.

⁸³ ACFC [Thematic Commentary No. 3](#), The Language Rights of Persons belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 25.

Languages, which still excludes the Romani language from the Charter's protection. The Advisory Committee considers that the application of the Charter to Romani could help the authorities to promote in a structured way the conditions necessary for persons belonging to the Romani speaking minority to develop their language and culture as essential elements of their identity, and thereby contribute to the implementation of Article 5 of the Framework Convention.

96. The Advisory Committee encourages the authorities to continue supporting national minorities' cultural autonomy, whilst ensuring more transparency in the allocation of funding and increasing financial support for umbrella national minority associations, and taking into account the needs of numerically smaller national minorities or diverse groups within certain national minorities.

97. The Advisory Committee encourages the authorities to complete as soon as possible the procedure for lifting the reservation to Article 7.5 of the European Charter for Regional or Minority Languages for the benefit of Romani speakers, and ensure that the use of minority languages, including those spoken by numerically smaller minorities, is actively supported through funding and other concrete measures.

98. The Advisory Committee invites the authorities to build up on the experiences of Osijek and 'Rijeka 2020 European Capital of Culture' in promoting the cultural heritage of national minorities and their contribution to society at large, and to develop a comprehensive integration strategy and action plan taking into account the competences of various levels of governance and the participation of other stakeholders.

Intercultural dialogue and mutual respect (Article 6)

99. Croatia is a culturally diverse country, dealing with a post-conflict situation, and which also hosts refugees, migrants and returnees. The trauma of the past still persists with families from both the Croatian majority population and national minorities (primarily Serbs) still looking for family members or relatives who disappeared during the 1991-1995 war.

100. Both the National Anti-Discrimination Plan for 2017-2022 and its Action Plan for 2017-2019 address the promotion of peace, tolerance and mutual respect between the majority population and persons belonging to national minorities. The Operational Programmes for National Minorities and the

National Roma Inclusion Strategy also contribute to the strengthening of intercultural dialogue in society through a wide range of projects and initiatives.

101. As an example, the operational programme for the Serb national minority includes projects and programmes for the integration of the Serb national minority, especially of younger generations, into Croatian society, in co-operation with elected representatives and institutions of the Serb national minority, promotes regional co-operation between Serbs from Croatia and Croats from Serbia, and includes the establishment of a Foundation for the Promotion of Dialogue and Co-operation between Serbs and Croats.⁸⁴

102. Despite some initiatives for strengthening inter-religious dialogue,⁸⁵ the vast majority of the interlocutors met by the Advisory Committee during its visit referred to a surge in radical nationalism, historical revisionism and anti-minority rhetoric in the public and political discourse⁸⁶ to the detriment of the enjoyment of minority rights, in particular in those areas that were heavily affected by the war (See Hate speech and hate crime under Article 6 below). For instance, as a consequence of the rise of historical revisionism in the form of praise for Second World War fascist ideologies, primarily the fascist Ustaša regime, representatives of the Serb and Jewish national minorities, as well as anti-fascist organisations, have broken the practice of participating in commemorations for victims of the Ustaša camp in Jasenovac organised by the state authorities. Since 2016, they have organised separate commemorations.⁸⁷ There have been also instances when persons belonging to the Serb national minority did not participate in peaceful assemblies for fear of being undermined and obstructed by radical nationalist individuals or groups.⁸⁸

103. One of the priorities of the Croatian Presidency of the Committee of Ministers of the Council of Europe (May-November 2018) was the *Effective Protection of the Rights of National Minorities and Vulnerable Groups*. 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. Despite the above, the Advisory Committee heard repeatedly during the visit that national minorities' agenda is less of a priority for the authorities since the accession of Croatia to the European Union.⁸⁹ Interlocutors of the Advisory Committee have stressed that there is obviously still a need to reinforce the sense of belonging to a shared

⁸⁴ 'The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Serb National Council, March 2020, p.11.

⁸⁵ Such as the Inter-Religious Council set up in Rijeka and the "Forum on Religious Prejudice as an Incitement for Hatred" set up by the Centre for Promoting Tolerance and Preserving the Memories of Holocaust.

⁸⁶ See the 2018 Study "[Relativization of NDH crimes violates fundamental values of the Constitution, and lack of reactions to it opens a space for hatred](#)" by the Croatian Ombudsperson who condemned the lack of appropriate reaction of the authorities towards the manifestations of numerous forms of historical revisionism (available in Croatian). See also a [news article about this study](#) in English.

⁸⁷ 'The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Serb National Council, March 2020, p.15.

⁸⁸ Such as at the commemoration held on 30 July 2017 at the location of the former Serbian Orthodox Church in Glina or, in August 2018, when the Serbian cultural society Prosvjeta had to call off the Petrinja festival of traditional music due to public opposition and pressure from war veterans' organisations (source: 'The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Serb National Council, March 2020, ps.18-19).

⁸⁹ See for instance the [Interview with Aleksandar Tolnauer](#), President of the Council for National Minorities from 12 September 2017: "We must not forget that minorities played a vital role in Croatia's accession to the European Union. (...) However, after the country's EU accession, certain political groups started questioning these facts. Thus, we have recently heard one political group putting forward a bizarre suggestion that minorities should be relieved of the decision-making burden".

country bearing in mind the complexity of Croatia's recent history.

104. The Advisory Committee points out that Article 6(1) of the Framework Convention obliges states to take effective measures to promote mutual respect, understanding, and co-operation among all persons living on their territory.

105. The Advisory Committee welcomes the intention expressed by the authorities to pursue a proactive approach in promoting peace and tolerance and improving mutual relations between the Croatian majority population and persons belonging to the Serb national minority. Positive examples of this reconciliation process that occurred in the summer of 2020 are the presence of the new Croatian Deputy Prime Minister – who belongs to the Serb national minority – at the commemoration of the liberation of the Croatian territory, and the mourning of the Serb victims of the 1991-1995 war by the Croatian Prime Minister and other members of the cabinet.

106. However, the Advisory Committee considers that a stronger and cohesive commitment is required from the government to prioritise attention to minority rights as an integral part of Croatia's international and national human rights obligations to confront the revival of radical nationalism, historical revisionism and anti-minority rhetoric and actively promote openness and respect for diversity in society. In this context, the importance of strengthening intercultural dialogue through teaching all students, including those belonging to national minorities, cannot be overestimated (see also Article 12 below). Also, actions taken to promote the rights of national minorities need to be evaluated in order to ascertain if they have had the desired effect; new initiatives should build on the experiences from such evaluations. Assessments should be made through independent research and with the contribution of persons belonging to national minorities.

107. In this regard, the Advisory Committee regrets that no periodical national studies are conducted by independent research institutes to assess the spirit of tolerance towards national minorities in Croatia.⁹⁰ The Advisory Committee can only draw some conclusions from external surveys with limited scope such as the Roma-related 'Special Eurobarometer on Discrimination in the European Union'.⁹¹

108. The Advisory Committee urges the authorities to develop a comprehensive strategy to promote inter-ethnic dialogue and an inclusive society, as well as monitor and evaluate its impact; to support periodical assessment on attitudes towards national minorities and perception of inequality and discrimination in the society.

Hate speech and hate crime, policing and respect for human rights (Article 6)

109. Article 87(21) of the Criminal Code⁹² defines hate crime as a criminal offence committed on account of *inter alia* religion, language or national or ethnic origin. Unless a more severe penalty is explicitly prescribed by this Act, such conduct is also to be taken as an aggravating circumstance. Furthermore, amendments to the Criminal Code⁹³ 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.

110. Hate speech is covered by the criminal offence of incitement to violence and hatred under Article 325 of the Criminal Code. Article 325 (1) criminalises public incitement to violence and hatred and Article 325 (4) penalises the acts of public approval, denial or gross trivialisation of 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 due to 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. The Croatian law provides for punishment of hate speech as a misdemeanour. Civil liability is subject to different legislation, such as the Anti-Discrimination Act, the Law on Public Order and Peace, the Law on Prevention of Violence at Sporting Events and the Law on Public Gatherings.

111. Hate crime data are collected by the Ministry of the Interior, the Prosecutor's Office and the Ministry of Justice. The GOHRRNM also publishes regularly data on hate crime on its website.⁹⁴ For the reporting period (2015-2018), the number of hate crimes recorded by the police increased from 24 in 2015 to 33 in 2018. For the year 2018, the recorded motivated bias were 'racism and xenophobia' (19), bias against Roma (4), antisemitism (2) and bias against Muslims (8).⁹⁵ According to a study published in November 2019 by the EU Fundamental Rights Agency, the Ministry of the Interior recorded eight criminal offences motivated by antisemitism in 2018, the highest number of offences recorded since 2012. Of these eight criminal offences, seven were committed by one offender who wrote antisemitic messages on the doors of public service buildings. Another criminal offence committed was the publication of antisemitic messages on Facebook.⁹⁶

112. In order to improve the data collection system on hate crime, a Working Group has started drafting a new Protocol on Hate Crime, which should be adopted by the end of 2020. This new Protocol aims at collecting relevant statistical data, but also delineating the obligations of institutions dealing with hate crime,

⁹⁰ For instance, through surveys on social distance in society.

⁹¹ See [EU survey](#), ordered by the European Commission, Directorate-General for Justice and Consumers, published in May 2019. 28% of the respondents to this survey declared that they had a friend of Roma ethnic origin; 53% that discrimination towards Roma was fairly or very widespread in Croatia; 37% disagreed with the statement "society could benefit from a better integration of the Roma"; 39% would not be comfortable if his/her child would be in a love relationship with a person belonging to the Roma community; and that 40% considered that the governmental efforts for the integration of Roma in the fields of education, health, housing and employment were ineffective.

⁹² See Article 87(21) of the amended [Criminal Code](#), Official Gazette no. 101/17.

⁹³ Official Gazette no. 126/19.

⁹⁴ See [data on hate crime published on the GOHRRNM webpage](#) (in Croatian).

⁹⁵ See [OSCE ODIHR hate crime web reporting on Croatia](#). Numbers are recorded offences. One incident can involve more than one offence.

⁹⁶ See [Antisemitism – overview of data available in the European Union 2008-2018](#), p.36.

determining the responsibilities of the competent authorities involved in detecting, treating and monitoring the results of procedures conducted in cases of hate crime and defining specific forms for statistical collecting data on hate crime cases. This Protocol will be accompanied by the Form for the Statistical Monitoring of Criminal Offences in conjunction with Article 87 (21) of the Criminal Code, the Form for the Statistical Monitoring of the Criminal Offence of Public Incitement to Violence and Hatred (Article 325) and the Form for the Statistical Monitoring of Misdemeanours.

113. The Croatian police provide general education and training programmes for police officers covering lectures related to human rights, racial and other forms of discrimination, and combating xenophobia and racism at various levels of policing. In 2018 and 2019, the GOHRRNM and the Judicial Academy carried out a set of “Hate Crimes and Hate Speech” workshops for members of judiciary, police, prosecuting authorities and NGOs.⁹⁷ The workshops focused *inter alia* on hate crimes against representatives of national minorities. The programme of these workshops included the European Court of Human Rights case law on hate crimes, notably *Šečić v. Croatia*,⁹⁸ *Škorjanec v. Croatia* and other relevant cases.

114. Both the National Anti-Discrimination Plan for 2017-2022 and its Action Plan for 2017-2019 contain goals and specific activities such as seminars, round tables and training aimed at combating hate speech, violence, racism and discrimination in all areas of social life. To mark the 70th anniversary of the Universal Declaration on Human Rights, on 10 December 2018, the GOHRRNM presented its campaign to combat hate crime and hate speech, including recommendations for combating hate speech on the political scene, appealing to all politicians to condemn any forms of hate speech.⁹⁹ In 2019, awareness-raising initiatives were also carried out by the Agency for Electronic Media and the Central State Office for Sport.¹⁰⁰

115. Despite the above measures, it was reported to the Advisory Committee that the public debate related to national minorities in Croatia is dominated by anti-minority rhetoric, fuelled by prejudice. However, this perception was not shared by all representatives of national minorities.¹⁰¹ Indeed, persons belonging to the Serb¹⁰² and the Roma¹⁰³ national minorities are the most affected by hate speech, whilst the Jewish national minority is also affected by historical revisionism.

116. Members of the Serb National Council expressed deep concerns about the multiplication by almost five between 2014 and 2018 of the number of recorded cases of physical violence against Serbs, anti-Serb rhetoric in parts of the political discourse and historical-revisionist statements and expressions

⁹⁷ A first round of workshops carried out in 2018 was attended by 24 participants. In 2019, 109 participants attended a second round. The authorities indicated that these workshops are expected to continue in 2021.

⁹⁸ For more information, see [Croatia – ECHR factsheet](#).

⁹⁹ This campaign - recognised as a good example of a positive narrative and a counterpoint to unacceptable hate symbols in the [Annual Ombudsperson's Report for 2018](#) - included stickers with lyrics by Enes Kisevic's song 'People are Everywhere People', written in a tree canopy illustration, in response to the highlighting of stickers with a drawing of a hanged man and the inscription 'Serbian family tree' in February 2017. A human rights film festival was also organised in celebration of [International Human Rights Day in December 2017](#).

¹⁰⁰ Raising awareness events against prejudice and stereotypes towards Roma under the [Dosta! Campaign](#) are also regularly organised by the GOHRRNM in the framework of International Human Rights Day celebrations.

¹⁰¹ For instance, persons belonging to the Albanian, Macedonian, Ruthenian national minorities and representatives of the Boyash Romanian-speaking Roma community indicated that the overall level of integration of, and tolerance towards, national minorities was satisfactory.

¹⁰² For several years the Ombudsperson has been witnessing a trend of deteriorating relations of the majority public and certain political actors with regard to the Serb community (source: [Annual Ombudsperson's Report for 2018](#), published in March 2019, p.51).

¹⁰³ See for instance the following articles in Croatian [Protest against Roma in Međimurje: They say they want a normal life, but the target of their propaganda is Roma](#) (June 2019); [Posavec on coexistence: 'Our citizens want only justice and justice](#) (December 2019); [Stormy and Stupid Quarrel in Roma Open in Međimurje The Mayor made grave allegations, mentioned the 'Roma courts'](#) (February 2020).

of sympathies for the Fascist Ustaša regime.¹⁰⁴ They also complained about persistent public expressions of intolerance and hate speech against Serbs (e.g. “aggressors”), racist graffiti featuring Nazi or Ustaša symbols in the streets of various cities, or insults in the form of cries and banners at certain sports events and concerts. In 2019, a gradual increase of physical violence against persons belonging to the Serb national minority has been reported: attacks on young people in Vukovar and on water polo players in Split; assaults and beatings of seasonal workers in Supetar; beatings of men, women and children in Uzdoļje village near Knin.¹⁰⁵

117. Interlocutors repeated that public authorities often fail to address and publicly condemn instances of hate speech, incitement to hatred or hate crimes, radical nationalism, historical revisionism and anti-minority rhetoric in the public and political discourse or in the media, in particular in those geographical areas that were heavily affected by the war. Furthermore, actions taken by the competent judicial bodies show different conceptions of the criminal offence of hate crime meaning that an offence can be differently qualified in case-law. Indeed, most cases on hate speech and hate motivated violence are treated as misdemeanours.¹⁰⁶

118. As a result of the above, discrimination and hate crimes often go unreported to the police. The Ombudsperson estimates that only one fifth of the potential complaints from Roma and Serbs are reported to the police. Indeed, certain groups, in particular the Roma and some of the Serb interlocutors, informed the Advisory Committee of their mistrust in the police.¹⁰⁷ Representatives of the Serb National Council confirmed that individual ethnically motivated incidents, instances of anti-Serb rhetoric and other cases of manifest expressions of intolerance towards Serbs remain unreported to the competent state bodies,¹⁰⁸ often due to discouragement due to these bodies' slow pace or failure to act in similar cases.¹⁰⁹

119. The Advisory Committee reiterates that hate speech and hate crime affect and threaten society as a whole. The Advisory Committee is therefore deeply concerned by a surge in radical nationalism and historical revisionism in Croatia during the reporting period, and by the fact that the public debate related to national minorities is dominated by anti-minority rhetoric and

prejudice. Although it is not always considered to be criminal,¹¹⁰ such a public debate has an overall negative impact on the enjoyment of the rights of national minorities and also potentially threatens the cohesion and harmony of Croatian society; this results in many persons refraining from self-identifying as belonging to a national minority for fear of negative repercussions.

120. The Advisory Committee takes note of a rather comprehensive legal framework on hate crimes and hate speech, and that public expression of an ideology with a racist connotation which claims superiority on the grounds of race, colour, language, religion, nationality or national or ethnic origin is sanctioned as unlawful conduct and that graver forms of such unlawful conduct are sanctioned under the provisions of the Criminal Code, specifically Article 325 (‘Public incitement to violence and hatred’). The Advisory Committee, however, regrets that the Criminal Code is not fully in line with ECRI General Policy Recommendation No. 7 since it does not criminalise the production and storage of written, pictorial or other material containing racist manifestations.¹¹¹

121. The Advisory Committee considers that the provisions on racist motivation as an aggravating circumstance are rarely applied due to lack of knowledge and expertise among the judiciary in recognising hate crime.¹¹² Since hate as the motive for committing criminal offences is not sufficiently recognised, failure to sanction and publicly denounce such crimes contributes to fears of persons belonging to national minorities who are their most common targets, but also to a general atmosphere of mistrust and intolerance.

¹⁰⁴ See statistical data and numerous examples of statements and publicly expressed views by individuals, politicians, as well as organisers and participants in various right wing nationalist gatherings and events in ‘The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019’, Serb National Council, March 2020, ps.12-18.

¹⁰⁵ See ‘Historic revisionism, hate speech and violence against Serbs in the Year 2019’, Serb National Council, Bulletin no. 19. As an example, on 21 August 2019, an attack was committed by masked persons on Serbs who, at the time of the attack, were watching a Belgrade club’s football match being shown on TV in a local café in Uzdoļje near Knin. Five of those assaulted were injured. The suspects for the attack in Uzdoļje were apprehended several days after the incident.

¹⁰⁶ For instance, the police have decided not to file a misdemeanour charge against the persons who were crying out the ‘For the homeland, ready’ Ustaša salute during the ceremony marking the 24th anniversary of the military operation Storm, held in Knin in August 2019. The reason given for not filing charges was that it is common practice for courts not to act on similar charges filed by the police (Source: ‘The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019’, Serb National Council, March 2020, p.15).

¹⁰⁷ See examples related to ethnic profiling by the police when asking for identity papers on the streets or unjustified requests by police officers in ‘The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019’, Joint Council of Municipalities-Vukovar, April 2020, p.17.

¹⁰⁸ See concerns about the under-reporting by the Serb national minority in ‘The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019’, Joint Council of Municipalities-Vukovar, April 2020, p. 3.

¹⁰⁹ ‘The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019’, Serb National Council, March 2020, p.17. See also [ECRI Fifth Report on Croatia](#), para. 49.

¹¹⁰ See the factsheet on the relevant case law of the European Court of Human Rights on [Hate speech](#).

¹¹¹ See recommendations, [ECRI Fifth Report on Croatia](#), adopted on 21 March 2018, para 7.

¹¹² See [ECRI Fifth Report on Croatia](#), p.9.

122. The Advisory Committee observes nevertheless that 'antisemitism', as well as 'bias against Roma'¹¹³ and 'bias against Muslims' are recorded by the police and published on the GOHRRNM website, despite the fact that antisemitism, antigypsyism or islamophobia are not recognised as specific forms of racism under the legislation.

123. As regards the under-reporting of incidents, the Advisory Committee would welcome the design and implementation of specific measures to facilitate reporting, such as applications for mobile phones to report discrimination or hate crimes online. The Advisory Committee also observes that statistical data presented by national minority associations and representatives and human rights organisations¹¹⁴ are often different from those recorded by the competent state bodies.

124. The Advisory Committee takes note of various projects and campaigns aimed at raising-awareness and combating hate crimes. However, the effect of these programmes seems limited. Whilst acknowledging that human rights and non-discrimination training is provided to police officers, the Advisory Committee notes a lack of positive interaction with law enforcement bodies reported by several interlocutors which shows that these training programmes have produced limited results.

125. In this respect, the Advisory Committee underlines that law enforcement agents and the judiciary should be appropriately trained to ensure that hate crime incidents are identified and recorded, and duly investigated and punished through targeted, specialised and prompt action.¹¹⁵ According to the experience of the Advisory Committee, it is important that persons belonging to national minorities take part in such training. The Advisory Committee considers that in due course a proper evaluation of this training will be needed to assess its long-term effectiveness.

126. The Advisory Committee urges the authorities to resolutely address and publicly condemn all instances of public incitement to violence and hatred, hate crimes, as well as radical nationalism, historical revisionism, glorification of persons convicted for having committed war crimes, and anti-minority rhetoric in the public and political discourse, and to ensure that cases of hate crimes affecting persons belonging to national minorities are prevented, effectively investigated and appropriately sanctioned.

127. The Advisory Committee encourages the authorities to ensure that training for law enforcement and the judiciary in applying provisions of Article 325 of the Criminal Code on public incitement to violence and hatred is regularly organised and involves persons belonging to national minorities; in due course, the effectiveness of these training programmes should be evaluated.

128. The Advisory Committee invites the authorities to adopt and monitor the implementation of the new Protocol on Hate Crimes and take measures to encourage alleged victims of discrimination, hate speech and hate crimes to report to the police.

Portrayal of minorities in the media (Article 6)

129. The Agency for Electronic Media is defined in the Electronic Media Act as "an autonomous and independent legal person with public authority".¹¹⁶ For a violation of the provisions of the Electronic Media Act, primarily for spreading and incitement of hatred and discrimination, the Electronic Media Council, which manages the Agency for Electronic Media and carries out the duties of a regulatory body in this area,¹¹⁷ can issue warnings, misdemeanour warrants or can initiate court proceedings. The Council may also temporarily or permanently terminate the relevant broadcaster's licence¹¹⁸ In addition, the Council may, if it deems it necessary, forward the received complaints to other relevant institutions.

130. Under the present Electronic Media Act, the Agency for Electronic Media is only authorised for regulating audio and audio-visual media service providers and electronic publications providers. Therefore, the regulation of hate speech on social networks remains a major challenge. To address this problem, since 2018, the Agency organises 'Media Literacy Days' to raise awareness about hate speech on social networks.¹¹⁹ Furthermore, the Advisory Committee was informed that a new Electronic Media Act is being prepared with a view to expanding 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.

131. With a view to ensuring the provision of quality reporting on national minorities, as well as the production of programmes and publications aimed at national minorities, the Agency organises every year education training for journalists, editors

¹¹³ In line with Council of Europe's recommendations, the use of the term 'antigypsyism' ('antiromanizam' in Croatian) would be preferable, instead of 'bias against Roma'.

¹¹⁴ See [Hate crime in focus, a report from Human Rights House Zagreb](#), published on 21 December 2018. [Human Rights House Zagreb](#) has also published the report "[Support System for Victims of Hate Crime in Croatia](#)", as part of the V-START project focused on the protection of victims of criminal acts, particularly racist and homophobic hate crimes with the aim to contribute to a better understanding of the specificity of hate crimes and the correct implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 on establishing minimum standards for the rights, support and protection of victims of criminal offences.

¹¹⁵ [ACFC Thematic Commentary No. 4](#), para. 56.

¹¹⁶ See Article 66, [Electronic Media Act](#). The Agency director shall submit an annual report on the work of the Agency to the Parliament.

¹¹⁷ See Article 67, [Electronic Media Act](#). The Council shall publish an annual report on its work and submit it to the Croatian Parliament.

¹¹⁸ See the most prominent cases of hate processed by the Croatian Agency for Electronic Media in the Council of Europe/European Union publication ['Media Regulatory Authorities and Hate Speech'](#), 2nd edition, May 2018, ps.39-44.

¹¹⁹ The project takes place in April and is sponsored by the Ministry of Culture and the Ministry of Science and Education. In April 2019, more than 260 events were organised in 89 cities and towns across Croatia and involved kindergartens, elementary and high schools, faculties, libraries, cinemas, media, associations and other institutions through lectures, workshops, film screenings, panel discussions and other activities. The main theme was 'Let's Respect Ourselves and Others in Media/Media Environment', which aimed to inform and educate children, young people, adults and media professionals about the impact and consequences of hate speech and intolerance in public speech through various media and social networks, and impact of disinformation.

and publishers on the topics covered by the Fund for the Promotion of Pluralism and Diversity of Electronic Media (see also Article 9 Minorities' printed media and broadcasting below).¹²⁰ A series of workshops on the topic of 'National Minorities in the Republic of Croatia' has been organised since 2015 by the 'Documentation Centre for Dealing with the Past' which resulted in the publication in 2017 of a tutorial booklet 'Media and National Minorities'.¹²¹ In 2019, the Agency, in co-operation with the Judicial Academy, organised a conference entitled "The Relationship Between Media and the Judiciary - the Boundaries of Free Speech and the Regulation of Hate Speech", which was attended by judicial officials and representatives of electronic and printed media.

132. The GOHRRNM monitors the implementation of the Code of Conduct on Countering Illegal Speech Online with the Centre for Peace Studies and regularly presents the results of its monitoring at meetings of the Working Group on Hate Crime Monitoring.¹²²

133. The GOHRRNM acknowledged that access to the public media is crucial for preserving national minorities' cultural identity, and for developing a culture of dialogue so that national minorities become accepted in society as equals. In this context, the GOHRRNM, in co-operation with the Council for National Minorities, holds an annual seminar in Opatija entitled 'Media and National Minorities in the Republic of Croatia - Protection of Minorities and the Role of the Media in the Democratization of Croatian Society'. These seminars address the role of the media in safeguarding the socio-cultural values of national minorities' identities, in promoting equality and tolerance, as well as in combating stereotypes and hate speech in the media.

134. Despite the above, online hate speech has increased on social media. It was reported that anonymous inflammatory comments and abusive language, particularly against Serbs and Roma, are commonplace on social networks and user-generated content, such as comment sections of online news portals.¹²³

135. Several interlocutors met by the Advisory Committee also reported the prevalence of negative stereotypes about national minorities in radio and television programmes, including in eminent national broadcasts. Representatives of national minorities reported that the media too often echo hate speech from citizens or politicians, thereby reinforcing negative bias towards national minorities and contributing to the deterioration of the general atmosphere.

136. The Advisory Committee considers that, while respecting editorial independence, the media should refrain from

mentioning information on ethnic affiliation to the public when it can reinforce negative stereotypes against the group in question. Such information is not conducive to facilitating intercultural dialogue, a principle enshrined in Article 6(1) of the Framework Convention.

137. The Advisory Committee notes with concern that manifestations and expressions of intolerance and hate speech towards some national minorities persist and are found occasionally in the print and audio-visual media but more especially on the Internet (social media).

138. In this respect, the Advisory Committee regrets that the present Electronic Media Act does not provide the Agency for Electronic Media the means to sanction instances of hate speech on social networks. Furthermore, it considers that alleged cases of negative stereotyping and hate speech in the audio-visual media should be more systematically monitored and sanctioned.

139. The Advisory Committee urges the authorities to step up efforts to ensure that all alleged cases of online hate speech concerning persons belonging to national minorities, along with those in the print and audio-visual media, are effectively monitored and, where applicable, sanctioned.

140. Without prejudice to the editorial independence of the media, the Advisory Committee encourages the authorities to promote, through regular training of media professionals, ethical reporting, particularly as regards the ethnic identity of perpetrators of crimes, and to draw attention of the press, radio and television against the mentioning of ethnic or religious affiliation of individuals in a negative and stereotyped way.

Religious properties and funding of religious organisations (Article 8)

141. As per Article 9 (2) of the Act on the Legal Status Religious Communities,¹²⁴ a Commission for Relations with Religious Communities (hereafter: CRRC) was set up as a separate inter-governmental body¹²⁵ regulating relations between the state and religious communities. It carries out activities relating to the legal position of those communities and other issues of importance.¹²⁶

142. Churches and registered religious communities may conclude an agreement with the state, which grants them the eligibility for further funding and benefits, defines the community's role and activities and provides for collaboration with the government in areas of joint interest, such as education, health, and culture. Furthermore, 19 churches and religious communities have concluded such agreements on matters of common interest with the state, six of which are churches and

¹²⁰ See [fifth state report](#), ps.88-90, for information related to the training of journalists and editors of radio and television and print media organised in 2015 by the Agency for Electronic Media and links to publications.

¹²¹ The [tutorial booklet 'Media and National Minorities'](#) is available on the website of the Agency for Electronic Media. It provides an analysis of good and bad radio and television practices, provides recommendations and practical tips for dealing with national minorities, a synopsis for broadcasts created at workshops, a list of relevant topics, and an address book of relevant institutions and persons.

¹²² The GOHRRNM also participates in the work of the EU High Level Group on combating Racism, Xenophobia and other forms of intolerance and the work of its Sub-group on countering illegal hate speech online.

¹²³ See [ECRI fifth report on Croatia](#), para. 30.

¹²⁴ Official Gazette no. 83/2002 and 73/2013.

¹²⁵ According to the Government's decision, the president of the Commission is the Minister of Justice and members of the Commission include the Minister of Finance, the Minister of Foreign and European Affairs, the Minister of Public Administration, the Minister of Labour and Pension System, the Minister of Science and Education and the Minister of Culture.

¹²⁶ There are 54 registered religious communities in the Records of Religious Communities in the Republic of Croatia.

religious communities of national minorities.¹²⁷ The CRRC enforces these agreements. Four treaties have also been signed between Croatia and the Holy See.

143. As regards the funding of religious organisations, and according to data provided by the CRRC, HRK 299.5 million was paid to the Catholic Church from the state budget in 2017, and HRK 285.7 million in 2016,¹²⁸ while other religious communities, with whom the state has signed an agreement on issues of common interest, were paid HRK 20.6 million, similar to previous years.¹²⁹

144. With respect to the issue of restitution of property to religious communities, pursuant to the Act on Compensation for Property Seized During the Yugoslav Communist Rule (hereafter “Act on Compensation”),¹³⁰ religious communities in Croatia are able to recover the confiscated property in accordance with the conditions prescribed in the law. The right to property restitution applies equally to legal and physical persons and to all religious communities in Croatia.

145. The Ministry of State Property is competent for the implementation of the Government Decisions on religious property restitution taken in accordance with the provisions of the international treaties, such as the Treaty between the Holy See and the Republic of Croatia on economic matters.¹³¹ The authorities, however, underlined that the procedures for seizure and/or compensation of confiscated property are time-consuming. A further problem identified in handling property restitution to the Catholic Church is the inability to find suitable replacement properties for the Catholic Church which explains the time-consuming nature of the process.

146. Representatives of the Macedonian national minority welcomed the financial donation of the government which helped the construction of the first Macedonian Orthodox church of St. Zlata of Meglen in Zagreb. The Serb National Council also expressed satisfaction that the operational programme for the Serb national minority includes a measure aimed at finding ways to return the property of the Serbian Orthodox Church, and of other Serbian organisations, which were confiscated during Yugoslav Communist rule. On the other hand, the Serb National Council regretted that the working group had not yet been

established, and the previous government's decisions on restitution of property had not yet been implemented.¹³²

147. Furthermore, the Advisory Committee notes with concern that neither the Act on Compensation, nor any related regulations or decrees, impose any time limit within which restitution decisions must be made. As a result, it has not been unusual for the process to take ten years or more to resolve private property claims. With respect to the return of confiscated Jewish communal property seized during and after the Second World War, the Advisory Committee observes a lack of substantive progress for years¹³³ and notes that certain representatives of the Jewish community expressed the need to amend the Act on Compensation for Holocaust survivors.¹³⁴

148. The Advisory Committee encourages the authorities to intensify their efforts towards restitution or compensation for property of religious communities within a realistic time frame, in consultation with all parties concerned.

Minorities' printed media and broadcasting (Article 9)

149. According to Article 18(1) of the Constitutional Act on the Rights of National Minorities,¹³⁵ radio and TV stations at national, regional and local level shall be specifically tasked: to promote understanding for persons belonging to national minorities; to produce and/or broadcast programmes designed to inform persons belonging to national minorities in minority languages; to encourage and promote the preservation, development and manifestation of minority cultural, religious and other identity(ies); to preserve national heritage and traditions, as well as to inform persons belonging to national minorities in the region about the work and tasks of the respective minority self-government. Legal entities engaging in public information services (the press, radio and TV) shall enable the minority organisations and institutions to participate in the creation of programmes intended for national minorities. Three main national minority programmes are broadcast at the Croatian Radio and Television: *Prizma* (Prism), a unique intercultural programme that provides information on national

¹²⁷ The churches and religious communities of national minorities in Croatia which have concluded Agreements on Matters of Common Interest with the Croatian Government are: the Serbian Orthodox Church; the Islamic Community; the Bulgarian Orthodox Church; the Macedonian Orthodox Church; the Co-ordinated Jewish Communities; the Bet-Israel Jewish Religious Community (see [fifth state report](#), p.87).

¹²⁸ See the [Annual Ombudsperson's Report for 2018](#), p.211.

¹²⁹ For details about state funding allocated between 2014 and 2018 to the six churches and religious communities of national minorities having concluded Agreements on Matters of Common Interest with the Croatian Government, see the [fifth state report](#), p.88.

¹³⁰ Official Gazette No., 92/96, 39/99, 42/99, 92/99, 43/00, 131/00, 27/01, 34/01, 65/01, 118/01, 80/02, 81/02, 98/19.

¹³¹ Official Gazette - International Treaties No. 18/98.

¹³² See ‘The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019’, Serb National Council, March 2020, p.19 and ‘The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019’, Joint Council of Municipalities-Vukovar, April 2020, p.18.

¹³³ “While Croatia has enacted laws governing the restitution of communal and private property nationalized during the communist period, the Jewish community has recovered few properties using the established procedure. In addition, the laws relating to the restitution of confiscated private property – in one way or another – exclude from eligibility virtually all Jewish Holocaust survivors who were formerly property owners.” Source: [World Jewish Restitution Organization Background Paper on Restitution in the Former Yugoslavia February 2014](#), p.3. See also the [Annual Ombudsperson's Report for 2018](#), p.211.

¹³⁴ According to the information provided by the authorities as of 2018, 55,000 property restitution claims had been filed and 45,000 had been resolved. The data were not broken down by religion and ethnicity, so it was not possible for the Advisory Committee to establish how many Jewish claims had been resolved, but unofficial information put the number to at least 244. Source: [World Jewish Restitution Organization Delegation Visits Croatia, 16 March 2018](#).

¹³⁵ See Article 18 of the [Constitutional Act on the Rights of National Minorities](#).

minorities to wider society;¹³⁶ *Manjinski mozaik* (Minority Mosaic), a weekly magazine-type programme focusing on different national minorities;¹³⁷ and *Multikultura* (Multiculture), a radio programme on national minorities.¹³⁸ Furthermore, in co-operation with UNICEF, some children's programmes have been translated and dubbed in Romani and Boyash Romanian and made available on children's online portals, platforms and applications.

150. Under the Operational Programme for National Minorities, 13 activities were identified for the Italian national minority, among them the activity entitled 'Improvement of the Financial System for Associations and Institutions of the Italian Minority, especially the EDIT News and Publishing Institution in Rijeka'. These activities are financed from the funds allocated by the Ministry of Culture, which in 2017 provided the EDIT News and Publishing Institution HRK 1.3 million in 2017 and HRK 1.3 million in 2018.¹³⁹

151. The Agency for Electronic Media allocates funding from the Fund for the Promotion of Pluralism and Diversity of Electronic Media through public tenders. The Fund's financial resources are secured by the Croatian Radio and Television Act¹⁴⁰ (3% of the RTV fee revenue). They are used to promote the production and publication of audio-visual and radio programmes and contents by television and/or radio broadcasters at local and regional level,¹⁴¹ non-profit television and/or radio broadcasters, non-profit media service providers referred to in Articles 19 and 79 of the Electronic Media Act, non-profit providers of electronic publications and non-profit producers of audio-visual and/or radio programmes. One of the categories of the Fund, for which media service providers can apply, is dedicated to programmes/contents for national minorities.¹⁴²

152. In accordance with the Electronic Media Act, the criteria for awarding the Fund's resources are the relevance of the audio-visual and/or radio programme or the content of an

electronic publication for the achievement of the Fund's goals; the quality and substantive innovation; the interest for general or local or regional cultural development; and the accessibility of programmes and contents to persons with disabilities. The members of the Electronic Media Council analyse and evaluate each applicant's proposed programmes and content in accordance with the abovementioned criteria and give a rating for each proposal submitted. The amount of funding allocated depends primarily on the quantity and quality of the programmes/contents as assessed. The Electronic Media Council also monitors the use of the Fund's resources and the production and compliance with programme obligations of each individual programme through quarterly reports and through direct personal inspections of media service providers.

153. The Croatian Radio and Television submits an annual report on the produced, co-produced and broadcast programmes intended to inform persons belonging to national minorities at the beginning of each year. Thereafter, a session of the Council for National Minorities is held to discuss the report submitted and reach conclusions on the measures to be taken to ensure adequate representation of national minorities within the media sphere.

154. The Advisory Committee was informed by interlocutors from the Council for National Minorities that, for the year 2018,¹⁴³ the share of produced and broadcast programming intended for persons belonging to minorities in the overall programme of the Croatian Radio and Television was under-representative.¹⁴⁴ In addition, the Croatian Radio and Television's obligation to hold consultative meetings of representatives of the Council for National Minorities with the Directorate and the Programme Council was found to be non-compliant, despite persistent requests from the Council to hold these periodic consultation meetings on the exercise of the national minorities' rights of access to public media. As a consequence, the Council for National Minorities has no opportunity to present proposals on the content and share of programmes for national minorities in

¹³⁶ HRT has been broadcasting *Prizma*, every week in a duration of 45 minutes, for 25 years without changing its time slot. The show has achieved high viewer ratings and is regularly followed by the majority population as well. The highest total duration of feature stories per minority concern the Serb, the Roma, the Czech, the Bosniak, the Jewish and the Hungarian national minorities (over 5 and up to 15%) according to a report by the Croatian and Radio Television on programmes for and about national minorities in Croatia 2014-2019.

¹³⁷ *Manjinski mozaik* is 15-minute documentary programme fully broadcast in the language of a particular minority on Croatian Television's Channel One on Fridays and Saturdays. The highest total duration of feature stories per minority concern the Italian, the Bosniak, the Czech, the Roma, the Slovene, the Russian, the Serb and Hungarian minorities (over 5 and up to 20%) according to a report by the Croatian and Radio Television on programmes for and about national minorities in Croatia 2014-2019.

¹³⁸ *Multikultura* is aired on Croatian Radio's Channel One and it is intended to inform national minorities. Minority issues are not only covered in specialised programmes, but also in regular news programmes and daily broadcasts and weekly shows. The highest percentage share for number of reports aired concerns the Serb, Hungarian, Jewish and Roma national minorities (over 10 and up to 19%) according to a report by the Croatian and Radio Television on programmes for and about national minorities in Croatia 2014-2019.

¹³⁹ Furthermore, the activity is also financed from the funds of the Council for National Minorities. The EDIT News and Publishing Institution received HRK 5 210 000 from these funds. In 2019, the GOHRRNM allocated to this project an amount of HRK 750 000.

¹⁴⁰ See the [Croatian Radio and Television Act](#).

¹⁴¹ 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 specialised musical content. Regional channels in Knin and Dubrovnik run broadcasts in the Croatian language intended for the Serbian and Bosniak national minorities.

¹⁴² In 2019, the Agency for Electronic Media allocated from the Fund for the Promotion of Pluralism and Diversity of Electronic Media a total of HRK 1 759 173 for television and radio broadcasters, non-profit broadcasters and non-profit audio-visual producers for national minority programmes. From this amount, HRK 740 680 was allocated for 29 radio broadcasts, HRK 213 174 for four electronic publication contents relating to national minorities, HRK 766 773 for six television broadcasts and HRK 38 546 for one non-profit audio-visual programme producer's content on national minorities. In 2020 the amount was slightly higher with HRK 1 788 506 allocated. See also [fifth state report](#), ps.83-85.

¹⁴³ On 11 March 2020, the Croatian Radio and Television submitted its 2019 report, which is yet to be discussed.

¹⁴⁴ Despite Article 18 of the Constitutional Law on the Rights of National Minorities and the Agreement between the Croatian Radio and Television and the Government of the Republic of Croatia for the period 1 January 2018-31 December 2022.

the overall programme of the Croatian Radio and Television, nor to address the lack of education of journalists dealing with minority issues and the lack of qualified journalists among national minorities, nor its overall concerns regarding minority representation in all programmes of Croatian Radio and Television.

155. The Advisory Committee was informed that minority representation in radio and television programmes at the national, regional and local levels, as well as in the print media has been discussed at the annual seminars organised in Opatija by the GOHRRNM and the Council for National Minorities (see Article 6 Portrayal of minorities in the media). This issue, however, remains unresolved.

156. The Advisory Committee heard complaints about the lack of regular radio and/or television programmes in some minority languages. This applies more specifically to Boyash Romanian, Czech, German, Hungarian, Italian, Ruthenian and Ukrainian.¹⁴⁵ Representatives from the Ukrainian national minority also requested the reintroduction of a TV programme for Christmas festivities, whilst representatives from the Ruthenian minority in Vukovar and from the Boyash Romanian-speaking Roma minority from Jagodnjak, near Osijek, also requested that radio programmes for these national minorities be (re-)introduced in the respective cities.

157. The Advisory Committee reiterates that the abundance of information and media available in today's digital media environment does not lessen existing state obligations to facilitate the production and dissemination of content by and for national minorities.¹⁴⁶ It also points out that the division of media audiences according to linguistic backgrounds may enhance the formation of separated and mutually exclusive public spheres.¹⁴⁷

158. The Advisory Committee takes note of the existing provision of television and radio programmes for national minorities but considers it insufficient for some national minorities. For instance, the two weekly television programmes, "Prizma" and "Manjinski mozaik", offer content in and about minority languages. However, the lack of journalists who can speak minority languages, as well as "the limited duration, the lack of regularity of the use of particular languages and the absence of some minority languages"¹⁴⁸ raise issues. The Advisory Committee considers that further measures to address the diversity in society should be taken to enable access to media outlets for all national minorities.

159. The Advisory Committee expresses deep concerns about the reduction of funding allocated to minority programmes on radio and television over recent years, as well as to the

community media who often report on issues relevant to national minorities. In addition, funding for such programmes remains unclear.¹⁴⁹

160. Furthermore, the Advisory Committee regrets that the time dedicated to minority programmes on the Croatian Radio and Television is only 1.6% of the programming time.¹⁵⁰

161. The Advisory Committee calls on the authorities to ensure a more prominent presence of national minorities in public media by *inter alia* increasing the quantity and quality of media production for persons belonging to national minorities, as well as by increasing financial and human resources allocated for public radio and TV programmes developed for, about and by national minorities, in close consultation with their representatives.

162. The Advisory Committee encourages the authorities to (re-)introduce the broadcasting of a radio and/or a television programme in Boyash Romanian, Czech, German, Hungarian, Italian, Ruthenian and Ukrainian on a regular basis and of a sufficiently long duration following prior consultation with the relevant national minorities.

Use of minority languages with administrative and judicial authorities (Article 10)

163. Croatia guarantees the right to equal official use of the languages and scripts of national minorities in accordance with the Constitution, the Constitutional Act on the Rights of National Minorities and the Act on the Languages and Scripts of National Minorities. Article 12 of the Constitutional Act on the Rights of National Minorities stipulates that equal official use of languages and scripts is guaranteed on the territory of a local self-government unit where the national minority members constitute at least one third (33%) of the overall population of the said unit. Following the 2011 census, this was met for five minority languages (Czech, Hungarian, Italian, Serbian and Slovak) in 27 local self-government units, i.e. in 25 municipalities and two cities.¹⁵¹ With the exception of Italian, other minority languages lack visibility in the public sphere.

164. The Criminal Procedure Act stipulates in Article 8 that the Croatian language and the Latin script shall be used in criminal proceedings, unless the law prescribes another language or script for certain areas. Furthermore, Article 64(1) of this Act prescribes that the defendants are entitled to use their own language in proceedings, and if they do not understand Croatian, they are entitled to an interpreter. The use of minority

¹⁴⁵ See the [Sixth report of the Committee of Experts on the European Charter for Regional or Minority Languages on Croatia](#), March 2020.

¹⁴⁶ OSCE High Commissioner on National Minorities, [Tallinn Guidelines on National Minorities and the Media in the Digital Age](#), Feb. 2019, para. 7.

¹⁴⁷ [ACFC Thematic Commentary No. 4](#), para. 70.

¹⁴⁸ [Sixth report of the Committee of Experts on the European Charter for Regional or Minority Languages on Croatia](#), March 2020, p. 5.

¹⁴⁹ Article 18 (2) of the [Constitutional Act on the Rights of National Minorities](#) foresees that "in the state budget and the budgets of the local and regional self-government units funds shall be assigned for co-financing minority programmes on radio and television stations owned by them, in accordance with available capacities and the criteria defined by the Croatian Government on the proposal of the Council for National Minorities or by the competent local and regional self-government units on the proposal of the national minority councils."

¹⁵⁰ See the [Interview with Aleksandar Tolnauer](#), President of the Council for National Minorities from 12 September 2017: "7.67% of Croatian citizens are members of national minorities. The percentage of their representation on the four channels of Croatian Television in one year was 0.37%."

¹⁵¹ Končanica (Czech), Kneževi Vinogradi (Hungarian), Grožnjan-Grisignano (Italian), Krnjak, Vojnić, Donji Lapac, Vrhovine, Udbina, Šodolovci, Jagodnjak, Erdut, Dvor, Gvozd, Donji Kukuruzari, Biskupija, Cviljane, Kistanje, Ervenik, Markušica, Trpinja, Negoslavci, Borovo, Gračac, Plaški (Serbian), and Punitovci (Slovak), as well as in the cities of Vukovar and Vrbovsko (Serbian).

languages in Misdemeanour Courts is legally possible¹⁵² although rarely used, as explained by a judge in Osijek.

165. The authorities indicated that the Ministry of Public Administration continuously monitors the exercise of the right to equal official use of the languages and scripts of national minorities and collects relevant information from local and regional self-government units every year through the E-System for Monitoring the Implementation of the Constitutional Act on the Rights of National Minorities.¹⁵³ However, according to information received by the Advisory Committee,¹⁵⁴ a certain number of local self-government units have still not adjusted their statutes in line with the Act on Use of Languages and Scripts of National Minorities or the relevant Minister of Public Administration's Directive.

166. Gračac municipality, where Serbs constitute 45.16% of the population, is an example of a local self-government that did not align its statute with the relevant regulation.¹⁵⁵ On the other hand, the town of Vrbovsko, where Serbs make up 35.22% of the population, has formally met the obligation to align its local statute, but in practice, the guaranteed and regulated linguistic rights of Serbs are not applied.

167. The Advisory Committee reiterates that states should give careful consideration to the setting up of thresholds for determining the areas inhabited by persons belonging to national minorities in substantial numbers and welcomes measures taken by the authorities to lower any such thresholds as appropriate.¹⁵⁶

168. In this respect, the Advisory Committee considers that the threshold of 33% applied in Croatia for the use of Cyrillic scripts is too high and excludes a number of municipalities with a substantial number of persons belonging to national minorities.¹⁵⁷ It also notes that issues related to the use of Cyrillic scripts does not concern only the Serb national minority but has side effects for numerically smaller national minorities, such as Bulgarians, Macedonians, Ruthenians and Ukrainians.

169. The Advisory Committee calls on the authorities to reduce the minimum threshold for the official use of language and script of national minorities in local self-government units and to ensure that legal requirements are observed and applied by all local authorities.

170. The Advisory Committee encourages the authorities to increase awareness among persons belonging to the Czech, Hungarian, Ruthenian, Serb and Slovak national minorities about the possibility to use their language and script in relations with administrative and judicial authorities, and consider extending their equal and official use to additional municipalities.

Display of minority language signs and topographical indications (Article 11)

171. According to 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, the 27 local self-government units that meet legal requirements for equal official use of their minority language and script 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 ...).

172. However, the display of street names and indications on public buildings in local areas where the units' statutes stipulate the right of equal use of minority languages and scripts remains an issue, in particular for the Serbian language and Cyrillic script. The provisions of the Charter of the Municipality of Dežanovac related to bilingual signs in some villages in the Czech language and script, are also not yet fully implemented. Bilingual road signs with place names in territories with a significant share of the Serb minority have only been put up in the Municipality of Donji Lapac.¹⁵⁸ The right to display street names and indications on public buildings in minority languages has been denied to persons belonging to the Serb national minority in the City of Vukovar for years,¹⁵⁹ although they account for 34.87% of the city's total population according to the 2011 census.

173. In its Decision of 2 July 2019,¹⁶⁰ the Constitutional Court of Croatia had given a deadline until October 2019 to the Vukovar City Council to act upon the provisions of its own Statute and the Constitutional Act and adopt other necessary

¹⁵² The 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 or script has been introduced by law in specific areas under court jurisdiction. 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 the proceedings in that language and script.

¹⁵³ This data collection is used for drafting a Report on the Implementation of the Constitutional Act on the Rights of National Minorities and on the spending of the state budget resources allocated for national minorities. The report is published on the GOHRRNM website.

¹⁵⁴ 'The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Serb National Council, March 2020, p.22.

¹⁵⁵ Gračac Municipality has not regulated the rights stipulated in the Act on the Languages and Scripts of National Minorities 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 abovementioned Act.

¹⁵⁶ See [ACFC Thematic Commentary No. 3](#), para. 57.

¹⁵⁷ See [Second ACFC Opinion on Croatia](#), para. 112, as well as [ACFC Thematic Commentary No. 3](#), para 65-66.

¹⁵⁸ See the [Annual Ombudsperson's Report for 2018](#), p.43.

¹⁵⁹ See 'The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Serb National Council, March 2020, p.26.

¹⁶⁰ [Decision of the Constitutional Court of Croatia U-II-1818/2016 of 2 July 2019](#) (in Croatian). The Constitutional Court of the Republic of Croatia has ordered the City of Vukovar to observe its own charter-level decisions and the deadlines which clearly stipulate that each year, and not later than every other year, the Vukovar City Council must adopt a supplement to the Charter-level Decision whereby the previously agreed-to new rights of the

decisions that will enhance the Serb minority's right to use its language and script,¹⁶¹ and inform the Constitutional Court on these changes. Regrettably, Vukovar City Council had not done so by the time of the Advisory Committee's visit.¹⁶² Among the obligations not implemented by local authorities are the display of street names and indications on public buildings in the Serbian language in Cyrillic script. On 28 October 2020, the Vukovar City Council adopted a new Conclusion, reiterating its position 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 yet been met.

174. The Advisory Committee points out the important symbolic value of bilingual topographical indications as affirmation that the presence of linguistic diversity is appreciated, and that a given territory is shared in harmony by various national and linguistic groups.¹⁶³

175. Whilst acknowledging the complexity of the situation, the Advisory Committee regrets that the Constitutional Court decision was not applied in practice by the Vukovar City Council, and that, more generally, "in the case of Serbian, the Cyrillic script is not sufficiently used by municipalities in signage."¹⁶⁴ The Advisory Committee welcomes, however, the fact that, in accordance with paragraph 30 of the Decision of the Constitutional Court, the Act on the Use of the Languages and Scripts of National Minorities in Croatia will be amended so as to introduce an appropriate legal mechanism for cases where the representative bodies of local self-government units fail to meet their commitments under this Act regarding the official use of minority languages and scripts.

176. The Advisory Committee takes note of a practice in Rijeka to indicate the historical evolution of street names, including in national minority languages, when relevant. This could be an alternative solution in areas where the conditions of inter-ethnic reconciliation are not yet fully met.

members of the Serbian national minority within the zone of the City of Vukovar are recognised, 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.

¹⁶¹ In 2015, the City Council of Vukovar amended the town statute to the effect that Serbian was no longer in equal and official use. Proceedings were instituted before the Constitutional Court for the review of the constitutionality of the specific provisions of the Statutory Decision on Amendments to the City of Vukovar Statute and the Statutory Decision on the Exercise of Equal Official Use of the Language and Script of the Serb National Minority on the Territory of Vukovar City (Class: 012-03/09-01/01, Reg. No.: 2196/01-01-15-48 of 17 August 2015, Official Gazette of the City of Vukovar no. 7/15). In 2019, the Constitutional Court deleted the discriminatory provisions. However, it was left to the city council to align its statute with the law.

¹⁶² See the [Conclusion on the achieved degree of understanding, solidarity, tolerance and dialogue among the citizens of Vukovar, members of both the Croat people and the Serb minority](#), 18 October 2019 (in Croatian).

¹⁶³ [ACFC Thematic Commentary No. 3](#), para. 67.

¹⁶⁴ [Sixth report of the Committee of Experts on the European Charter for Regional or Minority Languages on Croatia](#), March 2020, p. 5.

177. The Advisory Committee reiterates its call on the authorities to implement the right of persons belonging to national minorities to display street names and indications on public buildings in minority languages and scripts in accordance with the national legal framework and Article 11 (3) of the Framework Convention. They should also raise awareness at all levels and among the public about these legal obligations, as a demonstration of the diverse character of areas in which persons belonging to national minorities reside, traditionally and at present. In the implementation of these obligations, close consultations should be conducted between the authorities and representatives of minorities and the majority.

Intercultural education, teacher training, textbooks and teaching materials (Article 12)

178. Article 17 (1) of the Constitutional Act on the Rights of National Minorities states that “pursuant to the laws and enabling regulations governing public dissemination of information, production and broadcasting of radio and television programming, education, museum, archival and library activities, and preservation and conservation of the cultural heritage, conditions shall be created to familiarize all citizens of the Republic of Croatia, particularly children and youth, with the history, culture and religious beliefs of national minorities through the curriculum of educational programmes and required and elective school subjects.”

179. Despite an increase in the budget of the Ministry of Science and Education allocated to cover the costs of financing textbooks and accompanying materials for primary and secondary school pupils educated in national minority languages and scripts (Czech, Hungarian, Italian and Serbian),¹⁶⁵ several interlocutors from national minorities pointed out delays in providing textbooks and teaching materials in national minority languages.

180. The Advisory Committee points out that states parties are expected to review the curricula and textbooks in subjects such as history, religion and literature regularly so as to ensure that the diversity of cultures and identities is reflected and that tolerance and intercultural communication are promoted.¹⁶⁶ In this respect, the Advisory Committee highlights the Council of Europe’s recommendation on the inclusion of the history of Roma in school curricula and teaching materials.¹⁶⁷

181. The Advisory Committee regrets that the state report does not provide any information concerning intercultural education. It was later informed that expert meetings involving teachers are organised on the topic of the Holocaust and the prevention of crimes against humanity.¹⁶⁸

182. The Advisory Committee considers that more efforts are needed to ensure that elements of the culture of national minorities, including their history and contribution to society at large, in the past and at present, are promoted, introduced in curricula and taught to all students in all schools, irrespective of the school model in place, and in co-operation with national minorities.¹⁶⁹

183. The Advisory Committee calls on the authorities to further develop and implement intercultural education in all schools and for all students about the contribution of national minorities to Croatian society, as well as their history and culture, as a part of the curricula of history, music and civic education. Education should be based on independent research and be designed in co-operation with representatives of the national minorities, with a view to reducing the prevalence of negative stereotypes and counteracting the tendencies in society of historical revisionism. Teacher training and updated textbooks and teaching materials in minority languages should be provided accordingly.

Effective access to education (Article 12)

184. The level of Roma children who complete secondary school remains very low in Croatia (about 10%)¹⁷⁰ partly due to the fact that the enrolment rate drops significantly at secondary school level with only 35% enrolment compared to 86% among the general population.

185. Authorities referred to some progress made in the educational inclusion of Roma children through various measures, including removing the requirement of regulated status for enrolment in primary and secondary schools, providing scholarships for secondary school and university students and after-school programmes offering extra tuition, or the increase of financial support from the state budget for the provision of preschool education in kindergartens. Special programmes for the inclusion of persons belonging to the Roma national minority into the educational system have also been designed,¹⁷¹ and professional conferences for teachers who work with a large number of students of the Roma national minority are organised in order to increase the quality and efficiency of education of Roma students.

¹⁶⁵ See [fifth state report](#), ps.118-119, and ps.104-105.

¹⁶⁶ See [ACFC Thematic Commentary No. 3](#), p.11. See also OSCE High Commissioner for National Minorities (2012), [The Ljubljana Guidelines on Integration of Diverse Societies](#), p.56.

¹⁶⁷ See [Recommendation CM/Rec\(2020\)2](#) to member states on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, adopted by the Committee of Ministers on 1 July 2020.

¹⁶⁸ See the [Annual Ombudsperson’s Report for 2018](#), p.234, which indicates that despite the participation of Croatian authorities and members of Parliament in the Samudaripen commemoration since 2014, the presence of the memory of the Roma victims of the Second World War is still insufficiently promoted in Croatia among the general public.

¹⁶⁹ See [ACFC Thematic Commentary No.1](#) on Education, ,adopted 2 March 2006.

¹⁷⁰ There were 5 420 students (2 740 boys and 2 680 girls) belonging to the Roma national minority enrolled in primary education at the beginning of the 2015/2016 academic year. Only 820 Roma students (433 boys and 387 girls) were enrolled in secondary education at the beginning of the 2016/2017 academic year. Source: [fifth state report](#), p.117.

¹⁷¹ The GOHRRNM assists in the integration of the national Roma minority in the field of education and its current €1.1 million ESF project for supporting Roma children’s education was implemented between March 2019 and February 2020. The project was prolonged due to the Covid-19 epidemic.

186. Positive steps have been taken by the authorities to execute the judgment of the European Court of Human Rights in *Oršuš and others v. Croatia*,¹⁷² and the National Roma Inclusion Strategy includes measures to eliminate potential segregation in schools, such as making the transport arrangements of children to different schools, free pre-school education and extra language tuition for Roma students in primary schools.

187. However, according to interlocutors of the Advisory Committee, Roma-only classes have increased over the monitoring period and 40% of all Roma children aged 6-15 years still attend classes where all or most of their classmates are Roma.¹⁷³ Roma-only classes are present particularly in areas of *de facto* residential segregation due to Roma living in remote places away from the general population or because non-Roma parents have been gradually removing their children from those schools.

188. The Kuršanec Primary School visited by the Advisory Committee is a good illustration: the schooling area includes five settlements with predominantly Croatian population and two separate Roma settlements.¹⁷⁴ The school is attended by 410 students, 82% of whom belong to the Roma national minority.¹⁷⁵ The school consists of 34 classes. In 31 classes, the teaching follows the regular curriculum, that is, with an adapted plan for individual students with a decision on the appropriate form of schooling from the competent authority. There are two or three students integrated in each class with whom teachers follow the regular curriculum, using an adapted plan or individual approach. Furthermore, the schooling of 26 students with greater learning difficulties is organised in three separate classes and follows the special programme executed by the education-rehabilitation experts. There are 106 students in total with a resolution on the appropriate form of schooling; most of them are Roma students. The school operates in two shifts and students attend the classes alternately each week, in morning or afternoon shift.¹⁷⁶ The classes are taught by 52 teachers, two Roma assistants support the teaching process and there are nine personal assistants to help the students with special needs. The professional pedagogical team of the school supporting the students and the teaching process consists of a pedagogue, a social pedagogue, a speech therapist and a librarian.

189. According to interlocutors from this school, the number of Croatian students has been continuously decreasing over the past years. This is not only due to the lower birth-rate, but also because Croatian parents more and more often decide to enrol their children in other nearby schools where there are usually no Roma students. The similar trend is visible at other schools in Medimurje County where the majority of students belong to

Roma minority. According to these interlocutors, the causes should be seen in the broader, very complex context of coexistence of the Roma ethnic minority and majority.

190. The Advisory Committee notes that most Roma children in Primary School Kuršanec encounter the Croatian language for the first time when they start the preschool programme, which begins 10 months before the first grade of the elementary school. Although Roma parents may send their children for a free preschool education programme from the age of three, most of them do not take this opportunity because this programme takes place at the Roma Family Centre in the village itself, which requires transportation.

191. The Advisory Committee notes that Kuršanec Primary School and Roma families both consider that Roma school assistants play a key role in attracting and keeping Roma children at school. The total number of Roma assistants in Croatia remains, however, insufficient.¹⁷⁷

192. Bearing in mind the challenges they face, the Advisory Committee considers that schools such as the Primary School Kuršanec would need more trained and better paid Roma assistants who are necessary for communication with parents but also with children, especially in the first grade when children still do not speak the Croatian language; classes should remain small; for a better school integration; Roma children should be enrolled in preschool educational programmes from the age of three; appropriate curriculum for Roma minority children should be designed; a social worker and a psychologist be hired; and awareness activities about the importance of education should be conducted and other incentives for Roma parents whose children do not attend school at all or occasionally should be envisaged.

193. The Advisory Committee considers that promoting inclusive schools, with quality education, and preschool as from the age of three, should be priorities of the post 2019 National Roma Inclusion Strategy. Indeed, enabling Roma children to learn the Croatian language before entering primary school is instrumental to counter segregation and to ensure the inclusion of Roma pupils in mainstream schools.

194. In this respect, the Advisory Committee commends the introduction of free pre-school education in the year preceding enrolment in primary school with an emphasis on language

¹⁷² ECtHR (2010). Croatia was found to be in violation of the Convention for placing Roma children in segregated Roma-only classes due to their limited command of the Croatian language. The Committee of Ministers of the Council of Europe closed this case in November 2017 as the main measures had been adopted. See Resolution CM/ResDH(2017)385.

¹⁷³ See [Second EU-MIDIS Roma survey published by the European Union Agency for Fundamental Rights in 2016](#), p.28. See also references to segregation and/or over-representation of Roma children in preschools and primary schools in the [2018/2019 Civil Society Monitoring Report on implementation of the National Roma Integration Strategy in Croatia focusing on structural and horizontal preconditions for successful implementation of the Strategy](#), p.7.

¹⁷⁴ The bigger of the two with over a thousand inhabitants belongs to Kuršanec area, the smaller one to Gornji Kuršanec.

¹⁷⁵ Most of the classes consist of exclusively Roma students. Some Roma students attend classes with students belonging to the national majority; however, even in such "mixed" classes Roma children are in majority compared to other students.

¹⁷⁶ One shift consists of students attending classes 1-4, the second shift consists of students attending classes 5-8.

¹⁷⁷ In 2018, 21 Roma school assistants were financed by the Ministry of Science, Education and Sports, and two by local authorities.

instruction¹⁷⁸ and notes with satisfaction that the number of Roma children enrolling in compulsory pre-primary school programmes is as high as in the general population and stands at 95%.¹⁷⁹ In the case of Boyash Romanian-speaking Roma children who mostly speak their mother tongue at home, it would seem, however, more appropriate to start pre-school using their own language, with the help from Roma assistants from the community, and then progressively introduce the Croatian language.

195. With regard to the impact of the Covid-19 pandemic on equal access to education, the most urgent problems have been identified in schools attended by students of the Roma national minority who live in Roma settlements in conditions of extreme poverty and where Internet access is often unavailable. Also, information about educational television programmes is often unavailable to them, and it is difficult to follow online classes for children living in often large families and inadequate housing conditions.

196. According to the authorities, some efforts have been made to continue teaching students through alternative forms of communication and direct contact with families. This was maintained with the help of Roma assistants who have been equipped with portable IT equipment to assist pupils in Roma settlements during distance learning.¹⁸⁰

197. The Advisory Committee considers that there is a lack of adequate research and consultation with the Roma community about the root causes of absenteeism and school dropouts and the possible role of early marriages within the Roma community in the school drop-outs rate which makes it difficult to address the problems in the most effective way.

198. The Advisory Committee urges the authorities to promote inclusive and quality education; resolutely combat school segregation; ensure school attendance for all children during compulsory education; further reduce school absenteeism and early drop-out among Roma children and conduct an in-depth study on both internal and external causes of these issues, closely involving persons belonging to the Roma national minority and Roma mediators, as well as all competent authorities at state and municipal levels with a view to adjusting educational policies and measures.

199. The Advisory Committee encourages the authorities to take all necessary measures to increase mainstream preschool attendance of Roma children from the age of three, including through language training for teachers, additional Roma school assistants, awareness-raising activities or incentives for parents to send their children to school.

200. Whilst acknowledging that some efforts have been undertaken to mitigate the consequences of the Covid-19 pandemic on most vulnerable students of national minorities, the Advisory Committee encourages the authorities to evaluate the effect of measures taken and to monitor future developments very closely, especially with regard to Roma children. The authorities should devise measures, in co-operation with those concerned, in order to give Roma children equal access to education.

Teaching in and of minority languages (Article 14)

201. The teaching in and of minority language continues to be arranged through three models of education, Model A and Model C being most common. Model A schools offer all tuition in minority languages (with obligatory classes of Croatian), Model B schools offer bilingual education, and Model C schools follow the regular Croatian curriculum with additional classes in or of a minority language, literature and culture. The curriculum for regular instruction in models A, B and C is provided by the Ministry of Science, Education and Sports after receiving opinions from minority associations pursuant to Article 6 of the Act on the Education in Languages and Scripts of National Minorities. Persons belonging to national minorities suggest and select a model and curriculum pursuant to the currently existing law, and according to the interests of pupils and the available human resources.

202. Under Model A, primary and secondary education is provided for students belonging to the Italian, Serb and Hungarian national minorities, and for students from the Czech national minority in primary schools. Under Model B, students belonging to the Czech, Hungarian and the Serb national minorities are educated in primary schools and also students from the Czech national minority in secondary schools. Under Model C, primary school education is provided for students from the Albanian, Czech, Serb, Slovak, Slovenian, Hungarian, Macedonian, German and Austrian, Ukrainian, Ruthenian, Russian, Jewish and Polish national minorities, while secondary-level education is provided for students belonging to the Czech, Italian, Hungarian, Macedonian, Russian, Serb, Slovak and Slovenian national minorities. Secondary school students belonging to the Macedonian and Hungarian national minorities have been educated under Model C since the 2015/2016 academic year and Albanian students since the 2016/2017 academic year.

¹⁷⁸ "Early Childhood Education and Care in the Republic of Croatia is an integral part of the system of education and childcare. It constitutes the initial level of the education system and, except for pre-primary education programs, it is not compulsory for preschool children." (Source: [Eurydice webpage on Early Childhood Education and Care in Croatia](#)).

¹⁷⁹ See however the [fifth state report, p.117](#), which states that "A slight drop in the number of Roma pupils has been noted in primary education. Thus, there were 5 420 pupils (2,740m/2,680f) belonging to the Roma national minority enrolled at the beginning of the 2015/2016 academic year, 5 263 (2,640m/2,623f) at the beginning of the 2016/2017 academic year, and 5 134 at the beginning of the 2017/2018 academic year."

¹⁸⁰ In addition, the Ministry of Science and Education has developed a plan for allocating tablets with the possibility of Internet access to Roma students, and 100 tablets and 500 SIM cards for Internet access have been distributed from a UNICEF donation. The Independent Sector for National Minorities of the Ministry of Science and Education plans to undertake additional activities for persons belonging to the Roma national minority to be funded by the European Social Fund. For all other national minorities, it is possible to record audio-visual teaching materials for teaching in the language and script of national minorities, and a YouTube channel "Teaching content" with video materials for teaching national minorities has been established, as well as a catalogue of digital content on the official website of the Ministry of Science and Education.

203. Special forms of education, such as summer/winter schools and correspondence-consultative instruction are conducted with the support of the Ministry of Science, Education and Sports for students belonging to national minorities.¹⁸¹ The authorities informed the Advisory Committee that the professional development of teachers and educators in teaching in the language and script of national minorities is continuously carried out. The Agency for Education and Training provides professional and advisory assistance and guidance to educational staff for the professional development of all teachers in pre-school, primary and secondary education. In addition, teachers and educators of minority languages are professionally trained through seminars organised by the Agency for Education and Minority Associations¹⁸² (Joint Council of Municipalities, the Czech Union, the Slovak Našice Cultural Centre, etc.).

204. Representatives from the Serb national minority complained that minority schools conducting instruction in Serbian language and Cyrillic script could not (re)register according to the model A in Vukovar-Srijem and Osijek-Baranja counties. In the region of Eastern Slavonia, Baranja and Western Strymnia, after more than 20 years, the Serb national minority has not been able to register existing schools as minority schools. Although in practice, the classes are held completely in Serbian and use the Cyrillic alphabet, the schools are not permitted to be registered. The situation is different for all other minority schools of these regions.¹⁸³ Furthermore, the Borovo, Negoslavci and Markusica Municipality Councils (where the Serbs are the majority) requested the transfer of founding rights from the Vukovar-Srijem County to these municipalities more than five years ago. Until now, there has been no such transfer, despite the rights guaranteed by Article 96, paragraphs 3 and 4 of Primary and Secondary School Education Act.¹⁸⁴

205. The Advisory Committee reiterates that the preservation of local minority language school networks should be guaranteed, and persons living outside the areas of traditional settlement should, where feasible and where living in substantial numbers, be given opportunities to be taught their language or in their language. As the fulfilment of the conditions set out in Article 14 of the Framework Convention with regard to demand for minority language education and substantial numbers of persons belonging to national minorities in certain areas may vary, the measures taken by states to offer minority language education should be flexibly designed in order to adapt well to a given situation, including for instance by developing complementary online education in minority languages.¹⁸⁵ For

minority languages that are only spoken by small numbers of people, there may be a particular need to revitalise the language, for instance through the creation of separate classes or through language immersion. The functions and needs of the different languages and language speakers must thus be assessed to establish 'demand' in line with Article 14 (2) of the Framework Convention. In addition, requests for minority language teaching must be accommodated in an equitable manner and refusals made subject to the possibility of legal challenge.¹⁸⁶

206. The Advisory Committee notes that national minority representatives are generally satisfied with the education offered in Model A schools since graduates gain adequate proficiency in the minority language, as well as in Croatian. The teaching of national minority languages and cultures has also improved over the reporting period.¹⁸⁷ The Advisory Committee notes the possibility of education in German and Italian in additional municipalities but regrets, however, that Boyash Romanian and Istro-Romanian are not taught at all in mainstream education, and regrets a lack of preschool education in Boyash Romanian, Ruthenian, Slovak and Ukrainian.¹⁸⁸ The Advisory Committee welcomes the announcement that new school curricula designed for both Romani and Boyash Romanian students will enter into force for the 2020/2021 academic year.¹⁸⁹

207. The Advisory Committee observes that some minority languages lack continuity between different school levels with regard to the implementation of Models A, B and C. Model C foresees two to five hours of teaching of the language and literature of the national minority, in addition to geography, history, music and art in relation to the minority language. In some cases, the minority language is taught for only two hours per week.

208. The Advisory Committee notes that the Italian national minority enjoys a form of education whereby their minority language is taught to local students and that in Osijek, Hungarian minority schools also attract non-ethnic Hungarian students. Positive examples of organising and conducting classes in the language of national minorities have been observed in Osijek primary schools: seven of them are implementing minority language and culture classes in Albanian, German, Hungarian, Macedonian, Serbian and Slovak.

¹⁸¹ HRK 2 858 768 were spent from the state budget for these special programmes from the 2013/2014 to 2017/2018 academic years, totalling 33 seven-day summer schools encompassing 2 858 students belonging to the Czech, Hungarian, Macedonian, Polish, Roma, Ruthenian, Serb and Ukrainian national minorities.

¹⁸² For example, with the Joint Council of Municipalities (Serb minority), the Czech Union, the Slovak Našice Cultural Centre, etc.

¹⁸³ 'The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Joint Council of Municipalities-Vukovar, April 2020, ps.10-11.

¹⁸⁴ Official Gazette, Nos. 87/08 to 68/18. The Act states that the County is mandatory to transfer the founding rights within 60 days from receiving such a request if two conditions have been cumulatively met: 1) it is established by the Statute of the unit of local self-government, in this case Municipality, that the Serbian language and Serbian Cyrillic alphabet is in official use besides Croatian language and Latin alphabet; 2) schooling is held in the language and alphabet of the national minority.

¹⁸⁵ See [COMEX statement on regional and minority languages in online education in the context of the COVID-19 pandemic](#), 3 July 2020.

¹⁸⁶ [ACFC Thematic Commentary No. 3](#), para. 69.

¹⁸⁷ The Slovak language and culture, which used to be taught in six primary schools, is taught in twelve primary schools and two secondary schools.

¹⁸⁸ [Sixth report of the Committee of Experts on the European Charter for Regional or Minority Languages on Croatia](#), March 2020, p.5.

¹⁸⁹ According to the authorities, there are no differences in the approach and policy measures regarding Romani and Boyash Romanian speaking Roma communities, except when it implies crucial linguistic distinctions, such as the development of educational curricula.

209. The Advisory Committee encourages the authorities to introduce Boyash Romanian and Istro-Romanian in mainstream education, provide pre-school education in Boyash Romanian, Ruthenian, Slovak and Ukrainian, and offer education in German and Italian in additional localities.

210. The Advisory Committee invites the authorities to allow minority schools conducting instruction in Serbian language and Cyrillic script to (re)register according to the model A in Vukovar-Srijem and Osijek-Baranja counties, in line with the applicable legislation. It also encourages the authorities to standardise course content in primary and secondary schools with programmes following minority educational models, to design a curriculum for programmes in languages using the Cyrillic script and provide adequate textbooks and other educational materials.

211. Whilst welcoming the expected entry into force of new school curricula for both Romani and Boyash Romanian, the Advisory Committee invites the authorities to raise teachers' awareness on new curricula and provide them with training.

Effective participation in public affairs and decision-making process – Parliament (Article 15)

212. Article 15 of the Constitution guarantees equality to all national minorities and their right to elect their representatives to the Croatian Parliament, over and above general suffrage, without stipulating the exact number. Article 19 of the Constitutional Act on the Rights of National Minorities provides that “members of national minorities shall elect no less than five and no more than eight Parliament members in special constituencies, in accordance with the law regulating the election of members of the Croatian Parliament, thereby not diminishing any acquired rights of national minorities. Members of a national minority, which constitutes over 1.5% of the total population of Croatia, are guaranteed at least one and no more than three seats in the Parliament to represent that national minority. Members of national minorities which constitute less than 1.5% of the total population of Croatia are entitled to jointly elect at least four members of Parliament as representatives of national minorities.”

213. Furthermore, in accordance with Article 16 of the Act on the Election of Members to the Croatian Parliament,¹⁹⁰ Croatia guarantees national minority members the exercise of the right to representation in the Parliament, and national minority members are entitled to elect eight Members of Parliament in a special constituency, which covers the entire territory of Croatia.

Article 17 of the above Act provides further details on the representation of national minorities in Parliament.¹⁹¹

214. Persons belonging to the Roma and the Bosniak national minorities complained that they did not have a Member of Parliament on their own but had to share it with eleven and four other national minorities respectively, despite the fact that both Roma and Bosniaks claim to be the second largest national minority after the Serbs. They would rather have their own and have other numerically smaller national minorities rotating on a reserved seat in the Parliament. Furthermore, the Roma member of Parliament indicated his wish to see created a position of minister without portfolio for the Roma community.

215. The Advisory Committee was made aware of a popular initiative – ‘Narod odlučuje’ (‘The People Decide’) – launched by a group of Croatian citizens in May 2018 calling for a constitutional referendum on the electoral system in Croatia that would narrow the scope of parliamentary mandates for representatives of national minorities. The initiative seeks to redefine the mandate of parliamentary representatives of national minorities so as to exclude them from confidence votes and votes on the adoption of the state budget. It is also proposed that their number would be reduced in the parliament, along with the general reduction of all parliamentary seats.¹⁹²

216. The Advisory Committee reiterates that the “shared seats” system may be particularly adapted to the needs of numerically small minorities; however, for such arrangements to have a significant impact on the participation of all the national minorities represented, elected representatives occupying shared seats should take due care to represent the concerns of all persons belonging to the national minorities in the constituency. A rotation of the different national minority representatives may help create the sense of a shared seat.¹⁹³

217. The Advisory Committee considers that the number of Members of Parliament representing national minorities raises concerns and that the distribution of their portfolios makes it very difficult to represent all national minorities in an efficient way. It considers therefore that it might be relevant in the longer term to redistribute the portfolios of members of parliament representing national minorities' interests to avoid unbalanced and ineffective portfolios.¹⁹⁴ Some representatives of national minorities have suggested introducing a rotation principle based on a proportional model. In addition, increased participation of national minorities in mainstream political party lists would enhance the participation of national minorities at political level.¹⁹⁵

¹⁹⁰ Official Gazette no. 116/99, 109/00, 53/03, 167/03, 44/06, 19/07, 20/09, 145/10, 24/11, 93/11, 19/15, 104/15 and 98/19.

¹⁹¹ Persons belonging to the Serb national minority elect three Members of Parliament; Persons belonging to the Hungarian and Italian national minorities are entitled to one Member of Parliament each. The Czech and the Slovak national minorities jointly elect one Member of Parliament. The Albanian, Bosniak, Macedonian, Montenegrin and Slovene national minorities elect one joint Member of Parliament (currently from the Albanian minority). The Austrian, Bulgarian, German, Jewish, Polish, Roma, Romanian, Russian, Ruthenian, Turkish, Ukrainian and Vlach minorities elect one joint Member of Parliament (currently from the Roma minority). Members of the Parliament elected by several national minorities represent all the national minorities that elected them, i.e. they are representatives of all listed minorities, and not just the minority to which they belong.

¹⁹² [Croatia's Constitutional Dilemma: popular initiatives versus minority rights](#), Prof. Djordje Gardasevic, Zagreb University, 27 July 2018.

¹⁹³ [ACFC Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para.92.

¹⁹⁴ Amending organic laws governing the rights of national minorities requires a two-thirds majority of all Members of the Croatian Parliament (Article 83 of the Constitution); organic laws regulating the electoral system are adopted by the majority of all Members of Parliament.

¹⁹⁵ [ACFC Thematic Commentary No. 2](#), para.78.

218. The Advisory Committee is deeply concerned by 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. It would expect that authorities publicly distance themselves from such initiatives. The Advisory Committee notes that some representatives of national minorities suggested that calls for referendum on abolishing national minority rights should be regulated by the Referendum Act. As to this suggestion, the Advisory Committee takes note of the authorities' response that matters which can or cannot be decided in a referendum may only be regulated by the Constitution.

219. The Advisory Committee calls on the authorities to ensure that the rights to effective participation of persons belonging to national minorities in public affairs, notably their right to be represented in the parliament, as well as other minority rights, are not limited.

Effective participation in public affairs and decision-making process – Council for National Minorities (Article 15)

220. The Council for National Minorities is a collegiate consultative and advisory body attached to the GOHRRNM. Pursuant to Article 36, paragraphs 1, 2 and 3, of the Constitutional Act on the Rights of National Minorities,¹⁹⁶ all 20 members of the Council are persons belonging to national minorities and are appointed by the Croatian Government for a term of four years.¹⁹⁷

221. The Council for National Minorities has an expert Commission, whose members are mostly persons belonging to national minorities. The Commission proposes the criteria for financing and contracting the programmes of cultural autonomy for national minorities and the allocation of state funds allocated for their implementation. Persons belonging to national minorities, as members of the Council and of the expert Commission, monitor the implementation of programmes and the legality of the spending of allocated funds.

222. Whilst being informed that persons belonging to national minorities are overall satisfied with the fact that their representatives in the Council for National Minorities are able to advise and take part in the decision-making process,¹⁹⁸ the Advisory Committee heard, during its visit, some criticism concerning the lack of transparency in the work of the Council.

The Advisory Committee also notes the lack of gender balance in the composition of the Council.

223. The Advisory Committee reiterates that it is essential that the legal status, role, duties, membership and institutional position of consultative bodies be clearly defined.¹⁹⁹ This includes the scope of consultation, structures, rules governing appointment of their members and working methods.²⁰⁰ The Advisory Committee underlines the importance of this principle in order to ensure the effective participation of persons belonging to national minorities and to build trust between them and the authorities.

224. The Advisory Committee encourages the authorities to ensure gender balance in the composition of the Council for National Minorities and improve the transparency of its work.

Effective participation in public affairs and decision-making process – local and regional minority councils (Article 15)

225. Article 28 (1) of the Constitutional Act on the Rights of National Minorities prescribes that the local and regional self-government units provide means for the work of national minority councils, including for administrative tasks, and can also provide means for the implementation of certain activities determined by the work programme of a council of the national minority.²⁰¹ Articles 31 (1) and 31 (2) of the Constitutional Act regulate the rights of national minority councils and the manner, deadlines and procedure of exercising these rights.²⁰² Articles 137 and 138 of the Constitution prescribe 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. Furthermore, 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.

226. Interlocutors of the Advisory Committee gave positive feedback about the Act on Election of Council Members and Representatives of the National Minorities²⁰³ which has regulated in detail the matter of election of councils and representatives of the national minorities. According to persons

¹⁹⁶ Official Gazette no. 155/02, 47/10, 80/10, 93/11.

¹⁹⁷ See information about the composition of the Council in [fifth state report](#), p.7. The Council has a President and two Vice-Presidents appointed by the Government of Croatia from among the members of the Council. One of them is a mandatory member of the Council from the national minority, which represents more than 1.5% of the total population, i.e. the Serb national minority.

¹⁹⁸ See the [Interview with Aleksandar Tolnauer](#), President of the Council for National Minorities from 12 September 2017: "Although the Council cannot adopt decisions because it has no executive power, it can make proposals and suggestions."

¹⁹⁹ [ACFC Thematic Commentary No. 2](#), paras. 107 and 108.

²⁰⁰ [ACFC Thematic Commentary No. 2](#), para. 116. See also [The Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note](#), OSCE-HCNM, September 1999, point 12.

²⁰¹ The amount provided by a self-government unit depends on fiscal capabilities of each unit and the amount is decided by the unit within its self-governing mandate, on the basis of all valid laws and by-laws on financing national minority councils and representatives. The Ministry of Public Administration gathers data on these finances every year and reports in the framework of the Report on the Implementation of the Constitutional Act on the Rights of National Minorities and Expenditure of Finances for Needs of National Minorities.

²⁰² See Article 31 (1) of the [Constitutional Act on the Rights of National Minorities](#) for details about the entitlements of national minority councils in a self-government unit.

²⁰³ Official Gazette, no. 25/19.

belonging to the Serb national minority, it contributed to the successful minority elections in May 2019.²⁰⁴

227. Numerous complaints were shared with the Advisory Committee about the lack of effective influence in decision-making of local or regional minority councils. Representatives of these minority councils feel that they are insufficiently informed, can only intervene orally if being asked. In this respect, the authorities underlined that, in the Croatian legal system, 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. Competences of councils prescribed in Article 31 (1) of the Constitutional Act on the Rights of the National Minorities are largely ignored and not implemented in practice and decisions about the national minorities are often taken without consulting them. Even when the councils of national minorities deliver opinions to the representative units of the local and regional self-government on matters concerning their own national minorities, they are often not taken into consideration.

228. In this regard, it was suggested by some interlocutors to commit the local and regional self-government units to fully applying the Article 31 (1) of the Constitutional Act on the Rights of National Minorities, or alternatively bring a new Act, a *lex specialis* which would regulate the scope of competences of national minority councils and the rights and obligations of local and regional self-government units in detail when it comes to the councils and representatives of national minorities.²⁰⁵

229. In this respect, the Advisory Committee was informed by the authorities that local and regional self-government units provide funding and secure workspace for the functioning of minority councils and representatives in accordance with the law, and equally for all minority councils. Furthermore, the GOHRRNM, in co-operation with the Council for National Minorities and the Ministry of Public Administration, organises regular seminars and consultations on the role and promotion of the work of councils and representatives of national minorities at the local level in order to increase their effectiveness.²⁰⁶ During 2017, as part of the GOHRRNM project 'Support to National Minorities at Local Level' funded by the IPA 2012 programme, extensive research was conducted and published, so called 'GAP analysis' of the capacities and needs of councils and representatives of national minorities, held numerous

training, developed a Handbook for Councils and Representatives of National Minorities and established a web portal through which councils and representatives can report on the implementation of the Constitutional Law in the coming period at local level.²⁰⁷

230. The Advisory Committee underlines that consultation alone does not, however, constitute a sufficient mechanism for ensuring effective participation of persons belonging to national minorities.²⁰⁸ The Advisory Committee also observes that the role, and mandate of minority councils at regional and local level and the support provided to them are not identical in all regional or local councils. The Advisory Committee was told that representatives of the National Minorities Council of Osijek City actively participate in local affairs, whilst it was reported that local and regional minority councils for the Roma community have not been created in all municipalities and counties where they are present and funding allocated to these councils varies greatly.²⁰⁹ Furthermore, numerically smaller national minorities may have representatives in local and regional councils, but these representatives do not have a legal status. The Advisory Committee points out that effective participation for persons belonging to national minorities requires a substantial influence for national minorities on decisions and as far as possible a shared ownership of decisions taken.²¹⁰

231. The Advisory Committee calls on the authorities to assess on a regular basis the fulfilment of the local and regional self-government units' legal obligations as regards the effectiveness of support to all minority councils and representatives. The state authorities should make sure that all minority councils have sufficient resources to be able to participate effectively in local and regional decision-making processes and to preserve their independence.

Effective participation in public affairs and decision-making process – public administration (Article 15)

232. Recruitment in the civil service at the national, regional and local levels is regulated by law so as to guarantee equal employment opportunities to all candidates, regardless of their national affiliation. Furthermore, national minorities are guaranteed priority in hiring under equal conditions, in accordance with Article 22 of the Constitutional Act on the Rights of National Minorities, 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.

²⁰⁴ 'The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Joint Council of Municipalities-Vukovar, April 2020, p.18.

²⁰⁵ 'The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Joint Council of Municipalities-Vukovar, April 2020, p.18.

²⁰⁶ At seminars held in local units, council members and representatives are informed and educated about their rights and obligations arising from the Constitutional Law, motivated and encouraged better co-operation between councils and representatives with local government bodies. Information is exchanged on all the specific problems of persons belonging to national minorities in the area, and especially the local officials and the general public are sensitised to combat all forms of discrimination, prejudice and stereotypes based on ethnicity.

²⁰⁷ For more details on this project, see [fifth state report](#), ps.31- 33.

²⁰⁸ See [ACFC Thematic Commentary No. 2](#), para.106.

²⁰⁹ For instance, the Roma Council in Zagreb receives yearly €7 000 to 15 000, the Roma Council in Rijeka up to €5 000, whilst the Roma Council in Slavonski Brod receives a maximum of €1 500 (source: 2018/2019 Report about Roma in Croatia focusing on structural and horizontal preconditions for successful implementation of the National Roma Integration Strategy, submitted by a Roma NGO in Rijeka, p.3).

²¹⁰ See [ACFC Thematic Commentary No. 2](#), para. 19.

233. The Advisory Committee was informed that, although persons belonging to national minorities are guaranteed representation among the employees in public administration and the judiciary by the Constitutional Act on the Rights of National Minorities, by the end of December 2019, their share among the total number of civil servants and governmental employees in state administration bodies and in services and offices of the Croatian Government was 3.16%,²¹¹ whilst they represented 3.18% of the total number of employees in judicial bodies,²¹² which is significantly lower than their share in the total population according to the 2011 population census (7.67%).²¹³ The legally guaranteed right to employment and representation of persons belonging to the Serb national minority in public services, the judiciary, the police, and in the administrative bodies of local self-government units is not fully realised.²¹⁴

234. The Advisory Committee reiterates that the public administration, judiciary, law enforcement agencies and executive bodies should, to the extent possible, reflect the diversity of society. The recruitment of persons belonging to national minorities in the public sector should therefore be promoted.²¹⁵

235. Whilst the Advisory Committee appreciates data provided by the authorities in respect of representation in various public institutions and judicial bodies, it regrets that the plan created by the government in 2015 for employing persons belonging to national minorities in ministries and state government offices to increase their proportional representation, is still not to date fully implemented, neither at the state level or at the regional and municipal levels.²¹⁶

236. The Advisory Committee considers it essential for the authorities to enhance the participation of national minorities in public life through decisive, targeted and positive measures, such as offering traineeships in public administration and providing state scholarships, which would enable them to pursue careers in public services, public media, or academia. A key challenge is to broaden national minorities' participation beyond the limited area of issues that are important for them and to mainstream their participation in public life in all aspects of Croatian society.

237. The Advisory Committee calls on the authorities to undertake comprehensive and appropriate measures to ensure in practice proportional representation of persons belonging to national minorities in public services, the judiciary, the police, and in the administrative bodies of local self-government units through targeted recruitment, retention and promotion measures.

Effective participation in socio-economic life – access to employment (Article 15)

238. The Croatian Employment Service does not collect data by ethnicity in the Employment Register, but by indicators. According to these indicators, the Employment Service records persons belonging to the Roma national minority as facing the most acute difficulties in accessing the labour market, primarily due to low skill levels and a lack of knowledge of the Croatian language. Most of the Roma have difficulties in performing their

²¹¹ i.e. 1 579 employees out of 50 026 (source: Ministry of Public Administration).

²¹² 54 persons belonging to national minorities out of 1 712 court officials; 26 out of 635 officials in public prosecutor's offices; 205 out of 6 593 officials, employees and trainees in the courts; and 37 out of 1 177 officials, state employees and trainees in state prosecutor's office. (Source: Ministry of Justice). Whilst being the second largest national minority in Croatia, only two Roma are employed in state administration (source: 2018/2019 Report about Roma in Croatia focusing on structural and horizontal preconditions for successful implementation of the National Roma Integration Strategy, submitted by a Roma NGO in Rijeka, p.6).

²¹³ [Annual Ombudsperson's Report for 2018](#), ps.40-41.

²¹⁴ See 'The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Serb National Council, March 2020, p.40.

²¹⁵ See [ACFC Thematic Commentary No. 2](#), page 8.

²¹⁶ There was a plan to hire five persons belonging to the Serb national minority in 2016 in the State Government Office in the Vukovar-Srijem County, and yet to this day, there have been no active job competitions, nor have any been announced ('The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Joint Council of Municipalities-Vukovar, April 2020, p.16.

traditional jobs²¹⁷ and are faced with job insecurity and work in all kinds of uncertain and low-paid jobs.

239. The number of unemployed among this minority is estimated indirectly through proxies such as the place of the residence, social welfare system data and knowledge of Romani or Boyash Romanian languages. At the end of December 2019, there were 3 290 persons who identified themselves as Roma in the register of the Croatian Employment Service, i.e. 2.5% of the total unemployed population. The authorities acknowledge that this data might be an underestimate because Roma do not necessarily self-identify as such and might not all be registered in the Employment Services Records.²¹⁸

240. In the period from January to December 2019, 766 Roma from the register of the Croatian Employment Service were employed on the open labour market, out of which 277 were women (36.1%). Taking into account the specific needs of its beneficiaries, the Employment Service implements a series of active labour market policy measures aimed at disadvantaged unemployed people in the labour market and employers in need for preservation of workplaces. It also implements well-established active employment policy interventions that support employment, self-employment, permanent seasonal work, further training, vocational training, workplace training and inclusion of specific target groups in public works programmes and job preservation subsidies for employers in business difficulties.²¹⁹

241. According to information provided by the authorities, in order to create the preconditions for increasing the employment of Roma, all registered unemployed Roma are included in regular activities of the Croatian Employment Service and in activities aimed exclusively at Roma. These activities seek to influence their rapid integration into the labour market.²²⁰ In 2019, 3 290 unemployed persons who identified themselves as Roma were covered by different labour market activities.²²¹ In addition, to improve employability and to make the right decision on further career development, the Croatian Employment Service offers career guidance services to pupils in the final year of primary school, as well as to students and to all unemployed

youth that drop out of regular education. In 2019, the Croatian Employment Service offered an increased number of activities and promotional events with the aim to provide support to employers to increase the employment of Roma.

242. The Advisory Committee reiterates that in order to promote effective integration of persons belonging to disadvantaged minority groups in socio-economic life, comprehensive and long-term strategies should be designed and implemented. [...] Adequate resources need to be provided in a timely manner at all levels of operation, especially locally. Furthermore, the implementation of such policies should be carefully monitored, and their impact evaluated, in close co-operation with representatives of the minorities concerned, with a view to adapting and strengthening them over time.²²²

243. Despite these favourable policy measures, the Advisory Committee is concerned by the precarious employment situation of persons belonging to the Roma national minority and their over-representation in unemployment figures, considering that Roma represent less than 1% of the total population according to the last census. Their level of poverty therefore remains high.²²³ Discrimination faced by persons belonging to national minorities in accessing employment in the private sector, especially those living in marginalised and underdeveloped rural areas and not only Roma, seems underestimated (see Legal and institutional framework under Article 4 above).

244. The Advisory Committee notes with satisfaction, however, that some progress was reported concerning the employment of Roma in Medimurje County due to economic migration of many inhabitants of this county to other EU countries. It takes note that the number of Roma employees in both public and private sectors has increased and that, according to the opinion expressed by Čakovec municipal authorities, it has greatly contributed locally to a better image of Roma.

245. The Advisory Committee encourages the authorities to develop tailor-made training programmes and secure significant investment to promote the employment of persons belonging to national minorities in both the public and private sectors,

²¹⁷ Roma mostly trade in the informal economy, do seasonal work or work as cleaners in public utility companies.

²¹⁸ According to [Second EU-MIDIS Roma survey published by the European Union Agency for Fundamental Rights in 2016](#), (ps.18-9) 62% of the Roma were unemployed, compared to 10.6% of the general population.

²¹⁹ Throughout 2019: 999 Roma were included in active labour market policy measures, out of which 438 (43.84%) were women; support for self-employment was used by 27 persons, of which seven were women; three Roma, including two women, were included in the permanent seasonal worker measure; 97 Roma were included in the training of the unemployed, of which 48.5% were women. Eight Roma, including three women were included in the on-the-job training measure. Seven Roma men were included in the training subsidy; five Roma women were included in vocational training without commencing employment; 758 Roma were employed by financing/co-financing through public works, out of which 47.5% were women; and 94 Roma were included in the employment subsidies, out of which 14 women (15.9%).

²²⁰ As an example, the Ministry of Economy, Entrepreneurship and Crafts implemented in 2019 under the Operational Programme for National Minorities an activity called 'Development of small and medium-sized enterprises and crafts in areas populated by persons belonging to national minorities.' On this basis, grants were granted to economic entities registered in the territories of local self-government units according to the value of the development index and with a share of more than 5% of the population belonging to national minorities according to the 2011 census. For the said Operational Programme activity, HRK 16.4 million was provided in the state budget, and the amount of support per beneficiary was from HRK 50 000 to HRK 200 000; 100 grants were awarded in the amount of HRK 16 415 494.69.

²²¹ Such as individual and group informing and counselling, workshops for development of career management skills and activation of the long-term unemployed, and career guidance. Career guidance in primary schools, implemented in co-operation with schools and parents, and an early and preventive intervention. In 2019, in the regional offices of the Croatian Employment Service, 172 Roma students aged 13 to 17 were involved in vocational guidance activities. In 2019, the Croatian Employment Service has also offered an increased number of activities and promotional events with the aim to provide support to employers to increase the employment of Roma.

²²² [ACFC Thematic Commentary No. 2](#), para.49.

²²³ In Croatia, 9% of Roma live in poverty and 30% are at risk of poverty (source: 2018/2019 Report about Roma in Croatia focusing on structural and horizontal preconditions for successful implementation of the National Roma Integration Strategy, submitted by a Roma NGO in Rijeka, p.15).

especially those living in marginalised and underdeveloped rural areas.

Effective participation in socio-economic life – access to health care (Article 15)

246. Enrolment in compulsory health insurance is acquired by children who are 18 years of age with Croatian citizenship and permanent residence, or are foreigners with a permanent residence permit, provided that they have applied to the Croatian Health Insurance Institute, as a provider of compulsory health insurance, within 30 days of their 18th birthday.

247. The authorities stated that persons belonging to national minorities may enrol in compulsory health insurance on equal terms and have the right to health care and the right to compulsory health insurance benefits on an equal footing with all other persons insured at the Croatian Health Insurance Institute.

248. However, the Advisory Committee was informed that a number of problems persist, especially in terms of health insurance coverage of young Roma adults, despite the fact that the National Roma Inclusion Strategy aimed to ensure 100% access to health services for Roma by 2020.²²⁴ A number of young Roma adults seem to be unaware of the 30 days requirement to apply for health insurance when they reach 18 years of age. Furthermore, while the Health Insurance Act provides several routes to health insurance, including through employment or through a policy holder in the family, persons belonging to the Roma community often do not register due to insufficient knowledge of the system, or because of their (lack of) legal status.

249. The Advisory Committee was informed that, since November 2019, the County of Medimurje has been a partner organisation of the 'PRO HEALTH FOR ROMA' project²²⁵ which aims to improve the access of Roma to health care facilities in this county. The project employs three Roma community associates,²²⁶ whose role is to inform, advise and support the exercise of rights and services in the field of health care.

250. During the Covid-19 pandemic, the Roma associates, together with the Croatian Institute of Public Health of Medimurje County, participated in informing the Roma population about precautionary measures to reduce the transmission of the virus.²²⁷ In co-operation with family physicians, written material was prepared on the treatment of health problems and the contacts of nearest health services, translated into Boyash Romanian and distributed in all settlements. Other materials related to hygienic preventive measures, as well as instructions

for self-isolation, were adopted and purchased by the Medimurje County and distributed, in co-operation with Red Cross Čakovec to all Roma households in the Medimurje County.

251. Among other positive examples, pilot Roma health mediators and teaching assistants in Medimurje County, and Roma national minority councils in Medimurje and Bjelovar counties provided contacts, advice and health protection materials, such as soaps and disinfectants, as well as instructions in Boyash Romanian. The Public Health Institute in co-operation with the Roma Minority Council of the City of Zagreb has translated 'Infection' and 'Self-isolation' leaflets into Romani and made them available through web pages, social networks and platforms.²²⁸ The Serb National Council and Serb minority councils and representatives were also involved in providing remote individuals and households with basic necessities.

252. The Advisory Committee stresses the importance that instructions and measures regarding health and prevention, even more during a pandemic, are made available not only in Croatian but also in minority languages, and that information reaches vulnerable and remote minorities. In this regard, the Advisory Committee welcomes the fact that the Croatian population was informed daily through the media, web portals of the government²²⁹ and all current and valid instructions and measures taken were communicated in Croatian, and in a number of national minority languages, including Romani and Boyash Romanian.

253. The Advisory Committee did not have the possibility to assess the situation of all national minorities regarding the management of Covid-19 in Croatia; it would welcome any independent research which could investigate any possible disproportionate impact of the Covid-19 pandemic on national minorities, especially those living in remote areas and who do not have access to clean water for basic preventive hygienic measures, have no access to Internet, are not fluent in the Croatian language or are illiterate.

254. The Advisory Committee encourages the authorities to increase awareness among persons belonging to national minorities, more specifically among young Roma, about procedures for obtaining healthcare insurance upon reaching 18; and to further address specific health challenges they face in accessing health care.

255. The Advisory Committee invites the authorities to conduct independent research and reflect on any possible disproportionate impact of the Covid-19 pandemic on national

²²⁴ According to [Second EU-MIDIS Roma survey published by the European Union Agency for Fundamental Rights in 2016](#) (p.30) around 18% of Roma aged 16 and over lacked health insurance. According to the 2017 report of the United Nations Human Rights Council (p.18) one fifth of Roma children did not have access to health care and 21% of Roma women had never had any health insurance, other than access to public support for expectant mothers.

²²⁵ This project is funded by the Rights, Equality and Citizenship Programme 2014-2020 of DG Justice of the European Commission.

²²⁶ The project envisages the work of associates in the Roma settlements themselves in the area of Medimurje County, but due to the measures and decisions of the Civil Protection Staff, the implementation of activities has been minimised and community associates have been made available to the Croatian Institute of Public Health of the Medimurje County and the Red Cross Society of Čakovec.

²²⁷ Through the translation of educational health leaflets related to maintaining hygiene. They also visited Roma settlements during the pandemic to carry out educational and informational activities, thanks to a vehicle made available to the Red Cross Directorate of Čakovec and the Croatian Institute of Public Health of the Medimurje County.

²²⁸ See the dedicated webpage of the City of Zagreb "[Recommendations to members of the Roma national minority](#)" webpage (in Croatian).

²²⁹ See [Covid-19 dedicated webpage of the Croatian Government](#).

minorities, especially those living in remote areas and effectively address the challenges identified.

Effective participation in socio-economic life – Access to housing (Article 15)

256. The core legislation under which housing matters are resolved is the Act on Housing in the State assisted Areas.²³⁰ One of the additional features of the adoption of this Act 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 with a total funding of HRK 1,640,000.²³¹ The National Housing Programme has a completion implementation rate of almost 100% in relation to funds secured from the state 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 Croatia, or in areas of special state care. In comparison to 2015, the sum for the national housing programme earmarked in the state budget for 2020 has doubled to HRK 111 million (€14.8 million) and the physical scope of housing has also been doubled.²³²

²³⁰ Official Gazettes nos. 106/18 and 98/19.

²³¹ Within the framework of this programme, 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. Contracts on the donation of construction material have been concluded with nine beneficiary families, and its delivery has been scheduled for the first quarter of 2021.

²³² From 2017 to the end of 2019, funds in a total amount of HRK 79 million have been spent to renovate 273 family homes in war areas. From 1 January 2018 to 30 October 2020, a total of 2,158 housing units have been constructed or reconstructed through various models and 203 housing units damaged in war were reconstructed, 60 aid grants for housing units with damage 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 state owned residential buildings with 161 flats and 564 individual flats, and 30 state-owned houses were renovated, as were nine other buildings (roof structures and external fittings).

257. Over the reporting period, the Ministry of Regional Development and EU Funds provided assistance to local governments with a development index below the national average, and participated in the implementation of the project 'Improvement of Development Programmes in the Areas where Historically Members of National Minorities also live, which are demographically, economically or socially weakened and significantly below the national average'. The ministry also implements the 'Programme for Financing the Improvement of Social, Communal and Economic Infrastructure',²³³ Furthermore, the housing needs of the most vulnerable categories of displaced persons and refugees are being covered by a multi-year Regional Housing Programme.²³⁴

258. The Advisory Committee was informed that pursuant to Article 6 of the Decree on the donation of real estate owned by the Republic of Croatia,²³⁵ real estate may be donated to local self-government units, provided that the applicant submits a statement of waiver of all claims against the amount of the value of the donated property, stating the exact amount and legal basis of the claim.

259. Representatives of the Serb national minority welcomed the adoption of the operational programme for the Serb national minority as it foresees *inter alia* measures for solving the problems in the spheres of renovation and housing for returnees.²³⁶ Indeed, while the overall conditions conducive to return are positive in Croatia, returnees, who are predominantly Serbs,²³⁷ continue to experience problems in accessing rights, particularly in the fields of housing and health care. In this respect, the Advisory Committee heard concerns from the Serb national minority about the slow execution of decisions to allocate building material for renovating or building houses; changing housing priority lists in relation to previous years to their detriment; inadequate objects allocated as a form of housing; several years' delays in delivering lease contracts to returnees accommodated in housing units owned by the state; and illegal requests for retrospective one-off payments for several years' worth of rent.

260. The Advisory Committee stresses that poor housing conditions have a negative impact on socio-economic life and regrets the general lack of progress in improving the substandard housing conditions faced by too many Roma families. Roma slums and informal settlements remain an unaddressed problem in various parts of Croatia.²³⁸ The Advisory Committee considers that urgent measures are needed to remedy the poor housing conditions and access to basic services of many Roma living in informal buildings and settlements in Croatia²³⁹ and takes note of a programme with short term measures adopted in April 2020 intended to provide vulnerable Roma households with kitchen appliances and furniture, and of the intention of the authorities to continue with the legalisation of informal buildings and provide them with connections to electricity.

261. The Advisory Committee notes that quantitative objectives set by the National Roma Inclusion Strategy in terms of housing have been achieved in general terms, since there has been an overall progressive improvement in the socio-residential conditions of the Roma national minority in Croatia. This is due in part to the desire of many Roma families to improve their living conditions and in part to (re)housing programmes introduced over the last years, which helped improving the housing conditions, living environment and social inclusion of many Roma families.

262. Nevertheless, despite state and some municipalities' and counties' efforts and investment in developing infrastructure and rehousing projects for the Roma community, the Advisory Committee observes that persistent regional and municipal disparities still exist, and the longstanding legalisation of informal settlements has not yet been resolved, such as in Kuršanec, near Čakovec where greater efforts are needed in terms of infrastructure (water, electricity, sewerage).

263. In this regard, the Advisory Committee would welcome an agreement between the state and the municipality of Čakovec to hand over property of the land to the municipality for the benefit of the Roma living in Kuršanec and suffering of poor access to basic services.²⁴⁰

²³³ In mid-August 2018, a public call for co-financing of projects in 2018 amounting to HRK 15 million was published.

²³⁴ 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. In addition, 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. The donor funds are allocated in a maximum ratio of 75%, while the remainder is financed by contributions from the state. Within the framework of the nine sub-projects financed by this fund amounting a total of €23.2 million, the plan is to provide housing for 410 families by 30 June 2022.

²³⁵ Official Gazette no. 95/18.

²³⁶ 'The Alternative Report on the Implementation of the Framework Convention for the Protection of National Minorities for the period 2015-2019', Serb National Council, March 2020, p.11.

²³⁷ According to UNHCR, by January 2017, 134 000 Serbs had returned to Croatia, more than half of those who fled Croatia before 1995.

²³⁸ See the 2018/2019 Report about Roma in Croatia focusing on structural and horizontal preconditions for successful implementation of the National Roma Integration Strategy, submitted by a Roma NGO in Rijeka, p.8 on Kozari putevi in Zagreb, and ps.17-19 regarding Roma housing conditions in various counties of Croatia.

²³⁹ 30% of Roma housing units have no drinkable water, 51% have no toilets, and 10% have no electricity (source: 2018/2019 Report about Roma in Croatia focusing on structural and horizontal preconditions for successful implementation of the National Roma Integration Strategy, submitted by a Roma NGO in Rijeka, p.15).

²⁴⁰ According to information received, the Ministry of State Property conducted the procedure prescribed by law for the donation of real estate in the cadastre municipality of Kuršanec to the City of Čakovec for the purpose of expanding the municipality cadastre to include the Kuršanec Roma settlement. In accordance with the regulations governing the management of state property, the Ministry of Finance was consulted on the justification of the gift. The ministry examined the available records on the debt of local and regional self-government units and established that the Ministry of Finance has arrears to the City of Čakovec in the amount of HRK 1 439 988.68. The city has so far refused to waive claims against the Ministry of Finance, regardless of previously held meetings with municipality representatives and the Roma national minority. Since the City of Čakovec did not

264. The Advisory Committee calls on the authorities to improve housing and living conditions, with a particular focus on the Roma national minority and Serb returnees, and to find suitable and sustainable solutions to legalise informal settlements.

Bilateral and multilateral co-operation (Articles 17 and 18)

265. Croatia has concluded bilateral agreements on the mutual protection of national minorities with Hungary, Montenegro, North Macedonia and Serbia. Based on these agreements, Inter-governmental Joint Committees have been established to monitor the implementation of the agreement and give recommendations to the governments of both countries with concrete measures for improving the status, as well as the protection and promotion of the identity and culture of both national minorities. The Croatian authorities indicated that this institutional framework is proving to be an effective mechanism for increasing the level of minority rights.²⁴¹ In addition, Croatia has signed a similar treaty with Italy, but which did not stipulate the establishment of an intergovernmental joint committee to monitor treaty implementation.

266. Based on the Operational Programmes for National Minorities for 2017-2020, the Central State Office for Croats Abroad, in co-operation with the Member of the Parliament representing the Czech and Slovak national minorities, the Ministry of Foreign and European Affairs and the GOHRRNM, undertook various steps to conclude a bilateral agreement with the Czech Republic. The authorities expect that after the conclusion of this agreement, the current level of minority rights protection of the Czech national minority in Croatia will be further improved, especially in the field of culture and the preservation of minority identity. The authorities regretted that a bilateral agreement could not be signed so far with Slovenia.²⁴²

267. The Advisory Committee reiterates that states parties to the Framework Convention should refrain from invoking reciprocity in statements about the protection of national minorities and take care not to make policies towards national minorities contingent on interstate relations.

268. The Advisory Committee takes note of the authorities' interest in improving, through bilateral agreements, the mutual protection of national minorities with all countries in which a

Croatian national minority lives, and which are, at the same time, "kin states" of a particular national minority living in Croatia. It also takes note of positive developments regarding the work of respective Inter-governmental Joint Committees in implementing bilateral agreements over the reporting period.²⁴³ In particular, it notes with satisfaction the co-operation projects between Croatia and Hungary in the fields of culture and education, as well as the recommendations adopted by Croatia and Montenegro pertaining to the representation of minorities at the national, county and local level in administrative bodies, restitution of assets, education and dissemination of information in minority languages and scripts, in the official use of languages and scripts, and the protection of the monumental and cultural heritage and financing. The Advisory Committee also takes note of the willingness expressed by both Croatia and Serbia to foster co-operation within the framework of European Union developmental and transborder projects and with the involvement of persons belonging to both minorities.²⁴⁴

269. Furthermore, the Advisory Committee welcomes the Joint Declaration between Croatia and Italy adopted in Rome on 18 January 2018 by which both sides committed to enhance political co-operation and underlined progress made in improving the status of respective national minorities and in recognising their historical presence.

270. The Advisory Committee observes that Croatia takes an active part in the Roma-related inter-governmental work and youth initiatives of the Council of Europe but has not engaged so far in any Roma-related joint Council of Europe/European Union programmes,²⁴⁵ despite the interest expressed by persons belonging to the Roma national minority in those programmes.

271. The Advisory Committee encourages the authorities to pursue their efforts to sign bilateral agreements aimed at providing protection of national minorities with other neighbouring countries and "kin states" of its national minorities and to support the work of respective Inter-governmental Joint Committees.

272. The Advisory Committee invites the authorities to further develop bilateral and multilateral co-operation with other states in the field of Roma policy implementation, involving persons belonging to the Roma national minority, so as to increase exchanges of good practices.

submit a waiver statement and since the Ministry of Finance gave as conditional consent to the donation that Čakovec acts, there are no legal conditions for the property in question to be donated to Čakovec City.

²⁴¹ To underpin this statement, the authorities highlighted that the OSCE promoted the Inter-governmental Joint Committee between Croatia and Hungary as an example of best practices at the OSCE Supplementary Human Dimension Meeting held in Vienna in November 2016.

²⁴² The Central State Office for Croats Abroad has nevertheless established the Commission on the Resolution of the Status of Croats in the Republic of Slovenia which started working in February 2018.

²⁴³ See [fifth state report](#), ps.150-154.

²⁴⁴ The operational programme for the Serb minority promotes regional co-operation between Serbs from Croatia and Croats from Serbia.

²⁴⁵ Such as [ROMED](#), [ROMACT](#), [INSCHOOL](#) or [JUSTROM](#) Council of Europe/European Union joint programmes.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected, as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available in English and French, as well as in Croatian, Bosnian, Bulgarian, Czech, German, Hungarian, Italian, Macedonian, Polish, Romani, Romanian, Russian, Serbian, Slovak, Turkish, and Ukrainian among many other languages.

This Opinion contains the evaluation of the Advisory Committee following its fifth country-visit to Croatia.

The Council of Europe is the continent's leading human rights organisation.

It comprises 47 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE